Global Governance and the Emergence of Global Institutions for the 21st Century

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> "We have organizations for the preservation of almost everything in life that we want but no organization for the preservation of mankind. People seem to have decided that our collective will is too weak or flawed to rise to this occasion. They see the violence that has saturated human history, and conclude that to practice violence is innate to our species. They find the perennial hope that peace can be brought to the earth once and for all a delusion of the well-meaning who have refused to face the "harsh realities" of international life—the realities of self-interest, fear, hatred, and aggression. They have concluded that these realities are eternal ones, and this conclusion defeats at the outset any hope of taking the actions necessary for survival."

Jonathan Schell, *The Fate of the Earth*[2]

I.   The challenges

Most careful observers of our contemporary global landscape would have no difficulty in accepting the claim that we have entered a period in human evolution characterized by the "acceleration in the velocity of our history and the uncertainty of its trajectory."[3] The current age is, indeed, one of expectations and hope as well as deepening contradictions, uncertainties and emerging risks. The forces of globalization have brought about the elimination of many physical and psychological barriers, precipitating a massive transfer of power and influence from traditional centres, and in turn contributing to the empowerment of civil society and the decentralization of decision-making. They have facilitated increasing connectedness but also alienation, the concentration of wealth in the hands of a narrower circle, higher expectations of continued improvements in living standards and growing concerns about the sustainability of our development path. We have celebrated the dramatic improvement in various indicators of human welfare which has taken place in the past half a century, including remarkable progress in average life expectancy, a sustained drop in infant mortality and a rise in literacy, against the background of a sharp reduction in the incidence of extreme poverty[4]; but we have also awakened to the realization that the high economic growth

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[2] Schell, Jonathan. 1982. *The Fate of the Earth*, Jonathan Cape, London, p. 185.

[3] Brzezinski, Zbigniew. 1993. *Out of Control: Global Turmoil on the Eve of the 21st Century*, New York, Macmillan, p. ix-x.

[4] Between 1950 and 2015, world GDP per capita expanded at an annual average rate of 2.1 percent and this expansion was associated with a remarkable evolution in three key indicators of human welfare. In the half-century between 1960 and 2015, infant mortality fell from 122 to 32 per 1000 live births; average life expectancy at birth rose from 52 to 71 years, a 36 percent increase which has no known historical precedent; and adult illiteracy fell from 53 to 15 percent. Equally impressive was the sharp drop in the incidence of poverty: data from a World Bank study show that between 1990 and 2013—a period which includes the globalization phase of the twentieth century—the number of poor people living on less than $1.90 per day (the poverty line used for the definition of extreme poverty) fell from about 2 billion to slightly less than 800 million and is expected to have fallen further by 2017. The reduction in extreme poverty, however, was largely accounted for by the very high economic growth rates in China and, to a lesser extent, in India. Furthermore, using a poverty line of $3.10 per day, the number of poor is closer to 2 billion people, which is still an unacceptably high number.

rates that fuelled these favourable trends have in parallel led the planet to run up against binding environmental constraints.

In the scientific community, the major areas of urgent concern have been climate change, biodiversity loss and pollution. To take just a few examples: global carbon dioxide emissions from fossil fuels have grown at an average annual rate of 2 percent between 1990 and 2014, reflecting the continued growth of the global economy,[5] and a sharp rise in energy consumption in China, accompanied by the weakening of natural carbon sinks, such as forests and seas. Not surprisingly, large volumes of the Arctic ice have melted and accelerated flow in Greenland glaciers is contributing to a rise in sea levels. Satellite observations of the Arctic ice cap show a significant reduction in the ice cover, with a record reduction in 2015 to less than half the area typically occupied four decades ago. In 1996 the volume of ice melted in Greenland was 92 cubic kilometres; the latest annual figures show 373 cubic kilometres.

Even when world economic growth came to a halt in 2009 because of the global financial crisis, these perturbing trends were not reversed, as the present scale of human activity was only marginally and temporarily affected, and world economic growth again took off shortly thereafter. In the absence of other measures aimed directly at reducing emissions, only a sustained, deep economic depression such as that witnessed during the 1929–1933 period might have an impact on the pace of accumulation of carbon dioxide in the atmosphere. However, expecting an economic depression to help temporarily mitigate the challenges of global warming is hardly a commendable solution, involving severe social costs.

One specific challenge of global environmental governance is that it is at the interface of science and policy-making. As much as some decision-makers may want to deny it, there is an objective reality to environmental characteristics and processes that can be measured and monitored with the tools of science. Science can determine past and present impacts, and increasingly can predict and model future consequences. Action can be postponed, generally increasing the costs and negative consequences over time, but it cannot be avoided.

But even beyond acute and pressing environmental concerns, there are other forces at work that are already having a major impact on our system's institutional underpinnings which have been crucial to the progress achieved during the past half century. Key among these are population growth and the corresponding pressures on resources. According to the *World Energy Outlook* published by the International Energy Agency, energy demand will grow by 30 percent by 2040,[6] reflecting the addition of some 2 billion people to the world's population and the corresponding need for housing, transportation, heating, illumination, food production, waste disposal, and the push for sustained increases in standards of living. Because many of the mothers who will bear these 2 billion children are already alive today, this expected increase in the world's population— barring some unexpected calamity—will materialize and will be largely concentrated in urban environments in developing countries.

Beyond the inevitable pressures on resources, rapid population growth in the next several decades will lead to growing imbalances and a broad range of challenges for governments, businesses, and civil society. For instance, in the Middle East and North Africa, high fertility rates and the highest

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[5] According to the International Monetary Fund's *World Economic Outlook*, average annual global economic growth between 1990 and 2016 was 3.4 percent. A slowdown in the aftermath of the 2008-09 global financial crisis has since been reversed.

[6] See www.iea.org, International Energy Agency, *World Energy Outlook 2016*, Executive Summary, p. 1.

rates of population growth in the world will put an enormous strain on labour markets. These countries already suffer from the highest rates of unemployment in the world. To simply prevent these rates from rising further, it will be necessary to create well over 100 million new jobs within the next decade and a half— an extremely tall order. The failure to do so has already led to major political and social instability in the region.[7] In sharp contrast, the populations of countries such as Italy, Japan, Russia and others in the industrial world will continue to shrink; a demographic trend which, in turn, will put huge pressure on public finances as states attempt to cope with growing numbers of pensioners and related social and health expenditures.

Powerful demonstration effects are also at work. The spread of instant communication and the Internet have led billions of people in China, India, Latin America, and other parts of the developing world to aspire to lifestyles and patterns of consumption similar to those prevailing in the industrialized world. Furthermore, these populations are often unwilling to postpone such aspirations and increasingly expect their governments to deliver rising levels of prosperity, implicitly pushing for a more equitable distribution of the world's resources. Between 1988 and 2008 over 60 percent of the gains in global income were concentrated in the top 5 percent of the global income distribution.

As if these demand pressures were not enough, there are emerging supply constraints as well. It is estimated, for instance, that by 2025 the number of people living in regions with absolute water scarcity will have risen to some 1.8 billion. Climate change, soil erosion, and overfishing are expected to dampen food production and are likely to put upward pressure on food prices in coming years. Climate change also is limiting energy options. The quantity of carbon in oil wells, gas fields and coal mines presently producing, not counting less orthodox sources of fossil energy like fracking and tar sands, is already about five times the remaining capacity of the atmosphere to absorb carbon without passing 2°C of global warming.[8] The science says we must leave 80% of existing fossil fuel reserves in the ground and stop developing new resources. A recent study identifies the requirements decade by decade to phase out the use of fossil fuels and to make the transition to renewable sources of energy if the commitments made in the Paris Agreement in 2015 are to be met.[9] Yet there is no mechanism to push countries to abandon lucrative sources of revenue or companies to write off 80% of their assets, or to determine how to share the burden of such a fundamental transition in which there will be winners and losers.

Thus, a fundamental development question which we face today is how to reconcile the legitimate aspirations of citizens in the developing world for the high economic growth rates that in the post-war period led to such remarkable improvements in global standards of living, with the challenges of a planet and an economic system under severe stress as a result of the pressures put on it by that very economic growth.[10]

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[7] On this point see Augusto Lopez-Claros and Danielle Pletka, "Without reforms, the Middle East risks revolution," *International Herald Tribune*, April 8, 2005.

[8] McKibben, Bill. 2012. "Global Warming's Terrifying New Math". *Rolling Stone*, 2 August 2012. Available at: http://www.rollingstone.com/politics/news/global-warmings-terrifying-new-math-20120719.

[9] Rockström, Johan, Owen Gaffney, Joeri Rogelj, Malte Meinshausen, Nebojsa Nakicenovic, and Hans Joachim Schellnhuber. 2017. "A roadmap for rapid decarbonization", *Science*, 24 Mar 2017: Vol. 355, Issue 6331, pp. 1269-1271. DOI: 10.1126/science.aah3443.

[10] The destabilizing effect of thwarted economic aspirations is not only a problem affecting the developing world. The quantitative historian / mathematical ecologist Peter Turchin predicted some years ago a risk of political instability and impending crisis in Western Europe and the USA peaking in 2020, driven by forces of economic inequality. The

But rapid population growth and related pressures on the environment are not by any means the only sources of risk to humankind's global outlook. Noted political thinkers have periodically argued that major war between sovereign states may be on its way to obsolescence.[11] There has been a dramatic increase in recent decades in the price of war and "diminishing expectations of victory's benefits."[12] Close international interdependence and the emergence of an integrated global economy, the growing sophistication and destructive power of weapons systems (including nuclear weapons) have drastically expanded the scale of the losses in human lives and property associated with the kind of conflict which, on two occasions, were witnessed in the 20th century. The global economy has never had higher levels of productive capacity and average life expectancy is at an all-time high; hence the costs of global war are also at an all-time high. Furthermore, the rewards of war—loot, land, glory, honour—which for many centuries propelled nations to war, have given way to populations in search of growing prosperity, social security and various forms of protection. Military conscription is on its way out in most countries and is no longer regarded as an obligation of citizenship; in many parts of the world, war is increasingly seen as a form of criminal enterprise.

However a range of national governments, despite the clear restrictions on the international use of force set out in the United Nations Charter, have seemingly not given up their perceived right to wage war, or at least to prepare for the same[13]; there is a vast military industrial complex that underpins today's system of sovereign states, and arms races are again accelerating. Indeed, in the view of some experts a "sovereign state is a state that enjoys the right and the power to go to war in defense or pursuit of its interests" and these states are ready "to employ war as the final arbiter for settling the disputes that arise among them."[14] So, war in fact has not become obsolete; the calculus of war has shifted but the risks have not gone away.[15]

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only way to avoid such a crisis, Turchin argues, would be to reduce social inequality. Turchin, Peter. 2010. "Political instability may be a contributor in the coming decade". *Nature*, vol. 463, p. 608 (4 February 2010). DOI:10.1038/463608a.

