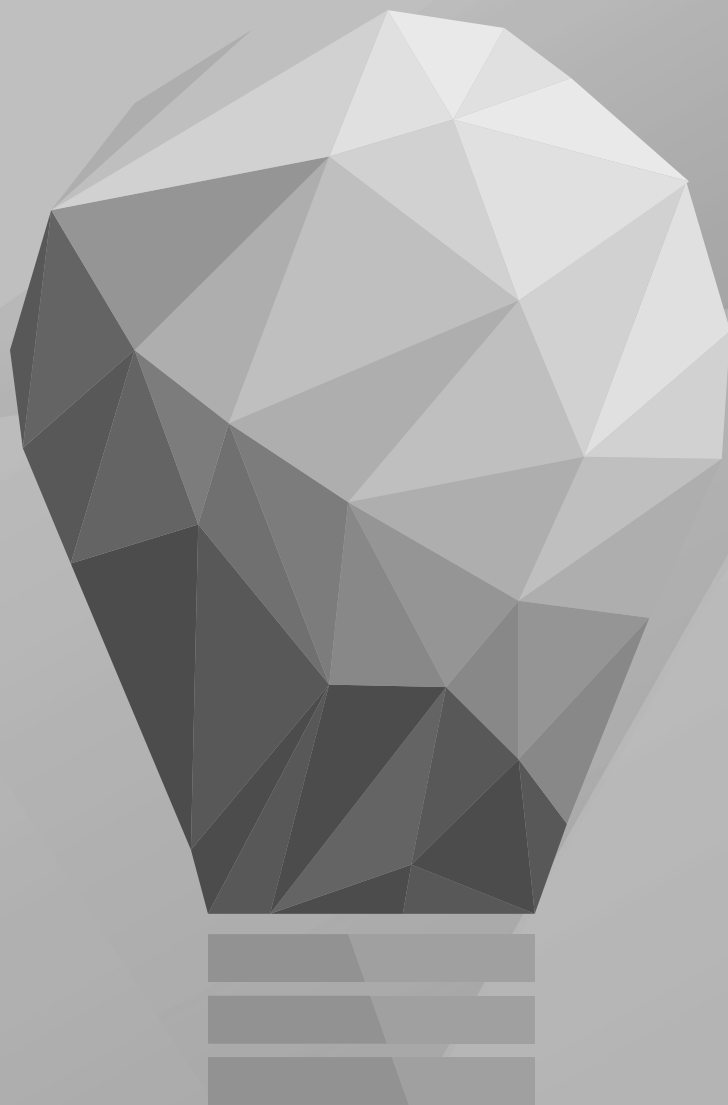


Global
Challenges
Foundation



Global Challenges Quarterly Report

From idea to prototype

The New Shape Process – Global governance innovation

GLOBAL CHALLENGES QUARTERLY REPORT – FROM IDEA TO PROTOTYPE

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THE GLOBAL CHALLENGES FOUNDATION works to incite deeper understanding of the global risks that threaten humanity and catalyse ideas to tackle them. Rooted in a scientific analysis of risk, the Foundation brings together the brightest minds from academia, politics, business and civil society to forge transformative approaches to secure a better future for all.

The views expressed in this report are those of the authors. Their statements are not necessarily endorsed by the affiliated organisations or the Global Challenges Foundation.

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Preface

Mats Andersson, Global Challenges Foundation

Global Challenges call for global solutions – but the very structures that could offer such global solutions are the ones currently facing the worst gridlock. This observation was the main driver behind the New Shape Prize. As an independent institution, the Global Challenges Foundation was in a unique position to bring together a coalition of the willing gathering the world’s best thinkers and doers, and direct their energy towards this crucial question: how might we develop global institutions adapted to the challenges of the 21st century?

We cast a wide net, attracting teams from 186 countries and collecting more than 2700 proposals. For pragmatic reasons, in this first step, proposals were kept deliberately short. We started with as few assumptions as we could, looking for suggestions that – to use the language of design and innovation – would indicate a potential solution space for the challenge we are aiming to address. In the end, ideas fell into four broad categories: reform of existing global institutions, new institutions within traditional frameworks, models beyond the traditional, and movements for global governance reform. From those ideas, fourteen were presented as finalists at the New Shape Forum in May 2018, and three were awarded a prize sum of US\$600,000 each.

Ideas can change the world. However, for them to do so, a process is required: those ideas must establish themselves in the minds of people who start believing in them, as new value systems and new narratives. They must become proper implementable models, policy frameworks, institutional blueprints. This process, whereby bold ideas are made concrete in

order to gain impact, marks a new phase in the journey of the Global Challenges Foundation. At the outset of the New Shape Forum, we invited the formation of working groups tasked with further iterating the most promising ideas that emerged through the prize competition: sharpening them, defining concrete mechanisms to bring them to life, and identifying first steps for implementation – turning those ideas into prototypes that could be tested with key stakeholders, and eventually made available to decision-makers.

