

## Some Immediate Steps Forward—Getting “From Here to There”

We are a movement for rationality. For democracy. For freedom from fear ... We are campaigners from 468 organisations who are working to safeguard the future, and we are representative of the moral majority: the billions of people who choose life over death.<sup>1</sup>

Beatrice Fihn, Nobel Peace Prize Lecture, International Campaign to Abolish Nuclear Weapons (ICAN)

As with any ambitious set of proposals for fundamental change, the obvious question is how to get from the lamentable present state of affairs to a substantially improved future condition. Is this just a utopian ideal and totally unrealistic, or are there practical ways forward? Dutch historian Rutger Bregman has recently called for a transcendence of the simplified or false dichotomy implicit in the labeling of all visionary or ambitious ideas as utopian, arguing that a range of “utopian” ideas are highly implementable and could result in significant social benefit.<sup>2</sup> Experience has shown that tinkering at the edges and marginal improvements have not succeeded in overcoming the fundamental problems with the present global governance paradigm that privileges an obsolete notion of the sovereignty of nations at any cost, and leaves the 1945 UN Charter essentially frozen in time. Furthermore, the urgency of many problems and the growing risks from issues left unaddressed do not allow time for the gradual change that might otherwise seem to be the reasonable way forward.

<sup>1</sup> Nobel Lecture given by the Nobel Peace Prize Laureate 2017, International Campaign to Abolish Nuclear Weapons (ICAN), delivered by Beatrice Fihn and Setsuko Thurlow, Oslo, December 10, 2017. [www.nobelprize.org/prizes/peace/2017/ican/26041-international-campaign-to-abolish-nuclear-weapons-ican-nobel-lecture-2017/](http://www.nobelprize.org/prizes/peace/2017/ican/26041-international-campaign-to-abolish-nuclear-weapons-ican-nobel-lecture-2017/).

<sup>2</sup> Bregman, Rutger. 2018. *Utopia for Realists: And How We Can Get There*, London, Bloomsbury Paperbacks.

## SCENARIOS OF POSSIBLE FUTURES

While we cannot predict the future, scenarios or storylines of possible futures can help us to imagine what possibilities lie ahead. It is customary to develop best- and worst-case examples, with some intermediate options in between. The most realistic scenarios are based on systems science that can help to model complex interacting processes. The classic economic myth of equilibrium is now replaced by the concept of a dynamic, constantly evolving system.<sup>3</sup> We can learn from nature that system change seldom follows a smooth trajectory, but generally what are termed “punctuated equilibria.” Changing conditions or new pressures disrupt a relatively stable system, which goes through a period of turmoil and rapid change as it gradually adapts to the new situation and stabilizes, until external or internal changes push it again into a new transition.

This can help us to understand our own position in such a process. We are in the middle of the transition from social organization based on the scale of the isolated nation state to a global level of governance and organization based on what has become a physically united world. This change has created forces of disintegration that are tearing down old maladapted institutions and mindsets, and constructive forces that are building the elements of a global level of social organization and consciousness. Part of this challenge is to find the best balance of organization at each level – global, national and local communities – applying principles of subsidiarity, efficiency and participation. The following three scenarios sketch out possible ways ahead.

1. **The rational trajectory.** According to Richard Falk,<sup>4</sup> an enthusiastic admirer of Saul Medlovitz, the father of global constitutionalism studies, our choices for the future have narrowed. We can be rational about it and design new structures and come forward with creative proposals, just as Clark and Sohn did in the 1950s and 1960s, producing a detailed blueprint for a new or significantly enhanced United Nations Charter, as the basis for the establishment of institutions and governance arrangements that would not just lay the basis for international peace but also achieve other aims that are implicit in discussions about the kind of global order that we would wish.

Based on these proposals, a number of enlightened leaders could recognize that a determined collective effort by governments can resolve the flaws in the United Nations through an act of consultative will and adapt it to the needs of the diverse

<sup>3</sup> Beinhocker, Eric D. 2006. *The Origin of Wealth: Evolution, Complexity, and the Radical Remaking of Economics*, Cambridge, MA, Harvard Business School Press, and London, Random House Business Books.

