

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

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The submission proposes a revised UN Charter, instituting a reformed UNGA directly elected by popular vote and a second civil society-focused chamber. The representatives of the latter would serve as advocates of particular issues of global concern, and the UNGA would see its powers and jurisdiction gradually expanded over time. An Executive Council of 24 members, selected by the UNGA, would take the place of the UNSC. The Executive Council would provide general oversight and ensure good governance, transparency, efficiency and coherence of an effective, new UN system. The UN will have a standing armed force, with the rule of international law forming the centerpiece of the new governance system; peaceful settlements through the ICJ or other mechanisms will be mandatory for international disputes. A new Bill of Rights is to prescribe the parameters for UN action, and the global human rights acquis will be upheld systematically by an International Human Rights Tribunal. A new funding mechanism would link members' indirect tax revenues to the UN budget in a fixed proportion.





1. Abstract

This proposal builds upon structures for international cooperation existing at least since the creation of the UN. The proposed institutions and processes aim to strike a balance between overly ambitious proposals with little chance of acceptance, and more politically feasible ones that fail to solve the multiple problems of today's world.

We propose revisions to the UN Charter that provide the legal basis for a new system of global governance, supplemented by other reforms not requiring Charter amendment.

The powers, composition and voting method of the General Assembly (GA) are revised, giving it 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. These powers would be explicitly enumerated in the revised Charter, also specifying those which remain vested with member states. The system of representation in the GA is revised to enhance its democratic legitimacy.

A Second Chamber is proposed, deriving its authority directly from the global citizenry; its representatives would serve as advocates of particular issues of global concern, rather than representing the interests of their respective states. At the outset, the chamber would have advisory powers, but would be gradually integrated into the international constitutional order, attached to the GA, thus creating a bicameral world legislature.

An Executive Council, composed of 24 members, elected by the GA and operating under its jurisdiction, would replace the UN Security Council. Its focus would shift to implementation, management and effective operation of the UN. The veto power of the five permanent members of the current Security Council would be eliminated. An executive arm of the new UN, the Council would have broad authority to monitor, supervise and direct various aspects of its work in security, conflict prevention and management of the global environment, as well as other areas of priority identified by the GA. The Executive Council would provide general oversight and ensure good governance, transparency, efficiency and coherence of an effective, new UN system. The Secretary General would chair the Executive Council, facilitating continuity within the UN system and linking to the UN Secretariat.

A UN International Security Force would be created, deriving its ultimate authority from the GA via the Executive Council. This two-part Force would consist of a Standing Force and a Security Force Reserve, both composed of volunteers. The Standing Force would be a full-time body of professionals, numbering from 500,000 to 1,000,000 as determined by the GA. The Force would provide for security and promote peace around the world, firmly anchored in the notion that force may at times be necessary to deliver justice and the rule of law. It would also address one of the main flaws of our current UN system: namely, the absence of a reliable, legitimate international mechanism to enforce decisions made by the Security Council. Subject to a number of safeguards, the International Security Force will be vital to enhancing the credibility of the UN, and to preventing conflicts and maintaining peace and security throughout the world.



The peaceful settlement of international disputes and enforcement of international law will become mandatory, giving the International Court of Justice (ICJ) compulsory jurisdiction over all substantive matters pertaining to the interpretation and/or enforcement of international law for all UN members, overturning the current requirement for states' agreement to adjudicate. A revised Charter would also make acceptance of the statute of the International Criminal Court (ICC) mandatory. An International Human Rights Tribunal would be established for systematic, binding adjudication and review, significantly strengthening the existing weak and non-binding human rights oversight mechanisms. 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.

To reassure the people of the world that basic individual rights will not be violated in the exercise of the UN's strengthened mandate, a new Bill of Rights prescribing parameters for UN action would include fundamental human rights protections to be applied and interpreted by a new, specialized chamber of the ICJ.

Recognizing that a strengthened UN system with a broader set of responsibilities and institutions would need reliable funding, we propose a mechanism linking national contributions to the UN budget to a fixed proportion of indirect tax collection, similar to mechanisms currently operating in the EU. Additional funding mechanisms will be explored balancing universal participation and the ability to pay.

Implementation will require UN Charter reform, building on existing Charter amendment provisions, and mechanisms for built-in flexibility through future amendments. Most of the broader UN system of bodies, commissions, programmes and specialized agencies will be retained, evolving under the new system as necessary. A World Conference on Global Institutions in 2020 is proposed as a starting point for the reform process.

Beyond the above structural components, we address specific challenges to the global order as examples of implementation. Effective security requires general disarmament, and we propose a binding, staged approach to reduce armaments to only those needed for internal security. To address growing income inequality and begin global management of the world's resources will require a new multilateral specialized agency. The corruption undermining effective governance requires a global response through new international implementation and enforcement tools for existing mechanisms. Education will be an important support to the reforms.