[11] More generally, scholars like Steven Pinker and Peter Turchin have sought to demonstrate overview data of the trajectory of declining violence within our societies over the long term, and increasing human capacities for large scale cooperation. See: Pinker, Steven. 2011. *The better angels of our nature: why violence has declined*. New York: Viking. Turchin, Peter. 2016. *Ultrasociety: how 10,000 years of war made humans the greatest cooperators on earth*. Chaplin, Connecticut: Beresta Books.

[12] See, for instance, Michael Mandelbaum's "Is Major War Obsolete?", *Survival*, Vol 20, No. 4, Winter, 1998-99, 20-38.

[13] There is a strong legal argument (including by influential US international legal scholar Louis Henkin) that the current United Nations Charter effectively outlawed "war." This is apparent from the plain reading of the Charter and the collective security model it seeks to establish, but national cultures and political language have often not made adjustments to this new reality.

[14] Schell, Jonathan. 1982. *The Fate of the Earth*, Jonathan Cape, London, p. 186-187.

[15] However, it should be noted that 'better means' to resolve inter-state conflict have indeed been established by the international community. Namely, a collective security system under the United Nations Charter, which includes or refers to a range of clear mechanisms and institutions for the peaceful settlement of inter-state disputes. Such institutions and principles have not yet effectively taken root as a foundation for inter-state relations. This has certainly been because of geopolitical reasons, but also because there has not been adequate training/basic literacy on these means to ensure a comprehensive shift to a culture of peaceful international dispute resolution.

Recent, prominent warnings, issuing from members of the US foreign policy establishment, among others, have underlined the grave danger the world still faces with the current approach to nuclear weapons and nuclear "security," for example.[16]

Ways forward

A central element of a strategy aimed at generating a sustainable development path in the context of a peaceful world will have to be a significant strengthening of the enforcement of international law, legal institutions and current mechanisms of international cooperation, which have turned out to be completely inadequate to manage the global challenges that we face. The process of globalization is unfolding in the absence of equivalent progress in the creation of an international institutional infrastructure that can support it and enhance its potential for good.

The environmental dimension of international governance has some specific characteristics, as it concerns not just human society and the built environment created by humanity for its own needs, but the natural environment and planetary life support systems that are essential for human well-being and survival. One requirement of environmental governance is ensuring that the scientific input to policy-making is adequate and objective, that the risks and uncertainties are presented correctly, and that sufficient attention is devoted to long-term as well as short-term priorities. This requires coordinated and sustained research, monitoring and scientific advisory procedures appropriate to each environmental process, with structures for multilevel governance at the scales most relevant to each characteristic or problem. Decision-makers also need to be scientifically literate to be able to understand scientific advice.

Human impacts on the planet now exceed many natural processes, to the point that the modern era is increasingly being labeled as the Anthropocene. *Homo sapiens* has become an invasive species, degrading the environment and pushing beyond planetary boundaries.[17] Science is beginning to determine the sustainability of human civilization at the planetary level. The more we degrade planetary carrying capacity now, the lower will be the standard of living in a sustainable world society, at least in the short term.[18] While much more needs to be done to refine and extend this research, issues requiring governance at the global level are already defined. This in itself has become one of the strongest justifications for global governance, since many of the systems being impacted (climate, ozone layer, nitrogen and phosphorus cycles, etc.) can only be managed through concerted action by all nations.

Yet there is no global environmental authority. Policy in this area is currently done via ad-hoc approaches involving elements of international cooperation, voluntary compliance, and large doses of hope. In the absence of a body having jurisdiction over the global environment with corresponding legal enforcement authority, the international community has, de facto, abdicated management of the world's environment to chance and the actions of a few well-meaning states. Even the 2015 Paris Agreement, bringing together 175 countries pledging reductions in emissions,

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[16] See, for instance: Shultz, George P., Perry, William J., Kissinger, Henry A., & Nunn, Sam, *A World Free of Nuclear Weapons*, the *Wall Street Journal*, 4 January 2007.

[17] Rockström, Johan, et al.. 2009. "A safe operating space for humanity". *Nature* 461, 472-475 (24 September 2009). DOI:10.1038/461472a; Published online 23 September 2009. Updated in Steffen, Will, et al. 2015. "Planetary Boundaries: Guiding human development on a changing planet". *Science*, Published online 15 January 2015. *Science* 13 February 2015: Vol. 347 no. 6223. DOI: 10.1126/science.1259855

[18] Meadows, Donella H., Dennis L. Meadows and Jorgen Randers. 1992. Beyond the Limits: Confronting Global Collapse, Envisioning a Sustainable Future. White River Junction, Vermont: Chelsea Green Publishing Company.

if implemented in full, will not prevent a warming in excess of 2°C, the threshold recognized by climate scientists as necessary to avoid "potentially devastating consequences."[19]

The global economy has no lender of last resort. There is no reliable, depoliticized mechanism to deal with financial crises. Whether a country receives or is refused an IMF bailout in the middle of a financial meltdown is a function not of a transparent set of internationally agreed rules, but rather of several other factors, including whether the IMF's largest shareholders consider the country to be a strategic ally worth supporting. There is no international legal framework to ensure that global business enterprises are socially, environmentally and economically responsible. There is no international body charged with giving binding legal meaning to the noble principles enshrined in the Universal Declaration of Human Rights and subsequent international human rights instruments building on its principles, to hold States to account for these international obligations. According to the Arms Control Association, the world's nine nuclear powers have about 9,600 nuclear warheads in military service among them, but there are several dozen nations with the capacity to build nuclear weapons; nuclear proliferation thus remains yet another example of global institutional failure.

Many of today's problems are the consequence of the globalization of finance and commerce, against the background of a refusal to accept social globalization, the free movement of people, and the global implementation of civil and human rights, among other things, in order to ensure a "humane" global governance.[20] Some countries have an excess of unemployed youth, while others lack young workers to support an ageing population. Some countries lack the basic means to support their present or anticipated population, while others have large under-populated areas and lack the people to develop their resources. Yet the idea that natural movements of populations could rebalance these disparities is politically anathema, unlike the 19th century when immigration built economies. Obviously much must be done at the level of public education, trust in institutions, just and equitable distribution of resources, and infrastructure development before such adjustments would become reasonable possibilities, but improvements to international governance can lay the foundation for the gradual elimination of this inconsistency and associated imbalances.

Whether we focus our attention on climate change and the broad range of associated environmental calamities, nuclear proliferation, the workings of the world's financial system, or growing income disparities, the fact is that major planetary problems are being neglected because we do not have effective problem-solving mechanisms and institutions strong enough to deal with them. Or, put differently, a range of inherently global crises cannot be solved outside the framework of global collective action involving supranational cooperation and a fundamental rethinking of the meaning of "national interest."[21]

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[19] Stern, Nicholas and Samuel Fankhauser. 2016. "Climate Change, Development, Poverty and Economics," Grantham Research Institute on Climate Change and the Environment. The recent withdrawal of the United States from the Paris Agreement shows how fragile even the most balanced agreements can be to the whims of individual leaders.

[20] See e.g., Falk, Richard. 2014. *(Re)Imagining Humane Global Governance*. Abingdon, UK and New York, USA: Routledge.

[21] Recent literature has set out the concept of Global Public Goods (GPGs), shifting perspectives from narrow conceptions of national interest to a recognition of the imperative of collective action to provide key shared goods at the international level, which often in fact directly bear on national well-being. See e.g., Kaul, I., Grunberg, I., & Stern, M. A. 1999. *Global Public Goods: International Cooperation in the 21st Century*. New York: Oxford University Press.

The reality is that existing institutions are incapable of rising to the challenges of a rapidly changing world because they were designed for another era. Indeed, the United Nations itself and the associated infrastructure of specialized agencies which were created to attend to a variety of global problems find themselves increasingly unable to respond to crises, sometimes because these agencies lack the appropriate jurisdiction or mandate to act, sometimes because they are inadequately endowed with resources, and often because, within the limits of existing conceptual frameworks, they simply do not know what to do.

The nation state is in deep crisis. At its core, the nation state is defined by a geographical border, with governments elected—at least in the context of democracy—to safeguard the interests of citizens, to improve the quality of available services, to manage scarce resources, and to promote gradually rising living standards. However, as made abundantly clear during the 2008-2009 global financial crisis, the economic system is now no longer confined to national borders but straddles them in a way that is gradually forcing governments to relinquish or share control in a growing number of areas. Indeed, one of the main lessons to emerge from the financial crisis, as noted by former EU Commissioner Peter Mandelson, is that "a global economy needs global economic governance."[22] The same can be said for the environment and a range of other matters.[23]

Alongside the stresses put on institutions by the accelerating pace of global change, publics everywhere are showing growing dissatisfaction with the inability of national politics and politicians to find solutions to a whole range of global problems. This trend is likely to intensify and has given rise to a "crisis of governance," the sense that nobody is in charge, that while we live in a fully integrated world, we do not have an institutional infrastructure that can respond to the multiple challenges that we face.[24]

Inadequacy of existing mechanisms

Indeed, existing mechanisms to tackle global issues are woefully inadequate. The current practice of international law, including through treaties, Conventions and other international agreements —very much at the core of how the international community has confronted global challenges in the past—have proven generally ineffective to address urgent problems.[25] For example, the Kyoto Protocol was negotiated in 1997, but only entered into force in 2005. The United States, until 2008 the largest emitter of global warming gasses in the world—now overtaken by China—was never a party to the Protocol. It was, therefore, a foregone conclusion that the goals it set for global emissions by 2012, already admittedly inadequate, would not be reached. The Kyoto Protocol was intended primarily to build trust between nations in order that they would make the necessary efforts to address a global challenge, starting with those who primarily caused the problem, and

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[22] Mandelson, Peter, "In Defence of Globalization," *The Guardian*, 3 October 2008.

[23] For various suggestions as to how to manage effectively various global commons and GPGs, see, e.g., Kaul, I., Conceição, P., Le Goulven, K., & Mendoza, R. U. (Eds.). (2003). *Providing Global Public Goods. Managing Globalization*. Oxford: Oxford University Press.

[24] See the excellent discussion of these issues provided by J. F. Rischard, in *High Noon: 20 Global Problems and 20 Years to Solve Them*, Basic Books, 2002. See also the Commission on Global Security, J. G. (2015). *Confronting the Crisis of Global Governance*. The Hague, the Netherlands: The Hague Institute for Global Justice and the Stimson Center.