<sup>4</sup> Falk, Richard, Robert C. Johansen, and Samuel S. Kim. 1993a. “Global Constitutionalism and World Order,” in Richard Falk, Robert Johansen, and Samuel Kim (eds.), *The Constitutional Foundations of World Peace*. New York: State University of New York Press, chapter 1, pp. 3–12.

peoples of the world, seeing clearly the range of looming international crises close on the horizon. They rally the great majority of governments to convene a review conference on the UN Charter to adopt changes such as those proposed in this book.<sup>5</sup> The momentum is such that even the members with veto powers agree to go along. A set of transitional processes is implemented to increase trust, such as carefully organized confidence-building and mutual disarmament, and technical training and investment in capacity-building at the national level, before the new international institutions acquire binding jurisdiction. If one or more of the permanent members of the Security Council blocks revision of the UN Charter (e.g., by refusing to ratify the significant Charter amendments proposed at a general review conference), a majority of governments could hold an alternative Charter replacement conference instead, to set up a new United World Organization to succeed the United Nations.<sup>6</sup> An “Interpretative Declaration” approved at the plenary session of the San Francisco conference indeed noted that states would have a “right of withdrawal” from the UN “if an amendment duly accepted by the necessary majority in the Assembly or in a general conference fails to secure the ratification necessary to bring such amendment into effect” (para. 3).<sup>7</sup> Once the new mechanisms are in place and new financing creates an organization with more resources than the UN, such an entity could propose a “merger” with or “buy-out” of the UN, absorbing for example, the Secretariat and specialized agencies into the new system, and leaving recalcitrant governments to opt in or out. The reasonable possibility of this second option might be sufficient to convince all governments that it is better to be within the new system than outside of it.

This global order would also address the economic, social, environmental and other dimensions of creating a better world. In this scenario the United Nations or its successor would see a substantial enhancement of its role in the area of the peaceful settlement of disputes, general conflict prevention and peacekeeping; it would play a

<sup>5</sup> Article 109(3) of the UN Charter envisaged a general UN review conference that should be held within ten years of the Charter’s adoption in 1945. This provision was added as a “compromise” for the majority of states at the global level who had significant reservations about the veto of power of the five permanent members of the Security Council, to which they only reluctantly agreed. The general review conference as provided for under Article 109(3) was never held. Article 109(1) of the Charter additionally allows for the holding of a general review conference on the Charter at any time, upon the request of the General Assembly (with a two-thirds majority) and the Security Council (by a vote of any nine members).

<sup>6</sup> Indeed, some legal scholars argue that if the changes proposed to the current Charter are too significant, international organizational precedent would call for setting up a whole new international successor organization, as occurred with the League of Nations and the United Nations, and the transition in 1960 from the OEEC to the OECD, among other examples. See, e.g., Frowein, J.A. 1998. “Are there Limits to the Amendment Procedures in Treaties Constituting International Organisations?” in G. Hafner et al. (eds.), *Liber Amicorum Prof. Seidl-Hohenveldern, in Honour of His 80th Birthday*, Leiden, Brill, p. 201.

<sup>7</sup> Witschel, Georg. 2012. “Ch.XVIII Amendments, Article 108,” in Bruno Simma et al. (eds.), *The Charter of the United Nations: A Commentary*, Oxford Commentaries on International Law series, 3rd Edition, 2 vols., Oxford, Oxford University Press, Vol. II, pp. 2199–2231, at p. 2217.

much more critical role in the administration of the global commons, in environmental protection, in disarmament, in humanitarian responses to calamities whether natural or man-made; in a nutshell, it would move into the empty space created by our current global governance gap, that nebulous and dangerous area where no one is in charge.