The model corrects the failures in the present UN Charter that prevent its security function from operating effectively, enabling the UN to implement the decisions taken in the global interest. It creates a legally-binding international legislative function, beginning with security, maintenance of peace, and management of the global environment, given significant current and emerging global challenges and risks, as climate change accelerates and population growth threatens planetary carrying capacity and boundaries. It places the core values necessary for a global community at the heart of international governance and action, builds on the existing positive accomplishments in global governance and international consensus, and opens the door to widespread civic participation and acceptance.



2. Description of the model

This proposal builds upon current international structures established in 1944–45 with the adoption of the United Nations (UN) Charter and the creation of various specialized UN agencies. It would be politically unrealistic not to focus on the reform and substantial strengthening of the UN system which, despite its flaws, involves remarkable participation by virtually all of the world’s nations and provides a range of significant consultation and cooperation mechanisms. Further, as certain basic Charter features still remain largely or wholly unimplemented—e.g., Chapter VI on peaceful dispute settlement and Art. 43 relevant to collective security—focusing on fully realizing such Charter attributes would consolidate existing points of universal agreement. Fundamentally improving existing structures seems the sensible way to proceed.

The UN itself was built upon earlier, progressive attempts to solve key issues of global governance, including core problems of international peace and security, viz. the 1899 and 1907 Hague Peace Conferences, the League of Nations and the Kellogg-Briand Pact. The Charter’s Chapter XVIII contains formal provisions for reform, and informal reform mechanisms have also developed to enhance significantly UN operations—e.g., with respect to peace-keeping. A general Charter review conference was anticipated within ten years of its adoption (Art. 109(3)), but, as of today, comprehensive Charter review and reform remain unrealized.

One challenge in proposals for addressing multiple current predicaments is striking a balance between those that are so ambitious that they have a negligible chance of being seriously considered and those that are seen as more “politically feasible.” The latter might involve tweaking at the edges of current UN-based systems of governance, without offering meaningful solutions to urgent contemporary problems. Moreover, what may seem politically impracticable at one point may be viewed differently a few years later, for instance, after a severe crisis. The European Union (EU) and the current UN system that emerged in the aftermath of World War II are prime examples.[1]

This proposal envisages a number of significant revisions to the UN Charter constituting 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 by Clark and Sohn in the 1950s–60s,[2] adapted to the needs of a drastically changed world, facing a much broader set of global challenges. Space limitations constrain us to focus here on the core reforms proposed. In the next stage further details of the proposal will be provided, including the specifics of Charter amendments.

The General Assembly. We propose a substantial revision of the powers, composition and voting method of the General Assembly (GA) (Arts 9–22 of the Charter). The GA should be accorded certain powers to legislate in areas having a direct effect on member states, including international peace and security and global environmental management, while other issues, such as global financial surveillance, would remain under the purview of relevant specialized UN agencies. The GA could take on additional legislative powers in progressive steps, subject to review every five years. Powers delegated to the GA would be explicitly laid out and enumerated in the revised Charter. A revised Article 2 on Purposes and Principles,



would also provide clarity regarding which powers would remain with member states and not delegated to the Assembly, following the EU model of subsidiarity. The GA would retain its considerable power of nonbinding recommendation in areas affecting the welfare of the world's peoples.

As the current system of one-country-one-vote undermines the representativeness and legitimacy of the Assembly, we propose a new plan of representation for the 193 UN member states based on relative population size, but subject to a ceiling on the number of representatives for the most populous states, and a floor of at least one representative for the UN members with populations under 1 million. The three largest countries would have 40 representatives each; the next 5 largest countries 20 representatives; the next 11 largest 10 representatives; the next 15 largest 5; the next 22 largest 4; the next 31 largest 3; the next 66 largest 2; and the smallest 40 countries 1 representative each. To avoid creating an unwieldy body, an overall ceiling on the number of representatives is set at 758. (See color map provided as an attachment). [3]

To select the Assembly's representatives, we propose the gradual introduction of full popular vote, in three separate stages: in the first, lasting eight years or two four-year terms of the GA, 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, also of eight years, half of the deputies would be chosen by popular vote within given countries; in the third stage, all deputies would be chosen by popular national vote.[4] Decisions on procedural matters would be made by a majority of representatives present and voting; particularly sensitive issues would require potentially larger majorities and include, 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.[5] The kernel for this proposal originates in the May 2000 UN Millennium NGO Forum, where 1,400 individuals representing a broad spectrum of civil society organizations came together to consult and present recommendations to the Millennium Summit of heads of state.

Rather than representing their respective states, the members of this Second Chamber would serve as advocates of particular issues of global concern—the environment, human rights, world peace and security, and corruption, to name a few. NGOs could be accredited for membership using an enhanced version of current UN accreditation procedures under ECOSOC or otherwise. Initially, this Chamber would be largely advisory, but because its members would not be constrained by national interests and priorities, diverse coalitions could emerge and the Chamber's very existence could contribute to finding creative solutions to global problems. The power, ingenuity and efficacy of coordinated transnational civil society movements, including “smart coalitions” with like-minded states, have proven remarkably successful—e.g., in the creation of the International Criminal Court (ICC) and the Land Mines Treaty.