The New Shape Process brought together five working groups, yielding concrete proposals to present at the November 2018 Paris Peace Forum. Those proposals form the bulk of this report.

As for all new things, those proposals are still somewhat tentative and imperfect – but those proposals also represent concrete progress on what may be the most important challenge of our times, and as such, a tremendous sign of hope. By their very existence, those proposals demonstrate that global governance innovation is possible. The worlds of business and technology are full of structures that support innovation – from start-up incubators to venture capital firms and pitch nights. Why is there no such ecosystem when it comes to upgrading the crucial institutions that global stability depends on? This is the question guiding the New Shape Process: how might we develop a replicable model for global governance innovation? As such, this report does more than present five promising results. It invites you to join in a global effort, led by the optimistic belief that human ingenuity can overcome gridlocks, and that it is in our power to develop the structures required by the pressing challenges that we face. The journey continues!

Executive summary

Julien Leyre, Global Challenges Foundation

More than seventy years have passed since the UN and the Bretton Woods system were founded. Globalisation has accelerated, but institutions have not developed at the same pace. The result is a steep increase in global risk levels. To tackle these risks, our global governance systems need an update. Guided by this analysis, the Global Challenges Foundation invited the world's brightest minds to pitch ideas on how to develop global institutions suited to the challenges of the 21st century as part of the New Shape Prize Competition. From the more than 2,700 submissions received, fourteen finalists were presented at the the New Shape Forum in May 2018, and three winning ideas were awarded a prize of US\$ 600,000 each.

This, however, was not an endpoint: rather, it marked the beginning of a process to refine, articulate and test some of the most promising ideas. In the wake of the New Shape Forum, five working groups, bringing together international teams of expert thinkers and doers, were selected to further explore the question raised by the New Shape Prize from different angles. Their proposals, featured in this report, ambitiously present new models for global institutional frameworks, pragmatically consider processes that could trigger systemic change, and tactically define specific first steps that could be taken to overcome governance gridlocks around some of our most pressing challenges.

Global Governance and the Emergence of Global Institutions for the 21st Century opens the report with a proposal addressing a broad question: 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 second proposal focuses more closely on one element: How might we realistically develop an effective model to build and maintain global peace and security? Following the template established by the Europe Union, *A World Security Community of democratic nations* proposes the transformation of NATO into a World Security Community (WSC) with a global mission. Any nation meeting a set of agreed criteria to qualify as a democracy could join WSC as a member. The structure and procedures should establish new mechanisms for preventing conflict and reconstruction of failed states, in collaboration

with the new Peacebuilding Commission at the UN. Acting strictly in conjunction with the Security Council, the new Community would form a powerful new force for peace in the world.

What mechanism could be harnessed in order to review and renew the UN Charter without facing institutional gridlock? This is the question addressed by the third proposal. When the UN was established, the winners of the Second World War were given disproportionate power, in the form of a permanent seat and veto rights on the Security Council. This was, however, not initially intended to be a lasting situation: article 109 Par. 3 of the UN Charter established that a complete review would happen after ten years. A committee was formed as planned in 1955, but the process got stalled and never resulted in proper reform. *Upholding the San Francisco Promise: The Roadmap to a Constitutionalized United Nations* explores the legal implications of this process. Could article 109(3) offer a pathway to reform of the UN Charter? Consultation would be needed in order to test the interest and commitment of parties, but should legality be confirmed, triggering article 109(3) could be a way to bypass opposition from the Permanent Five. A UN Charter Review, made possible by this process, could thus be the first step towards a fully constitutionalised UN.

The fourth proposal, *Getting from here to there: practical actions to transform global governance*, is guided by similarly pragmatic considerations. The UN does struggle to address today's most pressing challenges, notably climate change. However, we cannot afford to waste time designing the perfect international system – we need better solutions now. So what practical actions could be taken right away to strengthen and transform global governance? We need to overcome four big hurdles that have prevented change in the past – a lack of trust,

collaboration and strategy, and insufficient focus on the problems we are trying to solve – by creating a genuinely risk-based agenda for reform, supported by strategies for implementation and multi-stakeholder collaboration which could, over time, become the foundation of a truly global partnership to tackle the challenges we face.

The final proposal, *Planetary Condominium: a legal framework for Earth System Stewardship*, explores an original approach to address the climate gridlock. As long as our economic frameworks don't measure the work of nature in maintaining a stable Earth System, no progress can be expected when it comes to addressing climate change and ecosystem degradation. In turn this failure of our economies depends on a gap in our legal systems, whereby the functional integrity of the planet is invisible. How could we, then, best give legal visibility to the work of nature in maintaining a stable Earth System? One step forward would be to establish the Earth System as an intangible Common Heritage of Humankind. To ensure that this new common heritage can coexist with the legal regimes of state sovereignties, we would draw from the legal framework of the condominium, where functional integrity coexists with spatial separation – recognising the Planet as a global condominium, or common home for humanity.