There is an implicit optimism in this first option; it assumes that the forces of globalization and the coming of humanity into an age of greater maturity and capability are pushing us toward a more integrative political order, one that will set aside the neo-Darwinism of the state system that is at the heart of a wide range of unresolved problems and has been so damaging to the world over the past century. The proposals contained in this book have attempted to provide key elements of such a blueprint that, in essence, imply enhancement of governance capabilities on an international scale, many of them involving a significant strengthening of supranational institutions and mechanisms to put in place defenses to protect peoples and the global commons, and at the same time to ensure national autonomy. They include a first sketch of

legislative organs to establish binding standards of behavior, administrative capacity to interpret these standards, financial powers, including revenue sources, and [eventually] taxing power, rules and procedures determining membership and participation in international institutions and the status of international actors, as well as modes to render all actors accountable ... regimes for protecting and managing the global commons, regulation of collective violence and supranational police, frameworks for world economic life, including trade, monetary and financial spheres ... and finally, a "global constitution" or, possibly, some invisible "document" that establishes an organic law for the community of states, nations, and peoples which frames and constitutes the political world.<sup>8</sup>

### *Maturing Capacities of Transnational Civil Society*

For those who think that this scenario is not politically realistic because it ignores great-power politics, deep-seated nationalisms and narrow national interests, particularly among the veto-wielding members of the Security Council, one can point to the absence of (initial) great-power consent in a number of recent important initiatives in the area of international cooperation, including the adoption of the Anti-Personnel Mine Ban Convention (1997), the International Criminal Court (ICC) and its Rome Statute (1998), the development and acceptance of the Responsibility to Protect (R2P) norm and its implementation (ongoing), and the Treaty on

<sup>8</sup> Falk, Richard. 1993b. "The Pathways of Global Constitutionalism," in Richard Falk, Robert Johansen, and Samuel Kim (eds.), *The Constitutional Foundations of World Peace*. New York, State University of New York Press, chapter 2, pp. 13–38, at p.15.

the Prohibition of Nuclear Weapons (2017), among others. These innovations have come about with the significant involvement of international nongovernmental organizations (NGOs) working in concert, forming “smart coalitions” by creating alliances with a range of like-minded states in order to advance reforms in the global public interest. The negotiation of the 2006 UN Convention on the Rights of Persons with Disabilities has been held up as another dramatic achievement of transnational civil society and “smart coalitions,” representing also a new form of engaged, proactive and concretely influential “citizen diplomacy.”<sup>9</sup> Techniques for such transnational efforts are being progressively refined and articulated (see, e.g., the Box “What Does a Successful Civil Society Movement Look Like?” according to Nobel Peace Prize-winner Jody Williams of the International Campaign to Ban Land Mines).

Additionally, in two of the three cases where the Charter has been amended since 1945 (under its Article 108), agreement of all the permanent members of the Security Council was only achieved belatedly, after the amendments were proposed by the General Assembly. One can see similar patterns in normative shifts where some countries may initially vigorously resist a significant change, but then acquiesce or move to an actively supportive role of that change, as happened with the ICC in certain respects.<sup>10</sup> As David Bosco notes in relation to the ICC: “it is possible to construct institutions around power—and then leverage the normative power of those institutions to induce major-power support.”<sup>11</sup> The 2015 Report of the Commission on Global Security, Justice and Governance, co-chaired by Madeleine Albright and Ibrahim Gambari (former US Secretary of State and Foreign Minister of Nigeria, respectively), indeed mentions the importance of smart coalitions in the context of key strategies for global governance reform.<sup>12</sup>

This growing list of international civil society successes echoes a recent observation by Jürgen Habermas, who calls for new efforts to tame the generally uneven effects of globalization: “[f]or it is only through new transnational capacities for political action that the *social and economic* forces unleashed at the transnational level can be tamed, i.e., the systemic pressures reaching across national borders, today above all those of the global banking sector,” noting that economic dynamics

<sup>9</sup> See the description of this phenomenon in: White, J. and K. Young, 2008. “Nothing about Us without Us: Securing the Disability Rights Convention,” in J. Williams, S.D. Goose, and M. Wareham (eds.), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security*, Lanham, MD, Rowman and Littlefield, pp. 241–262.