Following the model of the Land Mines Treaty, a “single negotiating text method” could be adopted to create the Chamber. Initial efforts to establish it would include consultations among like-minded, sympathetic stakeholders, assisted by



a core group of supportive states. Experience with the ICC has shown that, while desirable, it would not be essential to have the consent of the great powers to establish this institution. Any state could join this initiative and citizens would be likely to urge their governments to support this Second Chamber. As the Chamber gained democratic legitimacy, it could be integrated into the international constitutional order, attached to the GA to create a bicameral world legislature. In the first instance the UN Charter need not be revised to create this Chamber, but it could rather be constituted as an advisory body to the GA.

If this Chamber and the GA are to exercise effectively their responsibilities in the global interest, they will need complementary advisory bodies with 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 the existing Intergovernmental Panel on Climate Change and the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, 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. An Office of Ethical Assessment could alert legislators to the ethical impact of issues under consideration, such as human rights or implications for future generations.

UN Executive Council. Charter reform would replace the Security Council with an Executive Council composed of 24 members elected by the GA and operating under the jurisdiction of the GA.^[6] Its focus would be implementation, management and effective operation of the UN, providing general oversight and ensuring good governance, transparency, efficiency and coherence of an effective new UN system, including through administrative and other system reforms.

The composition and organization of the Executive Council would reflect principles used in determining the national composition and representation of the GA. The three most populous states would be permanent members; eight of the 16 next largest nations would be represented in four-year rotations; the remaining 13 members would be chosen by the Assembly from the other member nations, also in four-year rotations. Instead of the veto power held by current permanent Security Council members, decisions of the Executive Council on important substantive matters—as defined in an amended 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. As the executive arm of the new UN, the Executive Council, responsible ultimately to the GA, would have broad authority to monitor, supervise and direct international work in security, conflict prevention and management of the global environment, in particular, and other priority areas identified by the GA. The Secretary General would chair the Executive Council, linking to the UN Secretariat and providing coherence and continuity within the UN system.

International Security Force. This proposal envisages the creation of a UN International Security Force (ISF), deriving its ultimate authority from the GA via the Executive Council. A “Security Force” in a state of readiness and available to the UN Security Council for Chapter VII action was envisioned in the Charter



through the conclusion of agreements “as soon as possible,” as stipulated in Article 43. These agreements were never concluded. Clear terms for the establishment of a new Standing Force, with parameters of readiness and operation, would at last implement a mechanism envisioned in the 1945 Charter.

The existence of such a force does not preclude national forces maintaining internal order, but it does make available to the UN “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.”[7] The ISF would consist of both Standing and Reserve Forces, both composed of volunteers, with the former a full-time force of 500,000 to 1,000,000 professionals, or as determined by the GA.

Various provisions for the ISF would include: broad geographic representation in senior leadership; an eight-year limit on terms of service of enlisted personnel; no more than three percent of personnel belonging to a particular member state in all three branches of the ISF (land, air and sea) and the officer corps; units to be stationed on bases worldwide, to avoid over-concentration of personnel in particular locations and ensuring prompt action in the event of threats to peace and order; no base to be located within the eight most populous states with the highest representation in the GA; a ceiling of 10 percent (and a floor of 5 percent) on the number of personnel stationed on a particular base, except when the ISF is called to action. The GA would vote annually for a budget ensuring pay and compensation and access to the latest weapons, equipment, and supplies to ensure effective action.[8]

Without organized units, but composed of 1,200,000 to 2,400,000 personnel, and having the same geographical limitations as the Standing Force, the Reserve Force would consist of individuals partially trained and subject to call for service with the Standing Force. Except for periods of training, Reserve members would remain on stand-by in the member countries. The military direction of the ISF would be subject to civilian authority under control of the Executive Council and the GA.

Acknowledging that force may at times be necessary to deliver justice and the rule of law, the ISF, aside from providing for security and promoting peace in various parts of the world, would address one of the main flaws of the current UN system: namely, the absence of a truly international mechanism to enforce certain decisions made by the Security Council, as envisioned, inter alia, in Article 43 of the current Charter. An additional amendment would enshrine the “Responsibility to Protect” (R2P) doctrine for collective action to protect minorities and others threatened by mass atrocity or genocide. All actions of the ISF would be subject to objective criteria, careful procedural control and the oversight of independent international experts. An oversight body would set protocols, make recommendations (e.g., specialized training or operational improvements for the ISF), and generally monitor the implementation of actions of the ISF and review its collective security operations, including those related to R2P.