[25] The international norms negotiated and set out in international treaties are, however, often enormously valuable, not infrequently representing extraordinary efforts to achieve consensus on shared global values and legal principles; what is generally missing is effective implementation, monitoring and enforcement of these international principles.

these governments proved to be largely untrustworthy. Where enforcement mechanisms exist at all, monitoring and enforcement of such treaties is lax and painfully slow.

During the 1990s the United Nations took a lead role in organizing a series of major intergovernmental conferences, beginning with the Earth Summit in Rio de Janeiro in 1992. This was followed by conferences on social and economic development (Copenhagen), women (Beijing), population (Cairo), human rights (Vienna), and so on. These conferences, however, while generally good for raising awareness of the underlying problems, have proven to be inadequate for concrete problem-solving. Long on declarations and in some cases deteriorating into circus-like chaos (e.g., the 2001 Durban conference on race), they have not shown themselves to be reliable mechanisms for effective cooperation on the urgent problems confronting humanity. The Rio+20 UN Conference on Sustainable Development in 2012 was intended to reaffirm government commitments, to define a green economy that would alleviate poverty and work for sustainability, and to agree to new international institutional arrangements, but it only succeeded in making minor adjustments to existing institutions, and to propose a high-level political forum whose function is still being defined. It demonstrated once again that governments are incapable of addressing urgent global problems effectively within the present system.[26]

Yet another attempt at reinforcing existing mechanisms of international cooperation was the creation in the mid-1970s of the G7, a club made up of the world's seven largest economies. The motivation was to create a high-level body to discuss "major economic and political issues facing their domestic societies and the international community as a whole."[27] The G7 has been a good forum for open debate about global problems, but not a particularly effective problem-solving body. In the public imagination, its semi-annual meetings are largely perceived rather as excellent photo opportunities, not as brainstorming sessions focused on particular problems requiring urgent solutions. Unlike, for instance, the 1944 Bretton Woods Conference which lasted three weeks and resulted in the creation of a new world financial system, G7 meetings are actually intended to *preserve* the status quo. Its communiqués are negotiated by deputies ahead of the Summit itself and much time is spent in getting the wording of these declarations just right. In time, critics have pointed out some obvious deficiencies, the first being, of course, that by now, the G7 are no longer the world's seven largest economies. In 1999, recognizing that the global economy had evolved, a broader grouping was created—the G20—but neither the Swiss nor the Dutch nor the Spanish were particularly happy at being excluded. Switzerland is one of the world's most competitive economies and its financial institutions manage a significant share of private wealth, the Netherlands is one of the most generous international donors, and, according to the Center for

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[26] However, Rio+20 did launch a wide consultative process of governments with inputs from civil society that led in 2015 to a UN General Assembly Summit approving the 2030 Agenda and its 17 Sustainable Development Goals (SDGs) and 169 targets. This provides a useful framework to consider what mechanisms of governance, and at which levels, will be necessary to achieve the SDGs by 2030 and to continue beyond towards planetary sustainability. The goals and targets are aspirational and global, with each nation expected to determine its national contribution towards meeting the goals, and to measure its progress using national indicators adapted from those proposed by the UN Statistical Commission. The hold of national sovereignty on this process is demonstrated by the insistence of governments that only data provided or verified by their national statistical offices should be used, and UN agencies must not use data from remote sensing or other sources that has not been approved at the national level. While national statistical services make an effort to be objective and free from political interference, this is sometimes not the case. A robust scientifically-based international system of environmental data collection is therefore necessary to keep governments honest and to realize the SDGs successfully.

[27] See: "40 Years of Summits: Addressing Global Challenges", http://www.g7g20.com/supplement/40-years-of-summits-addressing-global-challenges.

Global Development, one of the countries with the most development-friendly policies.[28] Spain is a country whose economy is more than twice the size of Argentina's (a member of the G20).

Moreover, the G7 (and to a lesser extent the G20) remain, in fact, official and formalistic bodies focused on representatives from the executive branches of national governments. Their deliberations bring to the table heads of state and a small coterie of civil servants. There is no formal representation from the business community, nor do civil society representatives participate. Given the global nature of the problems we face and the increasingly shared perception that solutions to these will require broad-based collaboration across various stakeholder groups, for many these groups suffer from a deficit in legitimacy.[29] They are not a fair representation of humanity and, as such, cannot be expected to make important, informed decisions on its behalf.

Some multilateral agencies, including those associated with the United Nations system, have acquired a critically important role in recent decades. They are repositories of knowledge and expertise and, in some cases, have essentially taken over jurisdiction in central areas of economic governance: for instance, international trade, in the case of the World Trade Organization. However, they remain hampered in many other ways, including lack of access to adequate resources to finance their activities and the reluctance of many of the larger countries to cede national sovereignty in particular areas. In this respect, the European Union has, without doubt, gone further than any other country grouping in creating a supranational institutional infrastructure to support an ambitious process of economic and political integration.

Effective, credible mechanisms of international cooperation, that are perceived to be legitimate, and capable of acting on behalf of the interests of humanity—rather than those of a particular set of countries—are absolutely essential if the world is to meet the challenge of striking the correct balance between concern for the environment and the policies that must underpin such concern, on the one hand, and the need to ensure that the global economy develops in a way that it provides opportunities for all, particularly the poor and the disadvantaged, on the other, in a context of peace and security. It is our view that the existing intergovernmental system is not capable of achieving this level of cooperation; what is required is a more fundamental strengthening of the relationships between countries and peoples.

An examination of one specific aspect of the broader question of interdependence is useful. The world has been transformed during the last several decades by technological progress, which, in turn, has had a dramatic impact on the nature of economic and political phenomena and in the way nations relate to each other. Greater economic integration made possible by rapid developments in transport and communications in particular have made evident the need for greater international cooperation. Jean Monnet, the father of the European Union, observed perceptively that economic integration was forcing nations to accept voluntarily the same rules and the same institutions and that, as a result, their behaviour toward each other was also changing. This, he said, was permanently modifying relations between nations and could be seen as part of the "process of civilization itself."[30]

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[28] See the Center for Global Development's *Commitment to Development Index 2015*, where Denmark, Sweden, Norway, Finland, Netherlands, and France occupy, in that order, the top six ranks (www.cgdev.org).

[29] The population of the G7—761 million—accounts in 2016 for about 10.4 percent of the world's population; that is, a small minority.

[30] The philosopher Bertrand Russell, who wrote much about the implications of interdependence, said that "[i]n the new world the kindly feelings towards others which religion has advocated will be not only a moral duty but an indispensable condition of survival. A human body could not long continue to live if the hands were in conflict with

Jürgen Habermas has recently offered similar commentary as to the nature of and the need for the essentially "civilizing process" underway in the development of supranational law and institutions.[31] But greater interdependence has also created tensions arising out of the potential conflict between national sovereignty and collective welfare. Indeed, it is not inaccurate to say that at present most countries' commitment to integration and increased international cooperation coexists with a reluctance to transfer traditional aspects of sovereignty to supranational institutions, stemming from a desire to safeguard national interests. Therefore, one key question in the years immediately ahead is whether greater economic integration (fuelled by further technological change, no longer under the control of any single sovereign state) will inevitably lead countries to seek yet more common ground across a range of areas traditionally considered as matters of exclusive sovereign prerogative. Will the abdication of some national sovereignty in the economic sphere also lead to a similar process in other spheres of international relations?

Most people the world over have come to recognize the need for the existence of a certain number of institutions at the *national* level to guarantee the effective working of society.[32] Everyone understands the need for a legislature to pass laws, for an executive branch to implement the law, and for a judicial branch to interpret the law and to pass judgment whenever differences of interpretation arise. Most would agree with the notion that a central bank and other financial institutions are needed to regulate different aspects of the economic life of a nation. Indeed, it is not inaccurate to say that a sign of development and civilization is the extent to which such institutions in a particular nation have been allowed to develop and, in the process, managed to bring stability and a measure of prosperity to the life of a nation.[33]

Conversely, the *absence* of such institutional progress undermines the creative energies and the vitality of a nation and holds back its development. Indeed, when experts gather together to discuss the terrible plight of the most troubled parts of the developing world and to analyse the factors as to why the quality of life has stagnated to such an extent during the past several decades, a central topic of the debate is institutional failure and the reasons behind this failure. At the same time it is also clear that national institutions and governments, in an increasingly interdependent world, are less and less able to address key problems, many of which have acquired unavoidable international dimensions.

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the feet and the stomach were at war with the liver. Human society as a whole is becoming in this respect more and more like a single human body and if we are to continue to exist, we shall have to acquire feelings directed toward the welfare of the whole in the same sort of way in which feelings of individual welfare concern the whole body and not only this or that portion of it. At any time, such a way of feeling would have been admirable, but now, for the first time in human history, it is becoming necessary if any human being is to be able to achieve anything of what he would wish to enjoy."

[31] Habermas, Jürgen. 2012. "The Crisis of the European Union in the Light of a Constitutionalization of International Law". *The European Journal of International Law, 23*(2), 335-348., at pp. 337-338.

[32] For example, Adam Smith, considered the establishment and maintenance of an effective justice system a vital public good which represented one of three core "duties" of a national government; one could in a parallel fashion see that such a public good is imperative at the international level. Smith, Adam. 1937. *The Wealth of Nations* New York, The Modern Library, p. 767.

[33] Scholars Daron Acemoglu and James Robinson, in an influential thesis, have suggested that types of "inclusive" public institutions, supported by rule of law, have been fundamental for the development of successful, prosperous nation states. Acemoglu, Daron, & Robinson, James A. 2013. *Why Nations Fail: The Origins of Power, Prosperity and Poverty*, London: Profile Books.