<sup>10</sup> See, for example, a detailed narrative of the US relationship with the ICC in: Bosco, David. 2014. *Rough Justice: The International Criminal Court in a World of Power Politics*, Oxford, Oxford University Press.

<sup>11</sup> *Ibid.*, p. 16.

<sup>12</sup> Commission on Global Security, Justice & Governance, *Confronting the Crisis of Global Governance*. Report of the Commission on Global Security, Justice & Governance, June 2015, The Hague, The Hague Institute for Global Justice, and Washington, DC, The Stimson Center, p. 105.

within international society have been “exacerbating a democratic deficit” for decades.<sup>13</sup> This is why we are, among other things, proposing enhanced legislative capacities of the UN, and a standing advisory Civil Society Chamber (see Chapters 4–6).

### Box

#### What Does a Successful Civil Society Movement Look Like?<sup>14</sup>

- Know how to organize
- Maintain a flexible structure
- Need for leadership and committed workers
- Always have an action plan, deadline, outcome-oriented meetings
- Communication, communication and more communication
- Follow-up and follow through
- Provide expertise and documentation
- Articulate goals and messages clearly and simply
- Focus on the human cost
- Use as many forums as possible to promote the message
- Be inclusive, be diverse, yet speak with one voice
- Recognize that international context and timing do matter

2. *Business as usual*. Muddling through or “drift” is certainly a second possible scenario for the next half-century. As there is little sign of sufficient enlightened leadership to take us safely through the transition, where might inaction take us? This may appear to be the path of least resistance, but we should be wary of where it could lead. The voice of realism might say that populations should adapt to the “real world” and recognize that there is no political will among the key global powers to rethink in a major way the institutional structures that were put in place in 1945. States are not interested in working out the details of new global constitutional arrangements because they do not believe that the world can ultimately be better integrated. The permanent members of the UN Security Council will never want to give up the veto power because they value the absolute discretion on which it is based, the ability to exempt themselves (and their close allies) from scrutiny, even if they understand that it undermines the moral legitimacy of the system, and has

<sup>13</sup> Habermas, Jürgen. 2012. “The Crisis of the European Union in the Light of a Constitutionalization of International Law.” *The European Journal of International Law*, Vol. 23, No. 2, pp. 335–348, at p. 338.

<sup>14</sup> This list is taken from: Williams, J. and S.D. Goose. 2008. “Citizen Diplomacy and the Ottawa Process: A Lasting Model?” in J. Williams, S.D. Goose, and M. Wareham (eds.), *Banning Landmines: Disarmament, Citizen Diplomacy, and Human Security*, Lanham, MD, Rowman and Littlefield, pp. 181–196.

hampered in important ways the adaptation of UN institutions to the demands of a radically different world than that which existed at the end of the last world war. Thus, “reforms” should be limited to tinkering at the edges, making small gains in efficiency (e.g., set up an Ad Hoc Working Group to study how to revitalize the General Assembly, explore ways to limit the use of the veto in cases involving mass atrocities, study ways to increase the relevance of the UN’s Economic and Social Council, and so on), but not challenging in any fundamental way the essential infrastructure, not because such changes are not needed, but mostly because they will not be accepted. Indeed, the last US president to talk about a “new world order” was George H.W. Bush, in 1991, but few doubted that he simply meant a more cooperative approach in dealing with international problems at the end of the Cold War, but still within a rigid framework of maximally sovereign states.

Were they alive today, Clark and Sohn would still be preaching in the wilderness, it is claimed. Their proposals, 60 years after they were first made, would still be considered hopelessly optimistic. The problem with this scenario is that “drift” is itself hopelessly optimistic. It assumes that we are in a stable equilibrium, where tinkering at the edges will suffice to confront the existential crisis of climate change and global ecosystem degradation, to keep away the dangers of nuclear proliferation, to address the social, economic and (increasingly) political consequences of income inequality, to prevent the next global financial crisis from wreaking havoc with the livelihoods of hundreds of millions, to prevent now-globalized corruption from undermining the very basis of our institutions and our civilization, to name just a few of our current global challenges. It is unlikely that we shall just muddle through with governments always doing too little, too late, as Jorgen Randers, one of the authors of the original *Limits to Growth*, predicted in 2012.<sup>15</sup> We are close to too many breaking points, increasing the probability that one of them could push us over the edge.