By preventing conflicts and maintaining world peace and security, and subject to the above safeguards, the ISF could be vital in enhancing the credibility of the UN. Equally important, such a mechanism of collective security would significantly



reduce the pressure on countries to maintain expensive militaries, as experienced in the EU. Military expenditures are “unproductive” (according to the IMF) in relation to countries’ unmet needs and do not benefit productivity and economic efficiency. Reductions in military spending at the national level could be re-allocated to education, public health, infrastructure and other productive areas, resulting in a real “peace dividend.”[9] 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.[10] According to the Institute for Economics and Peace the conservatively estimated total economic impact of violence to the world economy in 2015 was \$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 ISF could have vast security and economic ramifications, releasing substantial resources to promote economic and social development and shared prosperity. During the transition, particular attention would be paid to reallocating military human and economic resources to peaceful purposes. (See also, below, under Disarmament.)

Mandatory Settlement of International Disputes and Enforcement of International Law. Another notably unrealized attribute of the Charter is Chapter VI on the Pacific Settlement of Disputes, which has not been implemented as anticipated in 1945. Along with Chapter XIV and the annexed Statute of the International Court of Justice (ICJ), Chapter VI should be transformed into obligatory and binding procedures for the peaceful settlement of international disputes, before collective security action or other coercive measures are contemplated.

The GA or Executive Council could submit particular international disputes directly to the ICJ, if extrajudicial dispute resolution processes such as mediation or conciliation have been judged unsuccessful. The jurisdiction of the ICJ over international legal disputes would be mandatory for all UN members, overturning the current arbitral approach of the ICJ which requires states’ agreement.[11] The ICJ would henceforth have compulsory jurisdiction over all substantive matters pertaining to the interpretation and/or enforcement of international law, thus covering the substantive matters outlined in Art. 36(1) and (2) of the Court’s statute, and other matters deemed appropriate within the revised Charter system, including 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 it more modern, fair, and effective. To protect the Court’s independence and impartiality, the tenure of the 15 ICJ judges would 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 GA from candidate lists provided by the Executive Council, recommended by members of the highest courts of justice of member states, associations of international lawyers, and legal academics. Other reforms would enhance the Court’s advisory functions, powers to collect evidence, compel testimony, set meaningful time-tables, oblige compliance with orders of the court,[12] grant access to interested parties (including civil society groups) to intervene, submit amicus briefs or even trigger proceedings in certain contexts, and capacity to employ additional, diversified court-management staff and clerks having expertise in specialized areas of international law. Enforcement of



the judgements of the ICJ would also be supported by the GA through sanctions or other measures, and failing these and as a last resort, action by the ISF to guarantee compliance.

A revised Charter Chapter on the peaceful settlement of disputes would include clear procedures in relation to the sequencing and timing of the range of dispute-resolution mechanisms currently listed in Art. 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 in a timely manner. To 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 jurisdiction of the ICC mandatory for all member states of the UN, with the Executive Council (with GA authorization) also referring situations to the ICC, if necessary. The revised Charter should universally oblige member states to fully cooperate with ICC investigations, assist in the execution of its arrest warrants and comply with its decisions.

With strengthened international judicial bodies and mechanisms, there will be a heightened need for a skilled and well-trained international judiciary, to lend legitimacy to and confidence in its genuine impartiality and detachment from national political concerns. A modern and well-resourced International Judicial Training Institute is proposed, possibly under the Hague Academy of International Law. The Institute will undertake important, intensive international, national and regional capacity-building and training activities with respect to international law—e.g., regarding the responsibility of national courts to conduct effective and genuine national proceedings under the ICC Rome Statute, and concerning international human rights norms, now subject to binding review (see below).

Appointed by the Executive Council and confirmed by the GA, a new office of Attorney-General of the UN system would perform functions similar to those provided nationally, e.g., to be guardian of the rule of law, to serve as independent legal advisor to Executive and legislative bodies on the constitutionality and legality of proposed action or legislation, to advise regarding types of international litigation pursued before various international courts in the global public interest, and to ensure proper administration of justice—including independence of the judiciary—across the international system.

International Human Rights Tribunal. We argue that, since the adoption of the current UN Charter, global acceptance of international human rights norms has 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. Although human rights are presently conceived as one of three main “pillars” of the UN system, they receive only three percent of the UN budgetary allocation. The international human rights system must be a priority within the new global governance model, as must a well-designed International Human Rights Tribunal, modelled on the European Court of Human Rights, with a “margin of appreciation” doctrine appropriate to existing international cultural



and social diversity. 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 appeals have been exhausted, individual plaintiffs may seek recourse at either regional human rights courts or the international Tribunal, to ensure regional complementarity and respect for diversity.

UN Bill of Rights. The world's people will desire reassurance that individual rights will not be violated in the exercise of the UN's strengthened mandate. A new Bill of Rights (annexed to the Charter) prescribing limits to UN action would protect fundamental human rights, including: the right of fair trial for persons accused of violating provisions in the revised Charter or regulations and laws emanating therefrom, protection from excessive bail, cruel or unusual punishment and unreasonable search and seizure, prohibition of the death penalty, freedom of conscience and religion, freedom of speech, the press and expression, and freedom of association and assembly. Application and interpretation of the Bill of Rights could be the responsibility of a new, specialized chamber of the ICJ.