The five proposals presented in this report are not mutually exclusive, but highly complementary. None of them offers a final authoritative vision, but rather, they should be taken as prototypes – early stage models, refined through a systematic process of iterative feedback. The value of those proposals extends beyond this: each represents a concrete first step in a long process that, hopefully, will end in better global institutions, and thereby help us better address the greatest threats to humanity.

1. The New Shape Process

Jens Orback, Global Challenges Foundation

“**N**ever again” was the maxim adopted in Europe after World War One. The same maxim was nevertheless repeated less than thirty years later, after World War Two, more broadly around the world. This time, some real progress was made towards building the common institutions that have since supported peace and better cooperation between nation states.

More than seventy years have passed since the UN and the Bretton Woods system were founded. Globalisation has accelerated, but those institutions have not developed at the same pace. The consequence of this gap can be summarised as a radical increase in risk: risk of climate change, risk of other large-scale environmental damage, risk of politically motivated violence, and increasingly today, risk from new technologies leaving our control.

In order to tackle these risks, we need to renew our global governance systems. This was the motivation for the New Shape Prize, inviting participants from all over the world to propose new governance models to deal with global catastrophic risks.

More than 10.000 teams signed up to the challenge from 186 countries. In total, 2,700 entries were received and read by 8 panels spread around the globe, bringing together representatives from civil society, academia, business and politics. For each submission, panel members were asked to give an overall recommendation flavoured by the 10 criteria

highlighted in the invitation to the New Shape Prize: core values, effectiveness, enforcement, decision making capacity, resources & financing, trust & insight, flexibility, protection against abuse of power, accountability and implementability. By the end of this first round, 60 submissions made it to the semi-final where I had the privilege to coordinate a jury that brought together the chairs of each regional panel. From those, 14 entries were selected as finalists. Those ideas fell into four broad categories: reformation of existing institutions within global decision making, new institutions within traditional global decision making, models beyond traditional and emergence of a movement for global governance reform. Eventually, at the end of the New Shape Forum held on May 27-29 2018 in Stockholm, three proposals were selected to receive a prize sum of USD 600,000 each.

The New Shape Forum was not an endpoint in itself: it marked the beginning of the second step in the New Shape Process. The judging process made it clear that at least three questions needed some extra attention. How could new models to structure global governance be operationalised, how could they achieve legitimacy, and how could they be viable? Those questions were discussed at the New Shape Forum by over 250 expert attendees from around the world. At the end of the Forum, the Global Challenges

Foundation sent an invitation to form working groups that would refine ideas from the competition finalists, or other ideas inspired by them, and articulate viable pathways forwards.

We were now looking for teams who would explore governance solutions to global catastrophic risks in more detail – considering both concrete models as to the shape of future institutions and proposed pathways to implementation. Five groups were selected, bringing together a diversity of knowledge and experience. Two of those are ambitiously articulating the potential shape of a reformed institutional architecture for our global institutions: *Global Governance and the Emergence of Global Institutions for the 21st Century* and *A World Security Community of Democratic Nations*. Two of those focus on the difficult question of potential pathways to implementation: *Getting from Here to There* and *Upholding the San Francisco Promise: The Roadmap to a Constitutionalised UN*. Finally, one proposes an innovative approach that could help overcome some of the most pressing current gridlocks: *Planetary Condominium: The Legal Framework for the Common Home of Humanity*.

Over the coming months, those five working groups will refine their ideas through a constructive process of iterative feedback from the Global Challenges Foundation, as well as a series of focused workshops and engagement with external peers. Although some of the groups present comprehensive ideas, they are all open for support from other groups – just as part of their own ideas can fit into the needs of another group. On November 11-13, they will present their ideas at the Paris Peace Forum – a conference whose purpose, according to host Emanuel Macron, is to live up to the promise made 100 years ago, at the end of World War One: “Never again”.

This process, further exploring the viability of ideas surfaced through the New Shape Prize, is an important step. But it is just one step. Our goal is to continue refining the most promising ideas that have emerged from the New Shape Prize and the New Shape Forum, and that will emerge from the Paris Peace Forum. For that reason, we encourage you to continue working with us, and together, develop new global governance models that can better handle global catastrophic risks.

2. 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.

2. GLOBAL GOVERNANCE AND THE EMERGENCE OF GLOBAL INSTITUTIONS FOR THE 21ST CENTURY

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

2. GLOBAL GOVERNANCE AND THE EMERGENCE OF GLOBAL INSTITUTIONS FOR THE 21ST CENTURY

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

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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.

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3. A World Security Community of democratic nations

A/Prof. Chris Hamer, working group coordinator

How might we realistically develop an effective model to build and maintain global peace and security? Following the template established by the European Union, this proposal considers the transformation of NATO into a World Security Community (WSC) with a global mission. Any nation meeting a set of agreed criteria to qualify as a democracy could join WSC as a member. Its structure and procedures should include new mechanisms for preventing conflict and reconstruction of failed states, in collaboration with the new Peacebuilding Commission at the UN. Acting strictly in conjunction with the Security Council, the new Community would form a powerful new force for peace in the world.