Drift is a recipe for inevitable disaster. The only question is how long it will take before we crash into the wall and at what cost, in economic and human terms, and how long it will take to recover, assuming recovery is even possible following, for instance, multiple and large-scale climate-change-induced calamities.<sup>16</sup> A period of drift is what we entered into with the onset of the Cold War, when nuclear deterrence created a semblance of peace and security. We avoided World War III, but not the killing and maiming of millions in dozens of conventional conflicts across the planet. There have been countless other casualties involving human rights violations, autocratic repressions, Cultural Revolutions and the like. Meanwhile we

<sup>15</sup> Randers, Jorgen. 2012. *2052: A Global Forecast for the Next Forty Years*. A Report to the Club of Rome. Commemorating the 40th Anniversary of *The Limits to Growth*. White River Junction, VT, Chelsea Green Publishing.

<sup>16</sup> Steffen, Will et al. 2018. “Trajectories of the Earth System in the Anthropocene.” *PNAS*, Vol. 115, No. 33, pp. 8252–8259. <https://doi.org/10.1073/pnas.1810141115>.

passively incubated a myriad of other problems, many of them ticking time bombs ready to explode in the twenty-first century.

A financial crisis or collapse might be the most benign of those time bombs, since it would not directly destroy infrastructure or wipe out masses of people, although the secondary effects could be quite serious if trade collapses. In fact, if trade in fossil fuels was interrupted, this might help us to avoid catastrophic climate change. A more limited war between a few major countries, or a pandemic killing a significant fraction of the world population and requiring the shutting down of most trade and transport to slow its spread,<sup>17</sup> are other plausible possibilities. A youth or popular rebellion against an economic system that has left them no hope has also been predicted.<sup>18</sup> In another intermediate scenario, a series of smaller crises could be used to catalyze significant step-wise improvements in global governance, rather than trying to do dramatic system renovation all at once.

3. *Rebuilding after disaster.* In the worst-case scenario, national leaders driven by ego stumble into World War III, which draws on many existing tensions and conflicts to also instigate a range of civil wars in parallel. In this cataclysmic upheaval, cities are laid waste and some nuclear arms are used, precipitating a nuclear winter that destroys agricultural production for several years. Or, Earth shifts into one of the worst-case “hothouse” scenarios due to unchecked climate change.<sup>19</sup> There is a catastrophic collapse in civilization, and billions of people die in the resulting famine. The survivors are mostly the poorest of the poor living outside the economy in remote areas far from the cities or sites of conflict, as well as communities with sufficient solidarity and resilience to survive until the crisis passes. With so much destruction, rebuilding is a slow and painful process, trying to salvage enough knowledge of communication technologies to establish materially simpler, potentially less urbanized societies. Only then could appropriate institutions of global governance be put in place to prevent any such catastrophe from occurring again.

What we did not do through rational design, when we had the means and the time to do it, we would have to do against the background of great adversity, worldwide dislocations, suffering and constrained resources because of a multitude of claims on already strained governments and public finances. Just as it is difficult to do economic reforms following a crisis – something that one of us learned early

<sup>17</sup> MacKenzie, Debora. 2008. “The Collapse of Civilization: It’s more Precarious than We Realized,” “The End of Civilization,” pp. 28–31; “Are We Doomed? The Very Nature of Civilization May Make Its Demise Inevitable,” pp. 32–35. *New Scientist*, Vol. 2650, cover story, 5 April.

<sup>18</sup> Turchin, Peter. 2010. “Political Instability May Be a Contributor in the Coming Decade.” *Nature*, Vol. 463, p. 608. DOI: 10.1038/463608a.