A New Funding Mechanism. A strengthened UN system, with a broader set of responsibilities and strengthened institutions, would need a reliable source of funding entirely free of domestic political developments. A funding mechanism is proposed 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. Total world GDP at market prices in 2016 was US\$75.5 trillion. Every 0.1 percent of GDP contribution to the UN budget would generate US\$75.5 billion, a sizable sum. A possible tax base could be generated from a share of VAT or indirect taxes on goods and services collected in each member country. Another possibility is the equitably designed tax proposed by James Tobin on spot currency transactions, with the greatest burden falling on high-income countries. A hybrid system involving contributions from all member states (encouraging universal participation), but with due consideration for variations in income per capita across UN members should be explored. The business community could be a strong advocate for the creation of a dependable system of UN revenue generation, given the large economic costs of instability in many parts of the world.

To achieve a properly resourced and enhanced UN system, a high level panel of experts should be convened to explore additional international revenue-generation mechanisms, including a tax on cross-border financial transactions, a global progressive wealth tax on individuals, a global tax on mineral/resource extraction or other workable ideas, based on existing effective international schemes (e.g., that of the International Maritime Organisation).

Mechanisms of Charter Reform. UN Charter reform could be attempted via the existing Charter amendment provisions (Chapter XVIII). A civil society coalition, joined by "like-minded states," could propose an urgent General Conference for Charter review under Article 109(3). If the General Conference or its proposed Charter reforms are blocked by members of the Security Council (especially permanent members), the GA, 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 need the agreement of all permanent members of the Security Council, or seek informal amendment to these provisions through practice—that is, through the will of a significant majority of governments



of the world, as represented in the GA. If these efforts are not effective, the majority of the GA's states can form a new, enhanced body (e.g., via a new Charter) amongst themselves, outside of the current UN structure, using the mechanism 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 with evolving needs, the formula for subsequent Charter amendment should be updated. Future revisions would be adopted by a vote of two-thirds of all representatives in the GA (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, ratification by two-thirds of the member nations, and two-thirds of the 19 most populous member nations would be required.

Other UN Agencies. While the Security Council would be replaced with an Executive Council, nothing in this proposal envisages the elimination of the array of UN bodies, commissions, programmes, and specialized agencies which have served well in promoting human welfare and prosperity. Indeed, in an increasingly interdependent community of nations, facing a broad range of unresolved global problems, the need for effective clusters of specialized agencies is more urgent than ever and likely to intensify. A strengthened UN with a revised Charter, greater responsibilities in the area of security, peace and management of the global commons, and a larger, steadier source of funding, will create new opportunities for international cooperation in many areas, including climate change and the environment, global finance, human rights, poverty alleviation, income inequality, job creation, nuclear proliferation, corruption, terrorism, and drug trafficking, among others. Enhancing the effectiveness of specialized UN agencies—including the possible amendment of their charters—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 costly associated disruptions. Few are confident that the vulnerabilities exposed by that crisis have been adequately addressed and that the global economy is thus protected from even greater financial shocks.

A World Conference on Global Institutions. We support proposals to convene a conference in 2020, to mark the 75th anniversary of the creation of the UN, aimed at raising the issue of the reforms needed to adapt our system of global governance to current needs and challenges, which, if unaddressed, could well plunge the world into unprecedented crises at huge economic and human costs.

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 be even more ambitious, reflecting the global nature of the challenges we face. Unlike Bretton Woods, the World Conference would bring together not only representatives from government, but also civil society and the business community. It would be a rallying point, but also the start of a gradual process intended to build momentum and consensus around the reforms identified in



this proposal. Building the institutions to underpin a functional system of global governance in coming decades could well be the most important project of this century, requiring the imagination, persistence and confidence that, sooner rather than later, we will need to make the transition to vastly enhanced mechanisms of binding international cooperation to avoid untold human suffering and catastrophe.

Disarmament. Integral to the fundamental transition to the peaceful settlement of international disputes, a full collective security model for the global use of force and an international order based on the genuine rule of law, is a clear and ambitious process of disarmament. We recommend a binding, staged approach to the disarmament of all states for a reduction of armaments to those that are strictly necessary for a narrow conception of self-defense, an obligation which can be deduced from language and intent of the current UN Charter (under which the international use of force is limited to self-defense or duly authorized collective security action). A revised Charter would make this norm clearer and binding on all states, with the corollary duty for states to disarm to appropriate levels within a certain time frame. 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-defense 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, monitored by a thorough inspection system by independent experts empowered by the Standing Committee, 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 disarmament, particularly of the “great powers,” would follow a path of simultaneous execution by all nations, disarming proportionately. The work of the Standing Committee would include a review and re-tooling of the UN Office for Disarmament Affairs, the Conference on Disarmament and other UN bodies or treaties linked to disarmament issues (e.g., the International Atomic Energy Agency, the Arms Trade Treaty, the Treaty on the Prohibition of Nuclear Weapons and other multilateral treaties outlawing or regulating specific weaponry), to build on the acquired expertise and agreed norms, and to implement 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),^[13] 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 and within countries is a significant global challenge, as exemplified by UN Sustainable Development Goal 10. Income gaps are widening in many countries, while aspirations are growing and climate change disproportionately threatens the poor. Sixty states with a total population of over one billion are falling behind, if not actually failing, driving economic migration. Climate-induced migration will accelerate. Recipient countries are already experiencing a political backlash from this unmanaged international crisis.