The world is confronted by some urgent and intractable global problems, chief among them the persistent threats of nuclear annihilation, and continued global warming. A democratic world federation or global parliament, where representatives could sit down and discuss what needs to be done, and implement their decisions through binding laws and regulations, would offer an effective structure to deal with these challenges. Achieving that objective is an enormous task, however, and must probably remain a long-term objective for the time being.

The European Union is the most outstanding example of nations willingly surrendering elements of sovereignty and uniting for the common good. Jean Monnet and his colleagues found the right strategy for Europe, starting from a smaller group of ‘progressive’ states and evolving step by step, and Treaty by Treaty, towards the ultimate goal of a European Federation.

Our proposal is designed to be the first step in a similar process at the global level. We propose the transformation of NATO into a World Security Community (WSC) with a global mission, first to guarantee the security and freedom of all its members, and then to act as their peacebuilding and peacekeeping arm in the wider world, under the aegis of the UN. This would be merely a natural continuation of current trends. NATO lost its original purpose

with the collapse of the Soviet Union, and has slowly been adopting a new global role in line with our proposal.

The key elements of our proposal are as follows:

- 1. The WSC should be opened** to membership from any nation that qualifies as a democracy according to a certain set of agreed criteria – with the Copenhagen criteria currently used by the European Union offering a potential template.
- 2. The WSC should adopt** a new decision-making system, preferably at all levels. A qualified-majority voting system, following the European example, has been proposed by senior military officials previously. The present system of consensus decision-making has become increasingly cumbersome with 29 NATO members.
- 3. The organisation should include** prototype organs of democratic governance, again following the European example. NATO already has a Parliamentary Assembly, which could serve as the starting point for an eventual elected parliament. A new court should be established to arbitrate any intractable dispute between member states, and to serve as the prototype of an eventual system of binding world law.

3. A WORLD SECURITY COMMUNITY OF DEMOCRATIC NATIONS

4. It should channel a fraction of its funds to new peacebuilding facilities, to help prevent future conflicts, and reconstruct failed states after previous conflicts.

5. It should also allocate funds to foster development in less developed member states under the principle of ‘solidarity’. The OECD could possibly be included as a second arm of the Community to undertake this role.

6. An explicit declaration should be made that the WSC will only undertake military intervention in external states if authorised to do so by the UN Security Council. This is mandatory under international law, and is essential in order that the new Community not be perceived as a threat by non-member states.

NATO is the world’s most powerful defence alliance, but at present it is an exclusive club for North Americans and Europeans. Opening it up to all democratic nations would represent a major improvement in global governance to prevent the global catastrophic risk of war.

The WSC would provide an ironclad guarantee of security to its growing list of members. Because it would be open to all democratic nations, it would gradually expand by attraction, not coercion, until such time as all nations choose to join it. At this point war would

become unthinkable, just as war between France and Germany has become unthinkable. It would allow members to pool their defence resources and achieve efficiencies, while gaining access to expanding resources as the WSC grows.

Because it would act outside of its borders only with UN approval, it would not threaten non-members. Non-members would indeed have the option of joining WSC once they satisfy suitable criteria. Short of that, they would benefit from the peacekeeping and peacebuilding missions that WSC would provide under the aegis of the United Nations. WSC would provide a powerful means of enforcement for the resolutions of the Security Council, working in collaboration with non-members.

In case China and Russia chose not to join the Community (and meet the required criteria), the WSC would respect them as equal partners in the UN Security Council in promoting peace and security outside of WSC borders.

The challenges this proposal

would face are the same challenges as any multilateral scheme for global governance, namely national sovereignty, fear of tyranny, and the lack of a sense of community.

Every nation is reluctant to surrender part of its sovereignty to a global institution. European members of NATO have already become dependent upon that

organization for their defence and are familiar with multilateral integration within the European Union, so they should be more amenable to the proposal. The major sticking point will be getting agreement from the United States. Multilateralism is currently unfashionable in that country, but there is nevertheless a strong constituency for it, particularly when it comes to defence.

A second obstacle to address is the fear of tyranny, in that many people associate the idea of global governance with images of colonialism or men in jackboots and swastikas. Strict adherence to the principle of democracy, defined by a clear set of criteria, should allay any such fears.

Any system of governance ultimately rests on the sense of community among its citizens. A

wave of populism and nationalism is rising across the world, undermining international solidarity. But a counter-movement is emerging as well, as illustrated by President Macron's convening of the Paris Peace Forum and his Foreign Minister's call for a "goodwill coalition" suggesting that Europe should align itself more closely with other powerful democracies like India, Australia and Mexico. Meanwhile, as shown by interest from Sweden and Finland, NATO remains an attractive institution for the security it offers.