<sup>19</sup> Watts, Jonathan. 2018. “Domino-Effect of Climate Events Could Move Earth into a ‘Hothouse’ State,” *The Guardian*, August 7. [www.theguardian.com/environment/2018/aug/06/domino-effect-of-climate-events-could-push-earth-into-a-hothouse-state](http://www.theguardian.com/environment/2018/aug/06/domino-effect-of-climate-events-could-push-earth-into-a-hothouse-state); Steffen et al. “Trajectories of the Earth System in the Anthropocene.”

on in his professional career as an international economist – it would be immeasurably more difficult to bring new, cutting-edge global institutions into being against the background of a collapsed social order.

Opinions are divided on what follows a global calamity; the implied scenarios hinge on one's beliefs about human nature under extreme forms of stress. Would such events bring out the best in us, would they lead to changes in behavior and psychological reflexes as we realized that we needed to explore new arrangements for global order? Or would they unleash a new dark age? Would the absence of a global hegemonic power lead to problems in the restoration of order and stability? Or perhaps, just as the European powers in the 1950s had no option but to put aside war as an instrument for the settlement of international disputes and opted instead for creating the European Union, we would have to find the courage and imagination to do the same on a global scale. And just as World War II precipitated a change in European consciousness, a global catastrophe would surely do the same on a world scale.

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. Einstein was right when he wrote that "the destiny of civilized humanity depends more than ever on the moral forces it is capable of generating."<sup>20</sup>

#### SOME IMMEDIATE STEPS AHEAD

A first step is obviously to reopen the debate on the need for revision of the UN Charter and the options to make the UN fit for purpose in this century. This debate should extend beyond academic and specialist circles, and should involve governments on the one hand, and a wide range of professionals and the general public on the other. For the latter, clear messages will be needed comparing what the public naturally expects from government at the national level and what is lacking internationally, which leaves an anarchy that threatens their well-being in fundamental ways. As large an alliance as possible of like-minded people and organizations should be gathered around this public discourse, leaving the specifics to be considered and debated openly. It is hoped that many ideas will be championed by one organization or another. There will clearly be opposition to such discussion, with attempts to discredit and distort proposals, which should be anticipated and countered to the extent possible. A particularly strong reaction may be expected from at least some of the permanent members of the Security Council, given present trends.

<sup>20</sup> Einstein, Albert. 1990. *The World as I See It*, New York, Quality Paperback Books, p. 44.

## A WORLD CONFERENCE ON GLOBAL INSTITUTIONS

One mechanism to expand the debate on global governance would be through world conferences on global institutions.<sup>21</sup> These could be intergovernmental conferences, also including wider participation from all stakeholders from civil society. The UN Conference on Sustainable Development (Rio+20) in 2012, with the subsequent negotiations of the 2030 Agenda and its Sustainable Development Goals, was a good example of an intergovernmental process supported by widespread consultation with, and contributions from, civil society. In 2015, the Commission on Global Security, Justice and Governance made a proposal to convene a world conference in 2020 to mark the 75th anniversary of the creation of the UN.<sup>22</sup> The aim would be to take up the issue of the reforms that need to 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. 2020 is also the year for the UN Framework Convention on Climate Change (UNFCCC) to review and increase the voluntary national commitments under the Paris Agreement on climate change—another opportunity to strengthen governance of an existential threat to global security and well-being. A major world conference may now realistically be held in 2025 for the 80th anniversary of the UN, allowing time for thorough preparation.

The 1944 Bretton Woods Conference, which led to the creation of a new international financial system, was a highly successful example of effective and productive international cooperation. The World Conference we have in mind would have a more ambitious agenda, reflecting the global and varied nature of the challenges we face. Unlike Bretton Woods, the World Conference would bring together representatives not only from governments but also civil society and the business community. The conference would be a rallying point, and also the start of a staged process intended to build momentum and consensus around the sorts of reforms that have been identified in this book. Building the institutions that will underpin our system of global governance in the 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 and address untold human suffering and catastrophe.