Filling this gap requires a new multilateral organization with the primary mandate to help redress global income inequalities, in a way that existing 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 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. Vast private-sector resources might potentially be available through public-private partnerships under the aegis of a new, credible organization with a GA mandate. This organization could also be given authority for management of some resources beyond national jurisdictions, such as high seas fisheries and those found on the international seabed, presently a source of growing insecurity. Once 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 required to maintain and possibly improve planetary carrying capacity, and to remain within planetary boundaries.

Tackling Corruption. To reduce a major impediment to effective governance, transparency, economic development, and the proper allocation of public funds, corruption in governments and the private sector must be effectively addressed globally. New international implementation and enforcement tools are needed to give effect to existing international Conventions in this field, as well as the drafting of new instruments, as necessary.[14] A special Chamber at the ICC, the ICJ and/or the International Human Rights Tribunal could provide binding juridical oversight on international laws addressing corruption, prosecuting individuals and bodies violating certain norms, when nations are unwilling or unable to carry out such prosecutions. A companion technical training/implementation body would offer 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.

Education. To progress to an international system based on universal suffrage, peace and human rights, the highest priority must be allotted to the provision of adequate universal education, including international civics formation, worldwide for all, in line with the Quality Education Goal 4 of the 2030 SDGs. If national governments cannot provide universal access to quality basic education, the international community should provide it. The current UN News Service should be significantly expanded to furnish impartial and quality information on UN programmes and processes to populations worldwide, ensuring that this knowledge is commonplace and enhanced UN powers are understood.

3. Motivation

Core Values. The amended UN Charter will give central place to the fundamental human rights of all persons, the principle of binding international rule of law, the peaceful settlement of disputes, collective disarmament and security, certain core principles of environmental stewardship and sustainability, and other values deemed fundamental to the new international order.

One of the first tasks of the reformed GA will be to compile and enumerate the core values enshrining the good of all humankind and the equal value of all human beings, drawn from the significant current acquis of international law, both “soft” and “hard.” These will be made explicit in legally-binding texts to



serve as the basis for legislation, judicial review and enforcement, with the frame of the revised UN Charter serving as a global constitution. (The 2030 Agenda and its SDGs provide a globally-accepted example of the application of core values and their implementation, exemplifying a framework for adapting and focusing international governance structures, mechanisms and programmes). This consolidated document will represent the coherent declaration of core values, rights and responsibilities for international governance and sustainability, complemented by a clear definition of the remaining scope for national autonomy, and an individual Bill of Rights.

Core values will be implemented dynamically by legislative and judicial interpretation, through legally binding acts of the GA in its areas of responsibility, and the international judicial mechanisms emerging from this proposal. Norms of equality before the law, protection by law from arbitrary abuse of power and other fundamental values inherent in established rule-of-law structures will be implemented throughout the system. An Office of Ethical Assessment advisory to the GA would ensure that it is apprised of the relevant core values underlying proposed legislation.

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

Strong provisions against international criminality and corruption, beyond national responsibilities or enforcement capacities, will give the international community for the first time the necessary tools to fight criminal disregard for core values, and to prosecute individuals and groups responsible. With such mechanisms and core values in place, the new 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.

The core values of the common identity and interdependence of humankind, as well as those enshrined in the revised Charter, should also be incorporated in all international educational tools, and reflected, as much 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 internalized in individual ethics and a responsible conscience. Relevant resource materials should be made available to all educational systems, and modern media used for their global distribution; an enhanced UN News Service can assist in this process, as it functions to build appropriate levels of popular understanding of international governance institutions.

The focus on wealth inequality within the frame of the larger proposal, for the first time seeking to address systematically national and international extremes of wealth and poverty, would further change the current, inefficient international order based on spending for a militarized notion of security, to focus on the well-being and practical needs of all individuals and populations of the world. The new rationalized and effective international order would be oriented toward individual



well-being and values of “human security,” with a corollary international “right to peace,” secured, *inter alia*, through greatly strengthened Charter provisions for collective security and disarmament.

Decision-Making Capacity. The proposed Security Council reform will significantly enhance decision-making capacity in international governance, as the use or threat of the use of the veto power has regularly caused crippling delays. Abolition of the veto has been proposed multiple times in Charter history to enhance UN decision-making on crucial issues, most recently and prominently in humanitarian crises, where permanent members possessing the veto have been requested to abstain from its use.

With reform of the GA, there will 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 GA will convene a suite of specialized committees on issues of core concern, such as collective security action, enforcement of international judgments, climate change, etc., with the assistance of specialized, technical experts, as proposed. 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 ongoing change, innovation and reform. The Second Chamber will act as a watchdog on UN governmental decision-making and operations, applying scrutiny to hold governments and the international institution to account and to force it to take decisions on pressing issues.