First, governments are increasingly unable to do the kinds of things that they used to be able to do in the past and that, in people's minds, came to be identified with the very essence of government. Richard Cooper, one of our most insightful international economists, states that "the increasing internationalization of the economy has led to an erosion of our government's capacity to do things the way it used to."[34] This, in turn, can and sometimes has led to a kind of paralysis on the part of governments, a sense that since the world has changed and it is no longer under their control—or at least they have less control over it than used to be case—the optimal policy response is to do nothing. Yet, publics have vastly higher expectations about economic policy and are unlikely to be placated by their leaders telling them that there is very little that can be done because the effectiveness of traditional policies and instruments has been greatly reduced by processes outside of their control. The result is a profound sense of public dissatisfaction and/or apathy and a rise in populism that one can perceive in many countries.[35]

The failings of the present international institutional arrangements in the political sphere are even more obvious. From Rwanda to Yugoslavia to Sudan, to the myriad crises unfolding in the Middle East, one can see increasing evidences of the failure of the international community to address urgent and sometimes tragic problems because of the absence of international institutions charged with the power, jurisdiction and vision to act in instances or situations that lie beyond the jurisdiction of national bodies. When close to a million people in Rwanda are murdered within a brief span of time, and the images of the carnage are relayed to every corner of the world, there seems very little that the international community can do, other than wring its hands, express regret, and helplessly stand by lamenting its impotence. This is an eloquent indictment of the tragic shortcomings of the present international political system. It was this kind of insight that led two Harvard intellectuals, Grenville Clark and Louis. B. Sohn, in the 1950s to write about the need for the establishment of institutions "on a world scale corresponding to those which have been found essential for the maintenance of law and order in local communities and nations."[36]

A need for concrete proposals

The above considerations lead to the following question: What is the most adequate response to the erosion of policy effectiveness? One obvious starting point is realizing that much of the ineffectiveness of government action (and the accompanying paralysis) stems from the fact that actions are being carried out by individual sovereign states, acting alone, in full use of their (rapidly diminishing) powers, whereas joint, coordinated actions, based upon clear and legitimate common

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[34] Richard N. Cooper, "International Cooperation: Is It Desirable? Is it Likely?" address, International Monetary Fund Visitors' Center, Harvard University, 1988.

[35] Cooper, in "International Cooperation," *ibid*., adds that "The United States occasionally responds to this erosion by lashing out and extending its jurisdiction to the rest of the world, leading to international friction. I see extraterritoriality, as it is called, as a natural, although not necessarily a desirable, response to the erosion of our capacity to control our own environment."

[36] G. Clark and L. B. Sohn. 1966. *World Peace Through World Law: Two Alternative Plans,* Cambridge: Harvard University Press, p. xi. Sohn was a Harvard law professor who attended and contributed to the San Francisco Conference establishing the United Nations and who also served as a counselor to the Legal Adviser of the US Department of State. Clark was a Wall Street lawyer and a remarkable public intellectual who collaborated closely with several US presidents on a range of issues, including as an advisor to the Secretary of War during World War II. He spent the last 20 years of his life as a tireless promoter of world peace. He was elected to and served on the Corporation, the body that governs Harvard University.

goals, can restore (sometimes to a great extent) the utility of the previously ineffective policy. The realization that, in an increasingly interdependent world, national institutions are less and less able to address problems that are fundamentally international in character, and the implications that this realization carries for the exercise of political authority, are the motivating forces behind many of the present experiments in various parts of the world which seek integrative processes and the building of supranational institutions to support and direct such processes. Chief among these experiments one must note the economic, political, and institutional developments in the context of the European Union.[37]

Albert Einstein, who together with Bertrand Russell and others gave a great deal of thought to the political requirements in the new climate created by the arrival of nuclear weapons, believed that one way to address the evident failings of the international institutional framework was to create a new breed of truly supranational organizations. In 1946, soon after the creation of the United Nations and very much aware of this organization's limitations, he wrote:

> "The development of technology and of the implements of war has brought about something akin to a shrinking of our planet. Economic interlinking has made the destinies of nations interdependent to a degree far greater than in previous years. . . . The only hope for protection lies in the securing of peace in a supranational way. A world government must be created which is able to solve conflicts between nations by judicial decision. This government must be based on a clear-cut constitution which is approved by the governments and the nations and which gives it the sole disposition of offensive weapons. A person or a nation can be considered peace loving only if it is ready to cede its military force to the international authorities and to renounce every attempt or even the means of achieving its interests abroad by the use of force."[38]

Russell held similar views:

> "A much more desirable way of securing world peace would be by a voluntary agreement among nations to pool their armed forces and submit to an agreed International Authority. This may seem, at present, a distant and Utopian prospect, but there are practical politicians who think otherwise. A World Authority, if it is to fulfill its function, must have a legislature and an executive and irresistible military power. All nations would have to agree to reduce national armed forces to the level necessary for internal police action. No nation should be allowed to retain nuclear weapons or any other means of wholesale destruction. . . . In a world where separate nations were disarmed, the military forces of the World Authority would not need to be very large and would not constitute an onerous burden upon the various constituent nations."[39]

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[37] In an interesting Op-Ed piece titled "Sovereignty vs. Suffering," Brian Urquhart, former U.N. Under Secretary General for Special Political Affairs, observed that "many developments of our time challenge the validity of the principle of national sovereignty. Communications technology, pollution, radioactive debris, the flow of money, the power of religious or secular ideas, AIDS, the traffic in drugs and terrorism are only a few of the phenomena that pay scant attention to national borders or sovereignty" (*New York Times,* 17 April 1991).

[38] Albert Einstein. 1956. *Out of My Later Years,* New York: Philosophical Library, p.138.

[39] Bertrand Russell. 1961. *Has Man a Future?,* London: Penguin, p. 121.

In the aftermath of the chaos and destruction unleashed by World War II, Einstein, Russell, and others laid out an important argument in favor of the creation of an international authority, explaining that the time had passed when military conflicts and their associated damage could be reasonably contained. In the nuclear age war had become unthinkable and its consequences universal. A conception of national sovereignty, which had always been understood to mean the right of a country to defend its interests by the use of force if necessary, but the exercise of which had assumed that conflicts would remain largely confined to given geographic areas, no longer served the interests of anyone.[40] On the contrary, thus understood, traditional or narrow conceptions of national sovereignty cast a dark shadow over the future of everyone. Hence the notion eventually emerged that lasting international peace will be feasible only in the context of the creation of effective global institutions based on the principle of collective security. Or, as put by Schell: "I would suggest that the ultimate requirements are in essence the two that I have mentioned: global disarmament, both nuclear and conventional, and the invention of political means by which the world can peacefully settle the means that throughout history it has settled by war."[41]

The urgency of action

Given the compelling circumstances with which humanity is currently confronted, a substantial and carefully-thought-through reform effort is needed to enhance dramatically the basic architecture of our global governance system. Such a reform should be grounded in key ideas that have motivated those of past generations who have risen to the difficult challenge of providing practical leadership and vision in the international sphere. Indeed, the proposal described below in many respects builds upon the worthwhile suggestions of clear-sighted thinkers who have come previously.

Moreover, the suggested significant steps forward to enhance global governance are consciously "incremental" in the sense that they are grounded on fundamental points of law already agreed by states worldwide, and upon foundational principles "baked into" the DNA of the current international order. An organic process of growth has occurred within the current United Nations and international governance institutions, which has included the building of levels of trust and an understanding of the practical importance of international cooperation which would have been unimaginable in past decades; an enhanced architecture is now required to implement this learning and awareness.

The cost of inaction is high, and the inhibitions to action come rather from our own flawed thinking rather than a realistic estimation of human will and capacity. In the words of one thinker: "Our present system and the institutions that make it up are the debris of history. They have become inimical to life... They constitute a noose around the neck of mankind, threatening to choke off the

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[40] In addition, legal scholars/political philosophers such as Hans Kelsen, have long criticized the primitive and self-contradictory nature of an international system based on ill-defined notions of sovereignty and sovereign self-help rather than on centralized juridical bodies and other institutions which are technically necessary for any system based on the rule of law. See e.g., Kelsen, Hans. 1942. *Law and Peace in International Relations*. Cambridge (Mass.): Harvard University Press.

[41] Schell, Jonathan. 1982. *The Fate of the Earth*, Jonathan Cape, London, p. 227.

human future, but we can cut the noose and break free. To suppose otherwise would be to set up a false, fictitious fate, molded out of our own weaknesses and our own alterable decisions."[42]

The risk of the catastrophic collapse of the present system is not negligible. The rise of autocratic leaders, the inability to control corruption, public disillusionment with partisan politics and a willingness to believe populist promises, and the general decline in the quality of leadership in government, are all increasing the risks of fundamental instabilities that could precipitate major crises, disregarding the lessons of the past. If we do not act now to strengthen the international order, we may be forced to rebuild a global institutional framework after a third world war, the collapse of the global economy, a pandemic wiping out a significant part of the world's population, or extreme climate change producing famines and mass migrations, any of which would overwhelm existing institutions at the national and global levels. Planning to strengthen international governance should include both the possibility of rapid progress through acts of consultative will, and, if necessary, reconstruction once a major calamity has forced countries to see that there is no alternative, as previously occurred after World Wars I and II.

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[42] Schell, Jonathan. 1982. *The Fate of the Earth*, Jonathan Cape, London, p. 219.

II.   Proposals for global governance reform

Introduction

This set of proposals explicitly builds upon current international structures put in place in 1944-1945 with the adoption of the UN Charter and the creation of the United Nations and its various specialized agencies. Despite its flaws, it would be politically unrealistic to follow a path that did not focus on the reform and the very substantial strengthening of the current UN system, which, remarkably, already involves the participation of virtually all nations of the world and has developed, over the last decades, a range of significant mechanisms of consultation and cooperation. Building upon and fundamentally improving existing structures seems the sensible way to proceed. Moreover, certain basic Charter features enshrined at the time of its adoption remain largely or wholly unimplemented (e.g., Chapter VI on the Pacific Settlement of Disputes and Art. 43 related to collective security operations); focusing on the further realization of such Charter attributes has the benefit of consolidating upon existing points of universal agreement.

The UN was built upon progressively developed, precursor attempts to solve key issues of global governance, including core problems of international conflict/inter-state war (e.g., the 1899 and 1907 Hague Peace Conferences, The League of Nations, the Kellogg-Briand Pact). The Charter itself contains a formula for reform (Chapter XVIII), and informal mechanisms in practice without a Charter amendment have developed to enhance significantly or to extrapolate from its provisions (e.g., to enable peace-keeping operations). A general Charter review conference was anticipated to be held within ten years of its adoption (Art. 109(3)); the clear mechanism for Charter review and reform is indeed one important attribute which has remained largely unrealized.

A challenge in proposals to address our multiple current predicaments is striking the right balance between proposals that are so ambitious as to have negligible chances of being seriously considered and proposals that are seen as more "politically feasible," involving tweaking at the edges of our current UN-based systems of governance, but that fail to find meaningful solutions to urgent contemporary problems. A further complicating factor is that what may not be politically feasible today may be so judged a few years later, particularly after a severe crisis, such as occurred with the founding of the EU and the current UN system in the aftermath of World War II.[43]

This proposal envisages a number of revisions to the UN Charter which would provide the legal basis for enhanced mechanisms of international cooperation and global governance, supplemented by other reforms not requiring formal Charter amendment. Parts of this proposal build on the monumental work on Charter revision done by Clark and Sohn in the late 1950s and early 1960s,[44] adapted to the needs of a drastically changed world, facing a much broader set of global challenges than those originally addressed at that time. Because of space constraints, the focus here will be in outlining the reforms proposed (e.g., changes to the powers and composition of the UN General

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[43] The creation of something like the European Union in 1938 would have been considered unthinkable. The European Coal and Steel Community, however, came into being in 1951, paving the way for the Treaty of Rome in 1957 and the developments that followed thereafter. Some would argue that the creation of the EU was made possible by the untold human suffering and economic collapse associated with World War II. The point here is that what is considered politically feasible at a moment in time is very much a function of one's vantage point. Or, as was once put by a Brazilian diplomat: "Unless we aim for the seemingly unattainable, we risk settling for mediocrity."