<sup>21</sup> Alexander, Titus and Robert Whitfield. 2018. "Creating a Global Consciousness." Blog on One World Trust, November 5. [www.oneworldtrust.org/blogs](http://www.oneworldtrust.org/blogs).

<sup>22</sup> Commission on Global Security, Justice & Governance, *Confronting the Crisis of Global Governance*.

## A COALITION OF THE WILLING AND LIKE-MINDED

There are an increasing number of governments that are convinced of the need for major changes and reinforcement in multilateral cooperation, largely in the middle range of countries, neither “great powers” with hegemonic ambitions, nor those struggling to meet basic needs. They can assemble into a like-minded “coalition of the willing,” and not wait for universal acceptance.

A major effort should be directed to bring as many of these governments as possible around to serious consideration of Charter reform. The threat of blockage by veto should not be allowed to stymie informed debate. The aim should be to assemble, gradually if necessary, the majority of governments around the world with a common vision, ready to take a comprehensive reform agenda forward. The possibility of creating a new organization to replace the United Nations, if necessary, as a last resort, should not be excluded as a viable option in a scenario involving multiple crises across a range of fronts.

A series of expert groups or commissions could be charged to refine proposals such as those presented in this book and to draft the specific Charter language needed to capture a growing consensus. Once the revised (or new) proposed Charter was in reasonably complete form, a global Charter conference should be called under the UN Charter review provisions or otherwise, attended by heads of state and government, to conclude the binding amended or new Charter document, the provisions of which would be accepted by governments as a condition of membership. Ideally, all governments should join this organization voluntarily, as with the United Nations. But it is conceivable that some would wish to wait; as the new organization took off, it is likely that governments and citizens would gradually recognize that the benefits of being inside such an enhanced institution vastly exceed the costs of being outside, with the organization rapidly becoming universal in its coverage.

Once the central structure was operational, the many specialized agencies, associated organizations, and convention secretariats would be integrated gradually into the new global architecture without interrupting their continuing activity. A reliable mechanism for international funding would give the new organization far greater resources than the old UN. With its new legislative capacity, the General Assembly could review the conventions and other legal charters of the system components, and make recommendations for institutional consolidation, in the interest of greatly simplifying the global system. Since the governments are the same, and none of the specialized agencies and UN-related organizations has the same problem with permanent members with a veto, the will of a concerted majority of governments to transfer allegiance to a new organization should more readily prevail. The recent integration of the International Organization for Migration (IOM) into the UN system shows that this kind of fusion is certainly possible. After some years, as more and more governments withdrew from

the old UN and joined the new organization, just as the UN replaced the League of Nations, the transition would be complete.

#### INCREMENTAL STEPS TOWARDS SUBSTANTIAL REFORM

Building on the many improvements in the UN system since 1945, and existing potentials for further reform that do not depend on UN Charter revision, there are a wide variety of further possible steps to break the ground for a more fundamental transformation.

We suggest two potential initial strategies – without prejudice to a range of other viable pathways – to respond to the concern about practical ways forward and to address various dimensions of the challenge to improve global governance. It is currently not clear which paths may have the best chance of succeeding, so a range of options likely should be tried; there is a need for learning and adaptation as we go along.

#### *The World Parliamentary Assembly*

It may take time before the community of nations is ready to reform the UN Charter and give the General Assembly the legislative powers and proportional representation necessary to increase its legitimacy and effectiveness. Establishing a World Parliamentary Assembly (WPA) as an advisory body to the General Assembly, as proposed in Chapter 5, would be a valuable learning process in both popular representation in UN decision-making and in selecting those to speak on behalf of “we the peoples” at the UN. The creation of a WPA and its evolution over time will make it possible to experiment with different processes and approaches, and to accumulate valuable experience to support eventually the formal consultations leading to Charter revision.