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. A key task of the Executive Council will indeed be to enhance decision-making effectiveness throughout the system, including through internal management, leadership and administrative reforms.

The professionalization, systematization and clear lines of control and accountability of the International Security Force, subject to protocols and objective criteria for its deployment and use, will likewise remedy the inefficient, under-resourced, ad hoc system currently used to conduct peace-keeping and collective security operations.

The strengthened role of international judicial authorities will significantly enhance decision-making processes in the international system, as courts will be tasked with deciding upon issues of core concern to states, individuals, and the international community, which too often now 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.

We see addressing systemic corruption issues as necessary to ensure the requisite capacities for high quality and responsible decision-making in the public interest at national and international levels—which are, of course, interdependent.



Effectiveness. With the foundations for this step already established in the existing system, the proposal suggests a substantial advance in establishing genuine, comprehensive rule-of-law 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 observed. Binding adjudication, compulsory, universal jurisdiction of the key international courts, and an effective range of enforcement mechanisms, including the use of the International Security Force as a last resort, will ensure that there is no ambiguity in the enforceability of international law, decisions of international tribunals, and implementation of the terms of the UN Charter itself—including its prohibitions on the use of force, save under narrow exceptions.

Ensuring adequate financing 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 by paltry, 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, allowing for a true peace dividend. The disarmament agency, with robust and comprehensive inspection functions, will facilitate implementation of a general international disarmament process, overcoming traditional security dilemmas and costly arms races among states.

The Executive Council, with core management duties, is primarily focused on operational efficacy and the coherent implementation of policy and programming decisions taken by the GA.

Tackling corruption is key to ensuring efficacy in global governance, as its prevalence perverts lines of implementation of international norms at the national level, leads to diversion of resources and constitutes a general drain on the system. The proposal suggests a model of complementary prosecution/oversight for addressing corruption at the national level, following the successful model of the ICC in this respect.

Ongoing system efficacy will be safeguarded with mandatory five-year reviews of GA powers, a ten-year mandatory General Conference for review of the UN Charter and, if necessary, bypassing the Security Council if it chooses to block meaningful Charter reform in the first instance. Various individuals and bodies in the reformed UN institutions can regularly make suggestions for system reform and enhancement, based on operational experience.

Finally, the UN will now be a body with significantly enhanced democratic and representative legitimacy, with reformed legislative chambers, an elected Executive Council, a well-trained, independent international judiciary, and a UN Bill of Rights, to heighten the willingness of all actors to cooperate and comply with its decisions and accept its global management responsibilities. The focus on international basic education and quality access to information on UN institutions and activities will likewise strengthen this dynamic of legitimacy and participation in an international “social contract” for more effective governance.

Resources and Financing. The proposal recognizes fully that the institutions underpinning the new mechanisms of global governance must be adequately



resourced to provide a steady, predictable source of funding to finance its multiple operations. It proposes a system of funding which involves a level of automaticity that insulates the UN from the uncertainties associated with member state budgetary discretion. By allocating directly to the UN budget a fixed share of national revenue collection—the current practice in the EU—the UN is empowered to reliably implement its work program and formulate its strategies in a medium-term framework. The proposal argues that while there are, in principle, multiple sources of such funding, one practical way to proceed is to link budgetary contributions to national indirect taxes on goods and services, such as the VAT, because these are in place in virtually every country in the world and mechanisms already exist for their collection, significantly reducing the need to develop new revenue collection machinery. While it would be tempting to shift the burden of financing to high-income countries, universal participation in funding by all countries is an important principle, to encourage ownership by all member states of the new governance system. If the system of funding envisaged is linked to national income, wealthier states will automatically make larger contributions in absolute terms than lower-income members. Additional sources of international funding based on principles of equity and progressive taxation, such as those suggested by some contemporary prominent economists (e.g., a global wealth tax), or those based on successful models employed by international organizations (e.g., the IMO) will also be explored. Adequate and predictable funding will allow the UN to build a highly professional staff, including the creation of the International Security Force.

General Security. Our proposal addresses the issue of security from multiple perspectives. First, it calls for the creation of an International Security Force acting on behalf of the international community as reflected in the deliberations of the GA and Executive Council, under whose authority it would operate. While recognizing the need for national forces to safeguard internal national security, it brings about the creation of a tool for the prevention of international aggression and other threats to peace and ensures compliance with the revised Charter. Creating an International Security Force would be an important confidence-building measure, enhancing the credibility of the UN in fulfilling its security responsibilities. It would also ensure, through the creation of a true system of collective security, a better allocation of global economic and financial resources, with states empowered to redirect resources now allocated to the maintenance of excessively large military establishments to socially productive ends. Total world military spending in 2016 was approximately US\$1.7 trillion. A Standing Force of some 800,000 might cost US\$70 billion annually. According to the Institute for Economics and Peace, the conservatively estimated total economic impact of violence to the world economy in 2015 was \$13.6 trillion, equivalent to 13.3 percent of world GDP or \$1,876 per person per year. Clearly, the establishment of a workable International Security Force could have vast security and economic benefits, releasing substantial resources to promote economic and social development and shared prosperity, based on a model of “human security.”