[44] See Clark and Sohn, *World Peace Through World Law*, Third Edition, 1966.

Assembly), without presenting in detail the specific revisions to the Charter that would be necessary to make these changes possible. That exercise, similar in spirit to the work done by Clark and Sohn 60 years ago, would be part of follow up work done by the authors, aimed at more fully developing the finer points of these proposals.

The General Assembly

We propose a substantial revision of the powers, composition and method of voting of the General Assembly, as initially laid out in Articles 9-22 of the UN Charter. In the first instance, it is envisaged that the General Assembly would be given some powers to legislate with direct effect on member states, mainly in the areas of security, maintenance of peace and management of the global environment, with other issues (e.g., surveillance of global financial policies) remaining under the purview of the relevant specialized UN agencies. The General Assembly would take on further legislative powers in progressive steps subject to review of such powers every five years. Powers delegated to the General Assembly would be explicitly laid out and enumerated in the revised Charter which would also contain—in a revised Article 2 on Purposes and Principles—clarity as to what powers would remain vested with member states and would not be delegated to the Assembly, following, for example, the EU model of subsidiarity. The General Assembly would retain its considerable powers of nonbinding recommendation in any areas deemed to have an impact on the welfare of the world's people.

Proposed number of UN General Assembly representatives[1]

Country grouping	Number of representatives	Total
The three largest countries[2]	40	120
The next 5 largest countries[3]	20	100
The next 11 largest countries[4]	10	110
The next 15 largest countries	5	75
The next 22 largest countries	4	88
The next 31 largest countries	3	93
The next 66 largest countries	2	132
The smallest 40 countries	1	40
Total in General Assembly		758

[1] 193 UN member states.

[2] China, India and the United States.

[3] Indonesia, Brazil, Pakistan, Nigeria and Bangladesh.

[4] Russia, Japan, Mexico, Philippines, Vietnam, Ethiopia, Egypt, DR Congo, Germany, Iran, and Turkey.

In respect of the manner of selection of the Assembly's representatives we propose the gradual introduction of full popular vote, in three separate stages. In the first stage—lasting eight years or two four-year terms of the General Assembly—representatives would be chosen by their respective national legislatures or, in their absence, according to procedures within other duly constituted governance structures. In the second stage, at least half of the deputies would be chosen by popular vote within a given country; this stage would also last eight years. Finally, in the third

stage all deputies would be chosen by popular national vote.[45] As regards voting procedures, decisions would be made by a majority of representatives present and voting, with particularly sensitive issues requiring potentially larger majorities and including, in some cases, at least two thirds of the representatives of the 19 most populous nations.

A Second Chamber

We propose the creation of a second Chamber deriving its authority directly from organized global citizenry. The post-Cold War period has witnessed what Jessica Mathews (1997) called "a novel redistribution of power among states, markets, and civil society. National governments are not simply losing autonomy in a globalized economy. They are sharing powers—including political, social, and security roles at the core of sovereignty—with businesses, with international organizations, and with a multitude of citizens groups, known as NGOs."[46] The kernel for this proposal originates in the May 2000 UN Millennium NGO Forum which brought together 1400 individuals representing a broad spectrum of civil society organizations to consult and present recommendations to the Millennium Summit of Heads of State.

The members of this second Chamber would not represent their respective states but would rather serve as advocates of particular issues of global concern that transcend national borders, from the environment and management of the global commons, to human rights, to world peace and security, and corruption, to name only a few. NGOs could be accredited for membership using an enhanced version of current UN accreditation procedures under ECOSOC and other UN bodies/initiatives. In the initial stages this Chamber could be given largely advisory powers but because its members would not feel bound by national interests and priorities, diverse coalitions would emerge and the chamber's very existence would contribute to finding creative solutions to global problems. The power, ingenuity and efficacy of co-ordinated transnational civil society movements, including "smart coalitions" with like-minded states, have proven themselves in the recent remarkable successes of, for example, the creation of the International Criminal Court (ICC) and the Land Mines Treaty.

Following the model used in the negotiations of the Land Mines Treaty, a "single negotiating text method" could be adopted for the creation of the Chamber. Initial efforts to establish this Chamber

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[45] While it may seem a stretch that all countries of the world would be expected to eventually elect their international representatives by popular vote, it has been observed that, as of the 1990s on the international plane, an emerging "consensus" has been observed that (market-based) democratic societies might be the "sole feasible social structure." See, e.g., Wouters, J., Bart De Meester, & Ryngaert, C. 2004. *Democracy and International Law*, Leuven: Leuven Interdisciplinary Research Group on International Agreements and Development (LIRGIAD), p. 4. Richard Falk has wryly observed that despite widespread enthusiasm and consensus on democractic processes among western nations in particular, there has been "surprisingly little spill over with respect to world politics," with "most liberal democracies […] quite comfortable with the lack of popular participation, transparency, accountability, even the rule of law, when it [comes] to the procedures and decisions of international institutions." The current proposal seeks to assist in remedying this dissonance. Falk, Richard. 2014. *(Re)Imagining Humane Global Governance*. Abingdon, UK and New York, USA: Routledge, p. 125.

[46] Mathews, Jessica T. 1997. "Power Shift", *Foreign Affairs*, Volume 76, No. 1, 50-66. Three excellent examples of effective coalitions of like-minded states and non-state actors aimed at precipitating reforms over the past several decades involved the International Campaign to Ban Landmines, the Coalition for the International Criminal Court and the adoption of Responsibility to Protect doctrine as a global norm. Civil society groups also played a central role in the establishment of the Extractive Industries Transparency Initiative.

would include consultations between like-minded, sympathetic stakeholders and would be enabled by the support of a core group of supportive states. As the experience of the ICC has shown, while desirable, it would not be essential to have the consent of the great powers to get this institution off the ground. Any state could join this initiative and it is expected that citizens would urge their governments to support this Second Chamber. In time, as the Chamber gained democratic legitimacy, it could be integrated into the international constitutional order, attached to the General Assembly to create a bicameral world legislature. Furthermore, the creation of this Second Chamber is not envisaged through a revision of the UN Charter, but rather as an initiative that could be implemented on a shorter term horizon as an advisory body to the General Assembly.

As part of the Second Chamber, or as a complementary initiative, the General Assembly will need a number of supporting advisory mechanisms if it is to exercise its broad responsibilities effectively in the global interest (e.g., for specialized scientific, technical, and other expertise). For example, a broad scientific advisory body would be needed to provide authoritative reports on the state of the planet, building on more specific advisory bodies such as the existing Intergovernmental Panel on Climate Change, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES), but extending to chemicals and plastics, radioactive materials and wastes, land use, water, oceans, and energy. An Office of Technology Assessment could prepare reports on emerging or problematic technologies that may require global legislative action, such as balancing freedom of communications and security, or geo-engineering.[47] An Office of Ethical Assessment could alert legislators to the ethical implications of issues under consideration, such as impacts on human rights or on future generations.

UN Executive Council

Charter reform would replace the Security Council with an Executive Council composed of 24 members elected by the General Assembly.[48] The Executive Council would operate under the jurisdiction of the General Assembly and its focus would be shifted to implementation, management and effective operation of the United Nations. The composition and organization of the Executive Council would reflect principles used in determining the national composition and representation of the General Assembly. The three most populous states would be permanent members and eight of the next 16 largest nations would be represented in rotations of four years. The remaining 13 members would be chosen by the Assembly from the other member nations, also in 4-year rotations. The current veto power of the five permanent members of the Security

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[47] This gap in governance has recently been highlighted by the Brookings Institution for geoengineering and gene drive technologies in Darrell M. West and Jack Karsten. 2017. *Solutions for global science issues require new forms of governance*. Brookings Institution blog, Thursday, 4 May 2017. https://www.brookings.edu/blog/techtank/2017/05/04/solutions-for-global-science-issues-require-new-forms-of-governance.

[48] Security Council membership expanded in 1965 from 11 to 15 members. Since then membership in the UN has risen from 117 to 193 countries, leading to a substantial drop in the presence in the Council of nonpermanent members and, thus, undermining its representative legitimacy.

Council would be eliminated. Instead, decisions of the Executive Council on important matters as defined in an amended second paragraph to Article 27(3) of the UN Charter, would be by a vote of 16 of the 24 representatives, including a majority of the eight members of the Council with the highest populations, and a majority of the 16 other members of the Council. Subject to its ultimate responsibility to the General Assembly, the Executive Council, as the executive arm of the new United Nations, would have broad authority to monitor, supervise and direct various aspects of the work program in the areas of international security, conflict prevention and management of the global environment in particular, as well as other areas of priority identified by the General Assembly. A primary function of the Executive Council will be general oversight and ensuring good governance, transparency, efficiency and coherence of an effective new UN system, including through administrative and other UN system reforms. The Secretary General would serve as the chair of the Executive Council, to provide continuity within the UN system, and to link to the UN Secretariat.

International Security Force

This proposal envisages the creation of a United Nations International Security Force, deriving its ultimate authority from the General Assembly via the Executive Council. 'Security Forces' to be in a state of readiness and available to the UN Security Council for Chapter VII action was envisioned in the Charter through the negotiation of agreements "as soon as possible," as stipulated in Article 43(3); these agreements were never concluded. Clear terms for the establishment of a new standing force or forces, with parameters of readiness and operation, would at last implement a mechanism envisioned in the current Charter system.

The existence of such a Force does not preclude the presence of national forces necessary to maintain order within national territories, but it does make available to the United Nations "effective means for the prevention and removal of threats to the peace, for the suppression of acts of aggression or other breaches of the peace [including through modern peace-keeping activities], and for ensuring compliance with the revised Charter and the laws and regulations enacted thereunder."[49] This Force would consist of two components, a Standing Force and a Security Force Reserve, both composed of volunteers. The Standing Force would be a full-time force of professionals numbering between 500,000 and 1,000,000 as determined by the General Assembly.