Like any scheme, this proposal would require robust advocacy. For this, we envisage the establishment of a **Coalition for a World Security Community**, aiming to muster support from civil society organisations similar to the Coalition for the International Criminal Court.

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4. Upholding the San Francisco Promise: The Roadmap to a Constitutionalised United Nations

Dr. Shahr-Yar Sharei, working group coordinator

What mechanism could be harnessed in order to review and renew the UN charter without facing institutional gridlock? When the UN was established, the winners of the Second World War were given disproportionate power, in the form of a permanent seat and veto rights on the Security Council. This was, however, not initially intended to be a lasting situation: article 109 Par. 3 of the UN Charter established that a complete review would happen after ten years. A committee was formed as planned in 1955, but the process got stalled and never resulted in proper reform. Could article 109(3) offer a pathway to reform of the UN Charter? Consultation would be needed in order to test the interest and commitment of parties, but should legality be confirmed, triggering article 109 (3) could be a way to bypass opposition from the Permanent Five. A UN Charter Review, made possible by this process, could thus be the first step towards a fully constitutionalised UN.

4. UPHOLDING THE SAN FRANCISCO PROMISE: THE ROADMAP TO A CONSTITUTIONALIZED UNITED NATIONS

Our UN founding fathers set the goal of maintaining international peace and security as the primary objective of the United Nations. The Security Council was established as the main organ entrusted with that responsibility. In the original design of the UN, it was made the exclusive broker in international law to authorise the use of sanctions, both non-military and military. Almost immediately, however, the Security Council was paralysed by the realpolitik of the Cold War era, and even after it ended, the five permanent members of the Security Council have continued to use or threaten to use the veto power granted them to protect their own self-interests.

As a result, we now see a world where peace and security are not adequately maintained by the Security Council. Indeed, it is a far more common occurrence that failures to prevent or end conflicts can be linked to the intransigence of the Security Council. What is less well-known, however, is that concerns over this unequal system are older than the UN itself. At the founding San Francisco conference, the Permanent Five made a concession to objections by weaker states: they agreed to a Charter review and revision process, incorporated as Article 109, as a possible way to correct the initial power imbalance. According to Paragraph 3 of Article 109, they further agreed to a

facilitated way of holding the review conference ten years in the future. The holding of the Charter review was adopted as General Assembly resolution 992(X) in 1955 and approved by the Security Council. A committee was formed, but the endeavour never came to fruition: the committee repeatedly delayed convening the review, and ultimately stopped meeting altogether. However, it was never officially disbanded, meaning that it remains legally in existence, and that the Charter Review as per Article 109 is still on the table.

We believe that we might bring about changes in the institution, and uphold the ‘San Francisco Promise’, by harnessing this mechanism inherent in the UN structure from its inception. The strength of this approach to global governance reform is that it has already begun – the General Assembly and Security Council have both voted to have a Charter Review conference. Working to reinstate the review process therefore sidesteps many of the legal and procedural obstacles seen in other efforts for global governance reform. Furthermore, by pursuing a full Charter Review, we are opening up the possibility for deeper structural changes, rather than being limited to the kinds of smaller reforms that are typically possible without any changes to the UN Charter itself. While pursuing a large magnitude of reform does mean that

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more political effort will be required to convince countries to accept the review process, we do also think that the lessening of legal barriers makes up for this.

Our first step, therefore, is to strengthen the legal case for Charter Review as much as possible. While we believe that there is a clear duty to trigger Article 109, we understand that there will still be challenges to this proposal. We will therefore consider potential counters to our proposal and build a strong case for its adoption, as well as mapping out the exact legal procedure that will be necessary to do so.

Assuming that reinitiating the review process is legally valid, the next step to assess the viability of this approach would be to test potential support from key countries and regions. For this, three questions need to be addressed. The first is whether UN members would support opening up the Charter for update at a review conference, as Article 109 calls for. The second is whether they would be likely to vote in favour of a new Charter that abolishes the veto and allows for a more equal distribution of power on the global level – for instance, by establishing a UN Parliamentary Assembly? Finally, would they be likely to ratify a new UN charter, regardless of how it had voted at the review conference itself.

Once armed with this information, we will have a solid foundation from which we can build a targeted

campaign to re-trigger Article 109 and hold a Charter Review Conference. The campaign, through track II diplomacy, would target a coalition of willing states to push for Charter review. The countries that the San Francisco promise was made to, as well as those countries seeking more substantive UN transformation in recent years, would be targeted and made aware of the potentials of pursuing the path offered by article 109. Further, by introducing domestic referendums and petitions in key regions and states, such as the European Citizens Initiative, or the US ballot and petition system, global citizens' interest and awareness would be raised in calling for a more democratic and effective United Nations.