Second, this proposal calls for the mandatory and peaceful settlement of international disputes and the enforcement of international law. In particular, it grants compulsory jurisdiction of the ICJ over international legal disputes for all UN members, departing from the current system requiring states’ agreement to adjudicate. Revisions to the Charter would also make mandatory acceptance by all UN members of the statute of the ICC. Third, the proposal argues for a significant



strengthening of the current system of non-binding human rights oversight mechanisms through creation of an International Human Rights Tribunal. Fourth, a new Bill of Rights attached to the Charter would include fundamental human rights protections in specified areas. Finally, the proposal envisages a process of international disarmament, consistent with the transition to a global security model firmly anchored in the principle of collective security, the dignity of persons, and the rule of law.

Flexibility. The proposed institutional mechanisms have levels of built-in review and revision procedures to ensure that international governance can be adapted to changing conditions and accumulated experience applied. Governance mechanisms should develop organically in response to needs, form following function, with change considered normal and necessary.

At the constitutional level, obligatory periodic review of the Charter will 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 has the mandate to review UN system performance, ensure good governance and management, and make necessary adjustments through administrative and UN system reforms.

As unnecessary posts are abolished and new needs defined, institutional flexibility requires complementary procedures for social security and human resource management to protect the rights of international civil servants and facilitate optimal use of their capacities. This can reduce bureaucratic blockage and resistance to change.

Some flexibility will be required in gradually implementing the proposal components, depending on the willingness of governments to accommodate necessary changes. While collective adoption by consensus would be ideal, provisions are included to sidestep any blockage by recalcitrant governments and enable the larger community of common interests to go forward, while gradually building the trust necessary for more radical changes (e.g., confidence-building is a major component of the disarmament proposals).

Accountability and Transparency. The core values provide the foundation for accountability at all levels, and the framework for legislative, executive and judicial action for their application. Charter revision will incorporate provisions for transparency and public access to information. As collective consultative bodies, the GA and Executive Council provide some protection from individual abuse of power and the ability of any one country to block international action. The revised Charter will create higher standards of government accountability and mechanisms for international action where necessary to intervene against security threats, abuse of power and human rights violations at the national level.

Once the GA is fully elected by popular vote, it will be directly accountable to its universal electorate through regular renewal of its membership. The Executive Council has the mandate to ensure accountability within the UN system. The Second Chamber provides a formal channel for civil society and global stakeholders to address accountability within and across the system.



A better educated global public electing its representatives to the GA will also provide a fundamental level of accountability, and should come to see the core values as essential criteria for the selection of candidates for international governance responsibilities.

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 issues facing humanity, investigating abuses, ensuring transparency, and supporting general public education. The GA will need to legislate on the necessary standards, responsibilities and safeguards for an independent world press and associated media, especially given the advent of universal media access and the temptation to manipulate public opinion for partisan political and ideological ends. The media can, rather, become a tool for increased public participation in international governance, a potential already exploited prior to Rio+20 and for the 2030 Agenda.

References

- 1. The creation of something like the EU in 1938 would have been considered unthinkable. The European Coal and Steel Community, however, came into being in 1951, paving the way for the 1957 Treaty of Rome and the developments that followed. 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.
- 2. See Clark and Sohn, *World Peace Through World Law*, Third Edition, 1966.
- 3. The country groupings are based on various population thresholds set, respectively, at 300, 160, 70, 40, 20, 10 and 1 million people. We have run other simulations. Inclusion of GDP measures to account for economic size tends to make the distribution of representatives top-heavy, with China and the United States accounting for a very large share of the Assembly's membership.
- 4. As of the 1990s the political science literature suggests an emerging "consensus" 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, p. 4.
- 5. See 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 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.
- 6. 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.
- 7. See Clark and Sohn, *World Peace Through World Law*, Third Edition, 1966, p. 321.
- 8. While it would be inappropriate for the ISF to employ weapons of mass destruction or other weapons considered to violate international humanitarian law, it should be empowered to destroy such weapon systems, and to prevent their manufacture and use.



- 9. 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.
- 10. 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.
- 11. At present, the ICJ has mandatory jurisdiction over UN members by consent; to date, only 71 states have recognized the compulsory ICJ jurisdiction, undermining its ability to be a true enforcer of international law.
- 12. The reformed ICJ could also be empowered to order compliance with binding decisions resulting from inter-state arbitration, e.g., decisions issued by arbitral tribunals convened under the Permanent Court of Arbitration.
- 13. Schell has noted that “nuclear disarmament is the minimum technical requirement for real safety from extinction.” He argues that “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.
- 14. E.g., the 2003 United Nations Convention Against Corruption and the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions.