

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

Augusto Lopez-Claros, working group coordinator

What key structural changes are needed for the UN to effectively address the greatest challenges of our time? The UN Charter should be revised to correct flaws in its initial conception, such as the veto rights given to the winning powers of WWII, and to give it binding legislative, judicial and enforcement functions to address catastrophic risks to peace, security, human rights and the global environment, while reserving most functions to states. The General Assembly as the main legislative body, with weighted representation of states, would be complemented by a second Chamber representing global citizenry. An Executive Council would replace the Security Council. The International Court of Justice, International Criminal Court, and a Human Rights Tribunal would have compulsory jurisdiction. Most of the present UN system of agencies would be integrated into the new framework. Reliable and enhanced international funding mechanism(s) for the UN would be established, and legitimacy would be increased through popular participation.

The fundamental structure of the UN is defined in its Charter — a constituent treaty binding its members, articulating fundamental principles and detailing its principal organs and their roles. This structure, however, has remained largely unchanged since the UN was established in 1945, and today, it is no longer adequate to address pressing and complex global challenges. Key revisions to the UN Charter — supplemented by other reforms not requiring Charter amendment — would provide the legal basis for a new system of global governance. Reforms would need 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 — particularly urgent global catastrophic risks. We believe that what is needed is both a complete blueprint for upgrades to the legislative, executive and judicial functions of the UN, and tactical flexibility in the implementation of such changes. The plan we propose thus includes staged implementation, with some steps not requiring Charter revision to start immediately, Charter amendment or replacement hopefully within a decade, and other improvements extending over perhaps 30 years to allow governments to adapt their institutions.

On the legislative front, we propose to reform the General Assembly (GA), giving it some powers to legislate with direct effect on member states, mainly for the maintenance of peace and security and the management of the global environment. Representation in the GA would be revised to enhance its democratic legitimacy, with a system of weighted voting linked to real variables such as population and relative contributions to the UN budget set at a fixed percentage of a country’s GDP. In parallel, we propose to establish a Second Chamber deriving its authority directly from the

global citizenry. Options for this chamber include representatives serving as advocates of particular issues of global concern (rather than representing their respective states), or a parliamentary assembly whose members would initially be chosen from member country parliaments before moving to a system of direct election over a period of up to 30 years. The chamber would initially have advisory powers, but would be gradually integrated into the international constitutional order, attached to the GA, thus creating a bicameral world legislature representing the people as well as governments and strengthening its credibility.

For the executive function, we propose an Executive Council, composed of 24 members elected by the GA and operating under its jurisdiction. This 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, removing their ability to opt out of their global responsibilities and to block others from acting. As 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 (or Peace) Force would be created, deriving its ultimate authority from the GA via the Executive Council. It would address one of the main flaws of our current UN system: the absence of a reliable, legitimate international mechanism to enforce decisions made

by the Security Council. Subject to a number of safeguards, the Peace Force will be vital to enhance the credibility of the UN, and to prevent conflicts and maintain peace and security throughout the world.

Finally, 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. 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 treaties and 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.

These proposed structural changes provide the basic infrastructure necessary to address general and specific global challenges and risks, current and future, based on commonly accepted standards of governance legitimacy. For example, effective security requires general disarmament, with a binding, staged approach over 12 years to reduce armaments to only those needed for internal security. Most of the broader UN system of bodies, commissions, programmes and specialised agencies will be retained, evolving under the new system as necessary. New multilateral specialised agencies will address growing income inequality and begin global management of the world's resources. The corruption undermining effective governance requires a global response through new

international implementation and enforcement tools for existing mechanisms. Education (including of the global public at large) will be an important support to the reforms.

A strengthened UN system with a broader set of responsibilities and institutions would need reliable funding. Among the possible mechanisms for securing such funding are national contributions to the UN budget as a fixed proportion of a country's GNP, a share of indirect tax collection as in the European Union, or a Tobin-like tax on specified financial transactions. In examining various funding mechanisms, we will aim to balance universal participation and the ability to pay.

Some parts of the proposal not requiring Charter reform, such as an initial parliamentary assembly playing an advisory role to the GA and a new agency on inequality, could provide initial steps forward. The 2020 UN anniversary should be taken advantage of as much as possible to catalyse the thinking needed for ambitious new international reforms.

The UN Charter reform/enhancement we propose would require a great majority of governments to cede some national sovereignty – which they could do in their own enlightened self-interest, as well as in the common interest. Recalcitrant governments may be enticed or compelled to come along once the new system is in place. A second obstacle will be efforts by the five governments with veto power to block any use of the existing provisions for Charter amendment. In this case, the others could draft a new replacement charter and propose a later merger. Governments are also expected to be hesitant about putting into place and supporting an international funding mechanism. Building trust in the new institutions will be important, in particular in relation to standards of efficacy – among governments, and through public support from civil society. The proposal 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.

WORKING GROUP MEMBERS

**Augusto Lopez-Claros, working
group coordinator**

Diana Chacon
Dr. Maryann Cusimano Love
Dr. Arthur L. Dahl
Maja Groff

Dr. Sylvia Karlsson-Vinkhuyzen
Cristina Manzano
Dr. Joachim Monkelbaan
Ambassador Eduardo Rodriguez Veltze
Dr. Mahmud Samandari
Natalie Samarasinghe