Unfortunately, although the San Francisco Promise can get us to Charter Review without any threat of the veto, whatever comes out of the review process will require the assent of all five permanent members. However, we believe that a veto is much less of a threat in the context of ratifying an entirely new UN Charter. If the negotiated Charter has widespread support from most other countries in the world (a two-thirds majority is required), there will be significant pressure on the Permanent Five to accept it as well. Furthermore, this would be a vote far removed from the diplomatic chambers of the UN, putting the decision in the hands of national legislative bodies. As a result, we believe that there will also

be more pressure from the public including the national citizens of the Permanent Five to accept a more representative and effective system of global governance. The cost of exclusion of any single country from a new global order would simply be too high.

The unique nature of our proposal is that it focuses much more on the path towards UN reform, rather than what the reform itself would look like. However, based on the problems we see with global governance as it stands now, certain directions of reform are clear – in particular, we believe that the UN system must be more democratised, in direct contrast to the inequities of the current Security Council as previously discussed. This democratisation can take a number of forms. The first option would be to make changes to the structure of the UN, such as adding a parliamentary body that more directly represents individuals. Another, more comprehensive,

option would be to aim for the constitutionalisation of the UN Charter – that is, transforming it into a binding document that includes an enshrined bill of rights for all citizens. Historically speaking, constitutional documents do not arise on their own, but from review conferences – the American constitution from Philadelphia, for instance, or the Maastricht Treaty for the EU. Therefore, we see UN Charter Review as the best, and possibly only, way to get a document that meaningfully enshrines and enforces human rights on a global scale.

There are many potential paths forwards to make meaningful change. Charter Review could allow for the most significant and comprehensive change all at once. While the road to Charter Review will not be an easy one, however, and despite failed attempts for substantive UN and Security Council reform in the past, we firmly believe that this endowed path is still viable, and perhaps the only option to UN transformation.

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5. Getting from here to there: practical actions to transform global governance

Natalie Samarasinghe, working group coordinator

The UN is struggling to address today's most pressing challenges, notably climate change. But we cannot afford to waste time designing the perfect international system – we need better solutions now. So what practical actions could be taken right away to strengthen and transform global governance? We need to overcome four big hurdles that have prevented change in the past – a lack of trust, collaboration and strategy, and insufficient focus on the problems we are trying to solve – by creating a genuinely risk-based agenda for reform, supported by strategies for implementation and multi-stakeholder collaboration which could, over time, become the foundation of a truly global partnership to tackle the challenges we face.

The aims of the United Nations have always stood in tension with the realpolitik compromises that led to its creation in 1945. When the political climate has permitted, the UN has been able to make progress on peace, development and human rights. But this progress has remained partial at best, and subject to the vagaries of governments. It is now seriously under threat.

Today, a confluence of crises – political, economic and social – is fuelling conflict and instability across the globe, exacerbated by long-term risks like climate change and weapons proliferation. Globalisation has increased our vulnerability to shocks and reduced the ability of governments to address traditionally domestic problems, like job creation and fiscal balances, which increasingly have a global dimension. As a result, many leaders are turning inwards, too preoccupied with problems at home to invest in multilateral solutions.

Heavily constrained and under-resourced, the UN is struggling to deal with this grim picture. Yet while we clearly need new and better solutions, we cannot simply walk away from our current system. This would threaten the hard-won gains of the past seventy years, and the lives of those – particularly in conflict zones – for whom the UN remains a lifeline.

So how do we proceed? We need to strengthen and transform our international system. It is not a lack of solutions that has impeded progress. What we need is cohesion, coordination and will. Our aim is to foster a truly global partnership to manage global risks and global commons – one that better reflects today’s power distribution, as power moves to the global South, but also to businesses, cities, communities and civil society organisations.

By analysing previous efforts at global governance reform, we have identified four key stumbling blocks:

- **Insufficient grounding in global risks.** Reform processes often ignore risks that big powers do not wish to address (climate change has been a notable example) or risks that are insufficiently understood by politicians, or considered too difficult (the glaring deficit in cyber governance is one result of this problem). The long lag time between the identification of risk, the creation of proposals, their negotiation and (usually partial) implementation, also means that we tend to put in place solutions that reflect past and not current, let alone future, realities.
- **Lack of strategic approach.** There are multiple routes to address risks but stakeholders rarely advocate a broad menu of solutions. Change-resistant states focus narrowly on tweaks to the existing system. So too do UN officials who are wary of the political hurdles involved in bigger reforms. External stakeholders are prone to adopting “all-or-nothing” approaches that ignore current realities, or solutions that may work in theory but are unlikely to be acceptable to governments. This leads to entrenched positions in negotiations and a lack of options for compromise.
- **Lack of collaboration.** For the most part, stakeholder collaboration is partial, ad hoc and temporary. States typically have short-term agendas that prioritise national interests and group loyalties over long-term systemic change. They have also been reluctant to consult other stakeholders on their vision for global governance. Meanwhile, businesses and civil society have limited ways to influence reform processes, and tend to concentrate on particular issues.
- **Lack of trust.** Unsurprisingly, reform tends to progress at moments of unity – the immediate post-Cold War period, for instance, or the 2005

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World Summit, which saw stakeholders work together on initiatives such as Make Poverty History. Today, cooperation is at a low-point. But the adoption of the global agreements on climate change and sustainable development in 2015 showed that progress is possible, even at a fractious time in international affairs.