Various provisions for the operation of this force would include: limiting the terms of service of enlisted personnel to no more than eight years; a ceiling of three percent on the number of personnel belonging to a particular member state in all three branches of the Force (land, air and sea) and the officer corps; and units to be stationed in bases throughout the world to avoid overconcentration of personnel in a particular location and to ensure prompt action in the event of threats to the maintenance of peace and order. No base would be located within the eight most populous states with the highest representation in the General Assembly. Furthermore, there would be a ceiling of 10 percent (and a floor of five percent) on the number of personnel which could be stationed in a particular base, except when the Force has been called to take action. Adequate resources would be voted annually by the General Assembly budget to provide for pay and

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[49] See Clark and Sohn, *World Peace Through World Law*, Third Edition, 1966, p. 321.

compensation and to ensure that the Force would have access to the latest weapons, equipment, and supplies to ensure effective action.[50]

The Security Force Reserve would have no organized units; it would consist of individuals partially trained and subject to call for service with the Standing Force in case of need. It would have between 1,200,000 and 2,400,000 personnel, with the same geographical limitations imposed on the Standing Force. Except for periods of training, Security Force Reserve members would remain in their member countries on a stand-by basis subject to call. The military direction of the United Nations International Security Force would be subject to civilian authority under the control of the Executive Council and the General Assembly. Broad geographic representation would be required in the senior leadership of the International Security Force.

Quite aside from providing for security and promoting peace in various parts of the world, the creation of a United Nations International Security Force, firmly anchored in the notion that force may at times be necessary to deliver justice and the rule of law, would address one of the main flaws of our current UN system, namely, the absence of a reliable international mechanism to enforce certain decisions made by the Security Council (as had been envisioned, *inter alia*, under Art. 43 of the current Charter). An additional Charter amendment would enshrine the "Responsibility to Protect" ("R2P") doctrine for collective security action to protect minority groups and others threatened by mass atrocity or genocide, subject to objective criteria, careful procedural control and the oversight of independent experts. An oversight body would generally set protocols for, make recommendations in relation to, and monitor the implementation of actions of the United Nations International Security Force and its collective security action (including in relation to the R2P doctrine).

Subject to the safeguards identified above, the United Nations International Security Force could be a vital instrument to enhance the credibility of the United Nations to prevent conflicts and maintain peace and security in the world. An equally important implication of bringing it into being would be the creation of a mechanism of collective security which would significantly reduce the pressure on countries to maintain extensive and expensive military establishments. Military expenditures are categorized by the IMF as "unproductive expenditures," often large in relation to countries' unmet needs and with little beneficial collateral repercussions in terms of productivity and economic efficiency. Reductions in military spending at the national level could be re-allocated to other ends, including education, public health, infrastructure and other productivity-enhancing areas, thereby giving rise to a real "peace dividend."[51] Total world military spending in 2016 was about US$1.7 trillion. A Standing Force of some 800,000 might cost some US$70 billion on an annual basis.[52] According to the Institute for Economics and Peace the conservatively estimated total economic impact of violence to the world economy in 2015 was

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[50] While it would be inappropriate for the International Security Force to itself acquire and use weapons of mass destruction or other weapons considered to violate international humanitarian law, it should have the capacity to destroy such weapon systems, and to prevent their manufacture and use.

[51] In this respect, it is not unrealistic to think that more countries might also wish to follow in the footsteps of Costa Rica which more than 50 years ago abolished its military, without any adverse repercussions for its security. A national police force has been more than effective in keeping the domestic peace, dealing with local crime, violations of traffic laws, and the like.

[52] This figure assumes that about one third of this would go toward funding the pay and benefits of the Standing Force. The annual cost of UN peace-keeping operations today is about US$8-9 billion.

$13.6 trillion, equivalent to 13.3 per cent of world GDP or $1,876 per person per year. Clearly, the establishment and implementation of an effective International Security Force could have vast security and economic ramifications, releasing substantial resources to promote economic and social development and shared prosperity. During the transition, special attention would need to be paid to the reallocation of military, human, and economic resources to peaceful purposes.

Mandatory peaceful settlement of international disputes and enforcement of international law

Another largely unrealized attribute of the current Charter is Chapter VI on the Pacific Settlement of Disputes, which has not been implemented to the extent anticipated in 1945. Current Chapter VI, along with Chapter XIV and the annexed Statute of the International Court of Justice (ICJ), should be transformed into obligatory and binding procedures for the peaceful settlement of international disputes, before collective security action or other coercive measures would be contemplated.

The General Assembly or Executive Council may submit appropriate international disputes directly to the ICJ, if judged that extrajudicial dispute resolution measures, such as mediation or conciliation, have been unsuccessful. More generally, the compulsory jurisdiction of the ICJ over international legal disputes would be made mandatory for all UN members, overturning the current essentially arbitral approach of the ICJ which requires states' agreement to adjudicate.[53] The ICJ would henceforth have compulsory jurisdiction over all substantive matters pertaining to the interpretation and/or enforcement of international law; that is, covering the substantive matters outlined in Article 36(1) and (2) of the Court's statute, and any other matters deemed appropriate within the revised-Charter system, including, for example, the interpretation and application of a UN Bill of Rights (see below) and the revised Charter itself.

Reforms are also needed to both the Statute and procedural rules of the ICJ in order to make the Court more modern, fair, and effective. To protect the Court's independence and impartiality the tenure of the 15 judges of the ICJ will be limited to one nine-year term and the practice of appointing ad hoc judges from the states party to litigation would be abolished. The judges of the reformed ICJ would be elected by the General Assembly on the basis of lists of candidates provided by the Executive Council upon the recommendation of members of the highest courts of justice of member states, from associations of international lawyers and legal academics. Other reforms would enhance, for example, the Court's advisory opinion functions, powers to collect evidence, compel testimony and to set meaningful timetables/oblige compliance with orders of the court,[54] the ability of interested parties (including civil society groups) to intervene in, submit amicus briefs or even trigger proceedings in certain contexts, and the availability of additional specialized court-management staff and legal clerks with developed knowledge in various specialized areas of international law. Enforcement of the judgements of the ICJ would, in a supplementary fashion, be supported by the Executive Council and General Assembly through sanctions or other

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[53] At present the ICJ has mandatory jurisdiction over UN members only in cases where states accept such jurisdiction and, as of now, only 71 states have recognized the compulsory jurisdiction of the Court, undermining its ability to be a true enforcer of the international rule of law.

[54] The reformed ICJ could also be empowered to order compliance with binding decisions resulting from inter-state arbitration, for example, decisions issued by arbitral tribunals convened under the auspices of the Permanent Court of Arbitration.

measures, and failing these and as a last resort, action by the International Security Force to guarantee compliance.

A revised Charter Chapter on the peaceful settlement of disputes would include clear procedures in relation to the sequencing and time-tabling of the range of dispute-resolution mechanisms currently listed in Charter Article 33(1) ("negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice"), striking a balance between some flexible choice as to method and an obligation to engage in peaceful solutions to disputes in a timely manner. To further facilitate the efficacy of such mechanisms, an additional standing body, a global Mediation and Conciliation Commission would be created whose decisions would not be binding except with the consent of the parties.

A revised Charter would also make acceptance of the statute of the ICC mandatory for all member states of the UN. The Executive Council (with UN General Assembly authorization) could refer situations to the ICC, if necessary (a role currently played by the Security Council, which has been hampered by the veto power). The revised Charter should include a universal obligation that member states fully cooperate with ICC investigations, assist in the execution of its arrest warrants and comply with its decisions.

With significantly strengthened international judicial bodies and mechanisms, there will be a heightened practical need for a skilled and well-trained international judiciary, to lend legitimacy to and confidence in the new judicial powers, including in their genuine impartiality and detachment from national political concerns. A new, modern and well-resourced International Judicial Training Institute is proposed to this end, possibly under the auspices of the Hague Academy of International Law. In addition to core, multi-year curricula developed for formation of judges in various general and specialized areas of international law, the Institute would also undertake important capacity-building and training activities at national and regional levels with respect to international law (e.g., in relation to the responsibility of national courts to conduct effective and genuine national proceedings under the ICC Rome Statute, in relation to international human rights norms which will now be subject to binding review (see below), etc.).

A new office of Attorney-General of the United Nations system should also be established, to be appointed by the Executive Council and confirmed by the General Assembly, to perform functions similar to those under the post at the national level, including, for example, to act as a guardian of the rule of law and an independent legal advisor to Executive and legislative bodies (including as to the constitutionality and legality of proposed action or legislation), advice as to types of international litigation to be pursued before various international courts in the global public interest, and responsibilities to ensure the proper administration of justice—including the independence of the judiciary—across the international system.

International Human Rights Tribunal

It is our argument that, since the adoption of the current UN Charter, the global acceptance of international human rights norms have reached a stage of maturity such that they should now be susceptible to systematic, binding adjudication and review by regional and international authorities, significantly strengthening the currently weak and non-binding human rights oversight

mechanisms. Human Rights are presently conceived as one of the main "three pillars" of the UN system, but despite this receive only 3% of the UN budgetary allocation. Investment in the international human rights system must be made a priority within the new global governance model, as must be a well-designed International Human Rights Tribunal, which we would propose to be modelled in many respects on the European Court of Human Rights (the "ECtHR"), including a "margin of appreciation" doctrine appropriate to the cultural and societal diversity which exists at the international level. The substantive rights adjudicated by the international Tribunal will include key UN human rights treaties, many of which currently have (non-binding) individual complaint mechanisms. When national levels of appeal have been exhausted, individual plaintiffs may seek recourse either at regional human rights courts or at the international Tribunal, so as to ensure regional complementarity, respect for diversity, and to empower individuals with choice.

United Nations Bill of Rights

People around the world will desire to be reassured that basic individual rights will not be violated in the process of the exercise of the UN's strengthened mandate. A new Bill of Rights (annexed to the Charter) prescribing limits to UN action would include fundamental human rights protections including: the right to a fair trial for persons accused of violating provisions in the revised Charter or subsequent regulations and laws emanating therefrom; protections against excessive bail, cruel or unusual punishment, and unreasonable searches and seizures; prohibition of the death penalty; protections for freedom of conscience or religion, freedom of speech, the press and expression in various forms; freedom of association and assembly; and so on. Application and interpretation of the Bill of Rights would be the responsibility of a new, specialized chamber of the ICJ.