Additionally, the WPA, working in parallel with or catalyzed by transnational civil society coalitions and possibly a standing forum or Chamber for Civil Society (see Chapter 6), could champion key priority reform items, for example, ensuring that the International Court of Justice and the International Criminal Court are obligatory courts with compulsory jurisdiction for all UN members, advocating for reformed UN financing, designing ambitious and consolidated new disarmament proposals, and so on. Reforms that required Charter amendment could be made by way of the Charter’s Article 108, outside of a general UN review conference.

#### *The European Union Stepwise Approach*

Chapter 3 on European Integration provided background and an analysis of the steps in the formation of the European Union as it exists today, as an example of a

process focusing on building the trust and confidence necessary for governments to yield elements of national prerogative to supranational institutions. We summarize main milestones of this integration trajectory below, which may help to catalyze thinking as to possible trajectories at the international level.

Starting with a vision of the need for greater economic and political integration to make future wars in Europe impossible, a gradual approach was adopted. The first step in 1951 was to select the formation of the European Coal and Steel Community as a narrow area where the mutual benefits of the cooperation necessary for conflict prevention and reconstruction after the war were most obvious. Even then, the political leaders went over the heads of resistant government bureaucracies to take the first step in giving up sovereignty over a critical dimension of their economies. Building on the success of this step, and following an exploration of the issues of further integration, the Treaties of Rome were signed in 1957 establishing the European Economic Community and the European Atomic Energy Commission with six founding members. A 1979 decision of the European Court of Justice established the principle of mutual recognition of standards of product regulation among all European member states. Amendments were made to the Treaty of Rome to remove the requirement for unanimity for a range of decisions of the Council through the Single European Act ratified in 1987. While European trade greatly expanded, hidden barriers created pressures from business for further integration and deregulation, implemented in the Europe 1992 program. Border controls were streamlined and then eliminated. Variations in VAT rates were reduced. The European Parliament evolved from an advisory group of national parliamentarians to a directly elected body. The 1992 Maastricht Treaty called for a common European currency and gave legal meaning to the concept of Union citizenship. Finland, Austria and Sweden joined the Union in 1994. The 2009 Treaty of Lisbon made further reforms and expanded European competencies, strengthening the European Parliament, and creating the posts of President of the European Council and High Representative of the Union for Foreign Affairs and Security Policy. The Charter of Fundamental Rights was made legally binding. There have been ups and downs, and countries have advanced at different paces, yet the Union has expanded to 28 members to date. The eurozone does not cover all EU member states and the Schengen open-border area includes some states outside the European Union, showing institutional flexibility to cater to different national needs and concerns. Still, the process shows the benefits that can come from passing certain elements of national sovereignty to a supranational level.

Taking the European Union as an example, the international community could select an issue on which global unity is most likely and cooperation in the common global interest so clearly justified, as a first stepping-stone in a confidence-building process. Climate change could easily be such an issue, given the clear scientific evidence of the need for rapid action and the unanimity already achieved in the

adoption of the Paris Agreement in 2015.<sup>23</sup> The next step could be to agree on a scientifically determined binding limit for global greenhouse gas concentrations, with legally enforceable responsibilities to respect those limits (and the institutional machinery to ensure compliance) to be shared equitably among all countries. This could be founded on the legal recognition that the atmosphere, the biosphere, the oceans and major biochemical processes such as the carbon and nitrogen cycles are common properties and responsibilities of all nations, much like the shared common spaces in a condominium building.<sup>24</sup> Once the mechanisms and institutions created for this purpose show their effectiveness and establish the necessary level of trust, the way would be open to extend these efforts to address other pressing global risks and needs, by further strengthening global institutions and capacities.

<sup>23</sup> IPCC. 2018. *Global Warming of 1.5°C (SR15)*, Special Report. Summary for Policy Makers, Geneva, Intergovernmental Panel on Climate Change, October. [www.ipcc.ch/report/sr15/](http://www.ipcc.ch/report/sr15/).

<sup>24</sup> The Common Home of Humanity (CHH) project proposes such an approach, as mentioned in Chapter 16 of this book; see: [www.commonhomeofhumanity.org/](http://www.commonhomeofhumanity.org/).