To address these complex challenges, we need mechanisms to identify a range of solutions, support strategic approaches, foster multi-stakeholder collaboration, and build trust. We plan to contribute to this process in four ways.

1. Creating a risk-based agenda.

We will create an online portal to serve as the first-ever public, multi-stakeholder platform for global governance innovation. Taking global risks as our starting point, we will aggregate the most promising solutions, based on their ability to address the risk(s) in question, their feasibility/likelihood of implementation and the level of stakeholder support – gleaned through online and physical meetings and other tools. Crucially, the portal will be flexible, with solutions changing to reflect the evolving risk profile and political climate. The end product will present a spectrum of approaches for each risk – some quick fixes, others more ambitious, long-term solutions – that can be used to produce a priority agenda for governments, and to support campaigning by civil society and other actors.

2. Crafting reform strategies.

We are developing implementation strategies for reform proposals, with a view to building momentum for change in general, as well as identifying pathways for progress on specific initiatives, taking into account factors such as the necessary institutional and legal requirements. We recognise that progress is unlikely to be linear, requiring several approaches to be pursued in

parallel and at different speeds. Those strategies will be paired with the solutions featured on the portal to assist stakeholders in making decisions on how, when and where to take forward proposals, and who is best-placed to do so.

3. Fostering multi-stakeholder collaboration.

We will build a broad-based coalition of stakeholders committed to global governance innovation. To support this effort, we will conduct detailed mapping of existing networks and current/future stakeholders, and articulate different ‘smart coalition’ models. This will be accompanied by recommendations on how to engage citizens in this effort, as well as a framework for how these constituencies can work together on short-, medium- and long-term efforts to renew global governance. As a first step towards concrete engagement, we will harness the informal global network sparked by the New Shape Process and connect this community with existing initiatives on global governance reform, such as the UN2020 coalition, the C40 Cities Climate Leadership Group and the Accountability, Coherence and Transparency grouping of states.

4. Building trust through shared values.

While collaboration can build trust organically, we plan to complement this – and to engage a wider public audience – by promoting the values and principles that are essential for a rules-based global order, international leadership, a sense of global identity and citizenship, and the solidarity necessary to tackle global risks. Those values must be versatile enough to frame multiple reform ideas, have international resonance, despite global diversity, and be grounded in existing international norms. This work will inspire a number of tools to support global governance reform, notably a succinct statement on foundational values and principles, offering the world an alternative,

positive, interconnected vision for humanity that counters the rise of violent extremism, nativism, and xenophobia. Other outputs include a global citizen ‘sign on’ statement and a voluntary declaration for states on responsible multilateralism.

The Paris Peace Forum this November will serve as a launch pad for our initiative, after which we will focus on the UN’s 75th anniversary in 2020 as a key milestone for progress. We believe there is a real opportunity, despite and because of the challenges we face, to build a truly global partnership to address catastrophic risks and, in the process, change the way we do global governance forever.

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6. Planetary Condominium: a legal framework for Earth System Stewardship

Dr. Paulo Magalhães, working group coordinator

As long as our economic frameworks don't measure the work of nature in maintaining a stable Earth System, no progress can be expected when it comes to addressing climate change and ecosystem degradation. In turn this failure of our economies depends on a gap in our legal systems, whereby the functional integrity of the planet is invisible. How could we, then, best give legal visibility to the work of nature in maintaining a stable Earth System? One step forward would be to establish the Earth System as an intangible Common Heritage of Humankind. To ensure that this new common heritage can coexist with the legal regimes of state sovereignties, we could draw from the legal framework of the condominium, where functional integrity coexists with spatial separation – recognising the Planet as a global condominium, or common home for humanity.

Scientists have identified the current period as a new geological era, the Anthropocene¹, where human activity has overtaken geological forces in defining the trajectory of the Earth System. However, even as our influence on the planet has risen to such a level, and even as our understanding of the Earth as a single system is rapidly improving, we still do not know how to translate this into efficient societal decision-making.

One structural problem is driving us close to the point of no return: our economy considers nature merely as a source of raw materials and as a waste deposit. Because the work of nature in maintaining a stable Earth System is mainly intangible, it is considered as an “externality”, and invisible to the economy. At present, the value of nature only becomes economically visible through the destructive transformation of natural ecosystems into products, as, for instance, when forests are turned into wood. The result is an economic system incapable of sustaining a stable state of the Earth System. As Ostrom² very well explained, any successful management of the commons requires not only rules relative to their use or appropriation, but also a permanent system of maintenance and restoration to ensure long-term functionality. Registering the impact of economic activity on the state of the Earth System through a global system of accountancy is a structural condition required to change the dominant rule of destruction and consumption. The only way to break the current socioeconomic inertia when it comes to environmental preservation is an economy in which cleaning pollutants from the oceans and atmosphere, or developing technology to remove excess CO₂ accumulated in the atmosphere, does not constitute a loss for those who do it.