A new United Nations funding mechanism

A strengthened UN system, with a broader set of responsibilities and strengthened/expanded institutions would need a reliable source of funding, de-linked entirely from domestic political developments. It is proposed to introduce a funding mechanism similar to that currently operating in the EU, where member states collect and allocate automatically to the EU budget a share of all VAT collections. The EU has not developed a separate revenue collection machinery; collecting taxes is the responsibility of individual states, which simply allocate a fixed proportion of revenue collection to the EU budget. Total world GDP at market prices in 2016 was US$ 75.5 trillion. A 0.1 percent of GDP contribution to the UN budget would generate US$ 75.5 billion, a sizable sum to start with. As regards the tax base, one possibility would be to allocate a share of VAT or, more generally, indirect taxes on goods and services collected in each member country. Another possibility is the tax proposed by James Tobin on spot currency transactions. One advantage of this latter tax is that it might be seen as more equitable in its design, with much of the burden falling on high-income countries. A hybrid system involving contributions from all member states (to encourage universal participation and national ownership of the new UN system), but with due regard for variations in income per capita across UN members should be explored. We think that the business community could be a strong advocate for the creation of a dependable system of revenue generation for the UN, given the large economic costs associated with instability in many parts of the world.

In connection with the goal of a properly resourced and enhanced UN system, a high level panel of experts should be convened to also explore additional international revenue generation

mechanisms, including, for example, a tax on cross-border financial transactions, a progressive global wealth tax on individuals, a global tax on mineral / resource extraction, or other workable ideas, whether based on effective existing international schemes (e.g., that of the International Maritime Organisation) or otherwise.

Mechanisms of Charter reform

We propose that, in the first instance, UN Charter reform is attempted via the existing Charter amendment provisions (Chapter XVIII). A civil society coalition, joined by "like-minded states," could press the issue of an urgent General Conference for Charter review under Article 109(3). If the General Conference or the proposed Charter reforms suggested by a General Conference are blocked by members of the Security Council (in particular the permanent members), it is suggested that the General Assembly, with the support of an international civil society coalition, could first urge passage of rapid amendments to Chapter XVIII to remove the requirement that Charter amendments require the agreement of permanent members of the Security Council, or seek informal amendment to these provisions through practice (*i.e.*, through the will of a significant majority of governments of the world, as represented in the General Assembly). If these efforts are not effective, the majority of states of the General Assembly could form a new, enhanced body (e.g., via a new Charter) amongst themselves outside of the current UN structure, as was the path followed to establish the ICC without the support of certain permanent members of the Security Council.

Further amendments to the Charter

In a rapidly changing world, the formula for subsequent Charter amendments in light of evolving needs should be updated. Future revisions would be adopted by a vote of two thirds of all the representatives in the General Assembly (whether or not present or voting) or by two thirds of the members attending a General Conference held for this purpose, with obligatory General Conferences of UN Members to review and amend the Charter at least every 10 years. For the amendment to come into effect it would be necessary to have ratification by two thirds of the member nations, as well as two thirds of the 19 member nations with the largest populations.

Other UN agencies

While, as noted above, the Security Council would be replaced with an Executive Council, nothing in this proposal envisages the elimination of the full array of UN bodies, commissions, programmes, and specialized agencies (e.g., FAO, WHO, UNESCO, ILO, UNDP, UN Women, the Human Rights Council, the IMF and World Bank, to name a few) which have begun to perform a vital role in promoting human welfare and prosperity. Indeed, in an increasingly interdependent community of nations facing a wide range of unresolved global problems, the need for effective clusters of specialized agencies is more urgent than ever and is likely to intensify. A strengthened United Nations with a revised Charter, greater responsibilities in the area of security, peace and management of the global commons, and a larger and steadier source of funding, will create new opportunities for international cooperation in a number of areas, including climate change and the environment, the global financial system, human rights, poverty alleviation, income inequality, job creation, nuclear proliferation, corruption, terrorism, and drug trafficking, among many others. How to enhance the effectiveness of specialized UN agencies (including the possible amendment

of their charters) is an important issue which can be addressed, *inter alia*, by the Executive Council with its management/system coherence mandate, in connection with the General Conferences to review the UN Charter, and/or a possible new Bretton Woods Conference. For example, inadequacies in our global financial architecture—including, for instance, poorly regulated financial markets—were central to the 2008-09 world financial crisis and the associated costly disruptions. There seems to be little confidence that the vulnerabilities exposed by that crisis have been adequately addressed and that the global economy is thus protected from an even bigger future financial shock.

A World Conference on Global Institutions

We support proposals made by the Commission on Global Security, Justice and Governance in 2015 to convene a conference in 2020, to mark the 75th anniversary of the creation of the UN. The aim would be to take up the issue of the reforms that should be implemented to adapt our system of global governance to the needs and the challenges that we now face and which, if unaddressed, could well plunge the world into unprecedented crises and be hugely costly in economic and human terms.

The 1944 Bretton Woods Conference which led to the creation of a new international financial system was a highly successful example of effective international cooperation. The World Conference we have in mind would have a more ambitious agenda, reflecting the global nature of the many challenges we face. Unlike Bretton Woods, the World Conference would bring together not only representatives from government but also from civil society and the business community. The World Conference would be a rallying point, and also the start of a gradual process intended to build momentum and consensus around the sorts of reforms that have been identified in this proposal. Building the institutions that will underpin our system of global governance in coming decades could well be the most important project of this century, requiring imagination, persistence and confidence that, sooner rather than later, we will need to make the transition to vastly enhanced mechanisms of binding international cooperation if we are to avoid untold human suffering and catastrophe.

Disarmament

Part of the fundamental transition to the peaceful settlement of international disputes, to a full collective security model for the global use of force and to an international order based on a genuine rule by law, is a clear and ambitious process of disarmament. We recommend a binding yet staged approach to the disarmament of all states for a reduction of armaments to those that are strictly necessary for self-defence, an obligation which can be deduced from the language and intent of the current UN Charter (*i.e.*, under which international use of force is strictly limited to self-defence or duly authorized collective security action). A revised Charter would make this norm clearer and binding on all states, with the corollary duty to disarm to appropriate levels within a certain timeframe. A special, independent Standing Committee on Disarmament would implement and monitor this obligation; its first task would be a scientific analysis (without political interference) of the self-defence needs of each country, taking into account the existence of the new International Security Force. After the determination of appropriate limits, a staged approach of disarmament to required levels would then proceed, with a two year preparatory period and then

a 10 year phase of disarmament proper (for most countries, depending on the weapons and equipment in need of decommissioning), all proceeding within the context of a thorough monitoring and inspection system by independent experts empowered by the Standing Committee. Disarmament, particularly of the "great powers," would have to follow a path of simultaneous execution, with all nations disarming proportionately. The work of the Standing Committee would include a review and re-tooling of the United Nations Office for Disarmament Affairs (UNODA), the Conference on Disarmament (CD) and other UN bodies or treaties linked to disarmament issues (e.g., the Arms Trade Treaty and other treaties banning specific classes and categories of weapons, the International Atomic Energy Agency, etc.), to build on the acquired expertise and norms already agreed upon, to now take into account the binding obligations of states under the revised Charter and existing instruments. It is anticipated that nuclear weapons would be universally banned as immoral weapons of mass destruction (see the Treaty on the Prohibition of Nuclear Weapons, recently adopted by 122 states),[55] just as biological and chemical weapons have already been, in effect, universally outlawed.

Inequality and management of the world's resources

Growing income inequality—between countries and within countries—is one major global governance challenge, as exemplified in UN Sustainable Development Goal (SDG) 10. Income gaps are widening in many countries while aspirations are growing and climate change threatens the poor disproportionately. A large number of countries accounting for about 1 billion people are falling behind if not falling apart, driving economic migration. Climate-induced migration will accelerate. Recipient countries are already experiencing a political backlash from an unmanaged international crisis.

Filling this gap requires a multilateral organization with a primary mandate to help redress global income inequalities, in a way that present international economic institutions for poverty alleviation, financial system surveillance and trade regulation have not been able to do. This will require novel approaches for funding beyond those already being used by institutions such as the IMF and the World Bank with mixed impact at best. Countries often sit on vast untapped natural resources which cannot be monetized because of mismanagement, lack of trust, institutional weaknesses, or corruption (see below). Vast private sector resources might potentially be available through public-private partnerships under the aegis of a new, credible organization with a General Assembly mandate in this area. This organization could also be given authority for the management of some resources beyond national jurisdictions, like high seas fisheries and those found in the international seabed, presently a source of growing insecurity. Once some confidence is built in the global capacity to manage natural resources and ensure their equitable distribution, states may be ready to widen the scope of global management of the planet's resources where

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[55] As Jonathan Schell has noted: "If we are serious about nuclear disarmament—the minimum technical requirement for real safety from extinction—then we must accept conventional disarmament as well, and this means disarmament not just of nuclear powers, but of all powers, for the present nuclear powers are hardly likely to throw away their conventional arms while non-nuclear powers hold on to theirs. But if we accept both nuclear and conventional disarmament, then we are speaking of revolutionizing the politics of the earth. The goals of the political revolution are defined by those of the nuclear revolution. We must lay down our arms, relinquish sovereignty, and found a political system for the peaceful settlement of international disputes." Schell, Jonathan. 1982. *The Fate of the Earth*, Jonathan Cape, London, p. 226.

required to maintain and possibly improve planetary carrying capacity, and to remain within planetary boundaries.

Tackling corruption

To reduce significantly a major impediment to functional governance, transparency, economic development, and the proper allocation of public funds for public good, corruption in governments and the private sector must be effectively addressed at the global level. New international implementation and enforcement tools should give effect to existing international Conventions in this field,[56] and new instruments should be drafted, as necessary. Binding international juridical oversight mechanisms should be established, administered by a special Chamber at the ICC, the ICJ and/or at the International Human Rights Tribunal, prosecuting individuals and entities violating certain norms when nations are unwilling or unable to carry out such prosecutions. A companion technical training/implementation body would deliver training and monitor national implementation, also providing innovative and unprecedented internationalized (or "hybrid") ad hoc technical bodies for review and enforcement audits/prosecutions at the national level, where appropriate.

Education

To transform to an international system based on a model of universal suffrage, peace and human rights, the highest priority should be given to the provision of adequate education (including formation in international civics), worldwide, for all persons (in line with the Quality Education Goal 4 of the 2030 SDGs); if national governments are unable to provide universal access to quality basic education, the international community should provide it. The current UN News Service should also be significantly expanded in order to provide impartial and high-quality information on UN programmes and processes to populations worldwide, so that this knowledge becomes commonplace and enhanced UN powers are understood.

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[56] E.g., the 2003 *United Nations Convention Against Corruption* and the 1997 OECD *Convention on Combating Bribery of Foreign Public Officials in International Business Transactions*.

III. Key attributes and values of a new global governance system

For the above proposal to become effective, there are certain key attributes and values of the emerging global governance system that will be essential for its success. These include an effort to clarify more formally the fundamental principles for the renewed system, the actualization of a commitment to making global governance effective, guaranteeing the implementation of the international rule of law, ensuring a culture of change and systematically holding international institutions to account. A discussion of these follows.