This dysfunctionality of our economic system, in turn, has its basis in a legal system that considers the planet merely as a territory of 510 million km²

divided among nation states. Each nation state has an identified jurisdiction, but no responsibility for its contribution to the functioning of the global common system on which we all depend. This territorially obsessed view excludes the most remarkable and vital expression of nature — the Earth System as an indivisible, global intangible good, serving as the “software” that not only supports life but requires a well-functioning biosphere.

Scientific research has identified indicators, the so-called ‘Planetary Boundaries’³, which define the limits that we must not cross if we are to maintain a “Safe Operating Space for Humanity”. This measurable safe space is intangible and non-territorial, and constitutes a global common — it exists both across and beyond all jurisdictions. The legal non-existence of the Earth System, however, makes it invisible to the community of nations and our economy — thus legitimizing its unregulated use and the consequent tragedy affecting our most precious global common good.

This shortcoming does not stem from an intrinsic incapacity of the law: legal sciences have long recognised the existence of intangible legal assets. Examples include UNESCO’s intangible cultural heritage, copyright and intellectual property, or the intangible value of companies — where the value of assets such as brand identities is often incomparably higher than the value of tangible assets. The analogy between these intangible legal objects and the Earth System is crucial — not only to represent the global and indivisible functionality of the Earth System in international law, but also to give economic visibility to the real value of the intangible services provided by ecosystems.

By establishing a legal division between the tangible Earth territory and the intangible asset constituted by a stable and well-functioning Earth System, we can have a structural support to build

a sustainable global economy that is based on the stewardship of the Earth System as its central and most important goal. Because the biogeophysical cycles of the Earth System that support life are intangible, indivisible, non-territorial and global, the only way to recognise and protect them is to create a new legal instrument that can capture and represent these properties. Our objective is to achieve this through the recognition in international law of the entire Earth System – in a favorable Holocene-like state – as a Common Heritage of Humankind.

In order to ensure that this new common heritage can coexist with the legal regimes of state sovereignties, we propose to establish it on the basis of an existing legal framework used in situations that offer an analogy with the challenge we consider. The condominium – an ownership model typically applied to apartment buildings – is the only existing legal model that is not limited to a division of spatial elements but also recognises the existence of functional non-spatial elements, such as common electricity and water systems. In a condominium, two different types of legal regimes (common and private property), overlapping but well-defined, can coexist within the same physical space. With appropriate scaling, this approach could have profound implications for the legal organisation of human societies – distinguishing between the sovereign jurisdiction of States over territorial elements and, in a complementary and overlapping way, the safeguarding of indivisible biogeophysical cycles or the stewardship of the Earth System – thus redefining the planet on a legal basis as a Planetary Condominium^{4,5}.

To be more than an idea, this new framework must be formally recognised and institutionalised. Currently, the only institution with appropriate

membership and legitimacy to host such a mission is the United Nations. In order to act upon the whole Earth System rather than its components, and taking into full consideration known difficulties in amending the UN Charter, we propose that the UN Trusteeship Council be revived to serve the mission of humanity’s Common Heritage. Other solutions could also be acceptable if the process of institutionalisation proves to be faster and more effective. Part of the work required would involve developing a holistic Earth System Accounting Framework (EASF) to monitor the maintenance and perturbation of key Earth System processes. This could take the form of a coordination platform, offering a global transparent accountancy system aggregating all positive and negative actual “externalities” that every nation produces in the Earth System – and include the proposition of an intangible natural GDP for each nation state.

Recent developments at the international level indicate that this may not be a pure utopian prospect. The Millennium Development Goals (MDGs), focused primarily on the needs of poor countries, were succeeded by the Sustainable Development Goals (SDGs), which proposed a wider set of goals for all countries. We could envision that a subsequent process would yield yet a more holistic global approach. Overcoming the current siloed-approach, focused on individual states and artificially divided elements of the Earth System, to recognise the Earth System as a single functional system. As such, we suggest the full implementation of our proposed global governance model by 2030, as the core of the post-2030, post-SDG global agenda. Accordingly, the first step – legal recognition – should ideally be achieved by no later than 2023-2024.

The legal concept of Common Heritage of Humankind can be the locus for the social existence of this vital good – a well-functioning Earth System.

It offers a positive approach based on the need to build a new Common Heritage, and simultaneously offers a message of hope that it is possible to reverse the current pathway towards a Hothouse Earth scenario⁶.

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Endnotes

6. PLANETARY CONDOMINIUM: A LEGAL FRAMEWORK FOR EARTH SYSTEM STEWARDSHIP

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