Principles for renewed global governance

The amended UN Charter will give a central place to the fundamental human rights of all persons, the principle of binding rule of law at the international level, the peaceful settlement of disputes, collective disarmament and security, certain core principles related to environmental stewardship and sustainability, and other values deemed essential in the new international order. As one of the first tasks of the reformed General Assembly, the principles underpinning the well-being of all peoples and the fundamental rights of all, drawn from the significant current *acquis* of international law, should be compiled and enumerated in explicit, legally-binding texts that can serve as the basis for legislation, judicial review and enforcement, within the frame of the revised UN Charter serving as a global constitution.[57] This document will serve as a coherent declaration of values, rights and responsibilities for international governance and sustainability, complemented by a clear definition of the remaining scope for national autonomy, and the UN Bill of Rights.

These principles would be implemented in a dynamic fashion by legislative and judicial interpretation, through legally binding acts of the General Assembly in its areas of responsibility and the international judicial mechanisms emerging from this proposal. Norms of equality before the law, protection by the law from arbitrary abuse of power and other fundamental values inherent in established rule of law structures would be implemented throughout the system.

The envisioned bicameral, reformed legislative dimension of the UN will manifest values of democracy and consultation, proportionally representing the populations of the world in the reformed General Assembly, and engaging recognized advocates of the global public interest in the Second Chamber.

According to the proposal, the UN would now be a body with significantly enhanced democratic and representative legitimacy (e.g., with the reformed legislative chambers, elected Executive Council, well-trained, independent international judiciary, and UN Bill of Rights), which would greatly heighten the willingness of all actors to cooperate and comply with its decisions and accept its global management responsibilities.

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[57] The 2030 Agenda and its SDGs provide a recent, globally accepted example of the application of key principles and their implementation, exemplifying a framework for adapting and focusing international governance structures, mechanisms and programmes, as well as implementation at the national and local levels and by all economic actors and civil society.

The strong provisions against international criminal actions and corruption, extending beyond national responsibilities or enforcement capacities, give the international community the necessary tools for the first time to fight criminal non-respect of key international principles wherever such actions occur, and to prosecute the individuals and groups responsible. With such mechanisms in place, the international system will necessarily drive the creation of a new generation of uncompromised leadership subject to the highest standards, whose efforts are devoted to good governance and the public good.

An understanding of the interdependence of humankind, as well as of the key principles enshrined in the revised Charter, should also be incorporated in all international educational efforts, and reflected, as possible, in national constitutions and education. They should be essential components in the training of heads of state and their cabinets, international civil servants, contributors to global institutions, and the personnel responsible for enforcement mechanisms, so that much implementation of values is made internal through individual ethics and a responsible conscience. Educational systems and modern media will be important channels to build appropriate levels of popular understanding of and support for international governance institutions. Efforts to provide international basic education and quality access to information on UN institutions and activities will likewise strengthen a dynamic of legitimacy and participation in an international "social contract" for more effective governance.

Making global governance effective

With reform of the General Assembly, there would now be a duly-constituted, legitimate and representative body to take decisions on crucial issues of peace, security and environment in particular (and on other matters in the future). As with other legislative bodies at the national level, the General Assembly will convene a suite of specialized committees on issues of core concern, e.g., on collective security action, enforcement of international judgments, climate change, etc. The Second Chamber, composed of members of global civil society, will be a strong catalytic force driving UN decision-making, exerting active and vigorous pressure for on-going change, innovation and reform. The Second Chamber will act as a watchdog on UN governmental decision-making and operations, applying scrutiny in order to hold governments and the international institution to account and to press it to take decisions on urgent issues.

The proposed Executive Council will be a significant enhancement of decision-making capacity in international governance, as the use or threat of the use of the veto power in the Security Council has regularly been a source of crippling delays. Abolition of the veto has been proposed multiple times in Charter history to enhance UN decision-making on crucial issues (e.g., recently and prominently in humanitarian crises, permanent members possessing the veto have been requested to abstain from its use).

The new Executive Council role, with its management function, will be preoccupied with taking regular and wide-ranging operational decisions in its oversight and coordination mandate for the entire UN system. Key tasks of the Executive Council would be to enhance decision-making effectiveness and the coherent implementation throughout the system of the policy and programming decisions taken by the General Assembly, and to undertake any necessary internal management, leadership and administrative reforms.

The professionalization, systematization and clear lines of control and accountability of the International Security Force with protocols and objective criteria for its deployment and use would likewise remedy the inefficient, under-resourced and ad hoc approach currently employed for peace-keeping and collective security operations.

Ensuring adequate financial resources for international institutions will be a highly significant reform toward substantial gains in effectiveness of the UN and related bodies. Currently, effectiveness and the scope of operations are hampered through paltry and inconsistent funding. The ambitious and comprehensive collective security and disarmament components of the proposal will likewise free resources for international (and national) institutions in service of the public good, finally allowing for a true peace dividend. The disarmament agency, with its comprehensive inspection function, would enable the implementation of a general international disarmament process, overcoming traditional security dilemmas and draining arms races among states.

International rule of law

The proposal suggests a very substantial step forward —with, however, the foundations for this step already clearly established in the existing order— in enabling a genuine and comprehensive rule of law system at the international level. The international community would be equipped with the supplementary architecture and tools required to ensure that international decisions and policies are implemented and complied with. Binding adjudication, joined with compulsory, universal jurisdiction of the key international courts, and an effective range of enforcement mechanisms (which includes the use of the International Security Force as a last resort), will ensure that there is no ambiguity as to the enforceability of international law, decisions of international tribunals, and the implementation of the terms of the UN Charter itself, including its fundamental restrictions on the international use of force.

The strengthened role of international judicial authorities will significantly enhance the efficacy of the international system, as courts will be tasked with deciding upon core issues of concern to states, individuals, and the international community, which too often in the current order represent festering conflicts with no hope of decisive resolution. Likewise, binding protocols on the peaceful settlement of disputes will allow staged and clear decisions on issues related to international peace and security.

Tackling corruption is also key to ensuring effective global governance, as its prevalence perverts lines of implementation of international norms at the national level, leads to diversion of resources and constitutes a "drag" on the system in general. The proposal suggests a model of complementary international prosecution/oversight for addressing corruption at the national level, following the successful model of the ICC in this respect. We see addressing systemic corruption issues as necessary to ensuring the requisite capacities for high quality and responsible decision-making in the public interest at national and international levels.

Ensuring a culture of change

The proposed institutional mechanisms have built-in review and revision procedures at different levels to ensure that international governance can be adapted to changing conditions and institutions can learn from acquired experience. It should be widely accepted that governance mechanisms should develop organically in response to needs, that form follows function, and that change is normal and necessary.

On-going, overall system efficacy would be safeguarded with mandatory review every five years of General Assembly powers and a ten-year mandatory General Conference on review of the UN Charter and system. Various individuals and bodies in the reformed UN institutions may also regularly make suggestions for system reform and enhancement, based on operational experience. At the constitutional level, the obligatory periodic review of the Charter would open the door for necessary revisions, and for relevant principles underlying widely accepted customary and soft law to be codified in the foundation text. The Executive Council would have a specific mandate to review UN system performance, ensure good governance and management, and make adjustments as needed through administrative and UN system reforms.

The proposal accepts that some flexibility will be required in the gradual implementation of its components depending on the willingness of governments to accommodate the necessary changes. While collective adoption by consensus would be the ideal, there are provisions to sidestep any blockage by recalcitrant governments and to enable the larger community of common interests to go forward while gradually building the trust necessary for more significant changes.

Holding global institutions to account

The above principles provide a foundation for accountability at all levels of government, and the framework for legislative, executive and judicial action for their enforcement. Charter revision would incorporate provisions for transparency and public access to information. As collective consultative bodies, the General Assembly and Executive Council would provide protection from abuse of power and the ability of any one country to block international action. The revised Charter would also create higher standards of government accountability and mechanisms for international action where necessary to intervene against threats to security, abuse of power and extreme human rights violations at the national level.

The General Assembly, once it is fully elected by popular vote, would have direct accountability to its universal electorate through regular renewal of its membership. The Second Chamber provides a formal channel for civil society and stakeholders globally to address accountability within and across the system. The Executive Council has the mandate to ensure accountability within the UN system.

A more educated global public electing its representatives to the General Assembly will also provide a fundamental level of accountability, and should come to see the key international principles as essential criteria for the selection of candidates for governance responsibilities at the international level.

The possibility of an international press and media system freed from national hindrances and interference could express the diversified views of humankind and stimulate open, responsible and constructive debate on the issues facing the world. It would be able to investigate abuses, ensure transparency, and support general education of the public. The General Assembly could legislate on the necessary standards, responsibilities and safeguards for an independent world press and associated media, especially given the advent of essentially universal access to the media and ongoing temptations by various actors to manipulate public opinion for partisan political, economic and ideological ends. The media can also become a tool for increased public participation in international governance, a potential already exploited with success in preparations for Rio+20 and for the negotiation of the 2030 Agenda.

IV.   Conclusion

As persuasive as some of the arguments for global institutions are, the prevailing view on the initiatives called for by Einstein and Russell in the post-war period seems to be that they are unlikely to crystallize into concerted international actions in the near future. Sceptics might point to the fact that the major initiatives taken during the twentieth century in the area of international cooperation were all in response to, and not to anticipate or prevent, the suffering and destruction of the two world wars. Indeed, the most far reaching and ambitious of these, the creation of the European Union, brought together precisely the states most affected by those global conflicts. So, one line of argument in this debate would say that truly global institutions are unlikely to emerge unless some sufficiently profound crisis, unparalleled in its intensity, permanently marks human consciousness with the reality of global interdependence and the dangers of preserving an international institutional framework no longer responsive to the needs of the human family. Infinitely preferable, of course, would be an act of mature and collective will, rather than reactive measures to the forces of severe crisis, to set a new stage in the political life of humanity. We think that expanding upon the global governance proposals contained in this paper, and elaborating a body of knowledge, insight and expertise around the issues raised, could make an important contribution to broad-based consultations and actions that would help us avert catastrophic global outcomes.

The current international landscape cries out for leaders of undisputed integrity, energy and ambition to meet unprecedented and complex global challenges, who also clearly understand the crossroads confronting humanity. Regardless of the way in which an effective global order comes into being, the ultimate outcome will be a function of humanity's exertions, initiative and the strength of its will. As Einstein wrote, "the destiny of civilized humanity depends more than ever on the moral forces it is capable of generating."[58]

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[58] Einstein, Albert. 1990. *The World As I See It* (New York: Quality Paperback Books, 1990), p. 44.

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