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Bridging the Governance Gap

Peoples and their governments around the world need global institutions to solve collective problems that can only be addressed on a global scale. They must be able to make and enforce global rules on a variety of subjects and through a variety of means. Further, it has become commonplace to claim that the international institutions created in the late 1940s, after a very different war and facing a host of different threats from those we face today, are outdated and inadequate to meet contemporary challenges. They must be reformed or even reinvented; new ones must be created.[1]

Anne-Marie Slaughter

As a review of past governance proposals has shown, there has been no shortage of persuasive arguments for stronger global institutions. Anne-Marie Slaughter has diagnosed "the globalization paradox," which consists in "needing more government and fearing it."[2] The United Nations was born in 1945 with fundamental flaws intended to make it weak enough to be acceptable to Stalin and the United States Senate. Of the initiatives for reform called for by Einstein and Russell in the early postwar period, and by Clark and Sohn a decade later, among others, none have led to concerted international action, and there is no evidence that this trend will reverse in the near future. Multilateralism is currently under attack, in part because of these failings. A multipolar world is – for now – replacing the superpower dominance of previous decades. However, a rising nationalism in many countries, and increased assertiveness, sometimes combined with protectionist tendencies, among the most powerful of the permanent members of the Security Council suggest that these nations wish to continue the trend of disproportionate military and other influence in the world, and have little interest in giving up their veto power or other anachronistic prerogatives. If anything, the spirit of national

[1] Slaughter, Anne-Marie. 2004. *A New World Order*, Princeton, NJ, and Oxford, Princeton University Press, p. 9.
[2] Ibid.

sovereignty, however maladapted to a globalized world, is currently strengthening rather than receding. The future of global governance, and perhaps of civilization itself, depends on our ability to reconcile somehow political realism, the scientific facts of a limited planet under serious stress, the fears generated by rapid change and the hopes of finally achieving a just and united world. Without reform in global governance, we risk a further downward spiral of disintegration into the anarchy of absolute national sovereignty in a deeply interdependent world, made more danger-ous by our advanced technologies for destruction and the destabilization of the fundamental life support systems of our planetary environment.

Foreign policy experts and various wise women and men who have looked at the future of the United Nations – and have tried to imagine where it is headed in the twenty-first century – have inevitably come up against the issue of whether the UN will continue to be an organization founded on a rigid notion of the sovereignty of its component members, which was ultimately the expressed desire of the four major powers that created it in 1945. Can the UN evolve in some fashion, reflecting the changing role of the state in the context of a fully integrated global economy and a world facing a range of critical global problems, the solutions for which seem to be out of reach without a significant strengthening of our mechanisms of international cooperation? Richard von Weizsacker and Moeen Qureshi, co-chairs of the Inde-pendent Working Group on the Future of the United Nations, for instance, noted, as far back as 1995: "By the mid-twenty-first century, however, it is likely that the nature of statehood and assumptions about national sovereignty will have evolved in response to global needs and to an enlarged sense of world community."[3]

In this concluding chapter we acknowledge the realities of our present situation, highlight some of the general foundations for any system of governance and look also at some of the positive signs of change. Skeptics might point to the fact that the major initiatives taken during the twentieth century in the area of international cooperation were primarily in response to, and not to anticipate or prevent, the suffering and destruction of the two world wars. Indeed, the most far-reaching and ambitious of these, the creation of the European Union, brought together precisely the states at the center of those global conflicts. This suggests that truly global institutions are unlikely to emerge unless some sufficiently profound crisis, unparal-leled in its intensity, permanently marks human consciousness with the notion of global interdependence and the dangers of remaining within an international insti-tutional framework inadequate for and unresponsive to the needs of humanity as a whole. Infinitely preferable, of course, would be an act of mature and collective will, rather than the forces of adverse circumstances, to set a new stage in the political life of humanity. We hope that our proposals in this book will seed ideas, stimulate

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[3] Von Weizsacker, Richard and Moeen Qureshi (co-chairs), Independent Working Group on the Future of the United Nations. 1995. *The United Nations in Its Second Half-Century,* New York, Ford Foundation, p. 7.

discussion and debate, show that there are reasonable ways forward and encourage positive developments to avoid the worst.

THE ROOTS OF PRESENT FAILURES

It is important to understand why developments over the past seven decades have led to so little progress. Even today, few people would say that there is a realistic possibility in the near term for nations to accept the ambitious vision of the United Nations advocated by the likes of Clark, Einstein, and Russell in the 1940s and 1950s, turning the organization into an effective and legitimate governance instrument, operating under the effective rule of international law, with a legislature passing laws imposing binding obligations on its members in areas of key international concern. With the end of the Cold War in the early 1990s, the fear of nuclear annihilation – so elegantly and eloquently portrayed in Jonathan Schell's *The Fate of the Earth*[4] – receded into the background and led to a false sense of security that the existing mechanisms of international cooperation embedded in the UN Charter, while flawed, would still allow us to muddle through the next century. The maintenance of international peace and security anticipated in Article 1(1) of the Charter has largely remained a responsibility of the major powers in the cases of countries or situations in which their strategic interests were affected, while being nobody's responsibility where no such interests were involved. Other problems with systemic implications for global welfare – management of the world's financial system, human rights violations, migration, to name a few – have either been nobody's responsibility or have been managed on an ad hoc basis by some of the UN agencies or other disparate international bodies, with all the associated inefficiencies and social costs, such as the near collapse of the world's financial system in 2008.

Few would argue that the present world order is fit for purpose, or that it is a solid basis to ensure security and prosperity for the future, whether in the developing or developed world. The idea that in a globalized world we need a higher level of government to deal with problems that straddle national boundaries has gained considerable traction in recent decades, and the European Union – with all its flaws – bears ample testimony to that. In any case, this line of thinking has been buttressed by the growing inability of national governments to solve global problems of concern to citizens everywhere. We do not yet have many politicians running for office making an informed case for more effective international governance, but the current system has few credible defenders willing to make the case that we can simply proceed on our present path, managing the world one crisis at a time, with the faith that a world order based on the sacred principle of national sovereignty provides, to use economic jargon, a stable equilibrium.

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[4] Schell, Jonathan. 1982. *The Fate of the Earth*, London, Jonathan Cape.

It is difficult to disagree with those who have argued that we missed a great chance in the early 1940s, when, against the background of a world war, we could have opted for bringing into being an organization that would actually be able to deliver on the laudable promises contained in its first Article. Those noble sentiments seemed highly timely and appropriate, bearing in mind the untold suffering and calamity, the tens of millions of dead, the mindless killing of innocents in concentration camps, the destruction of entire cities, the collapse of the economy and social order. But, in the end, more pedestrian concerns prevailed. Would the US Senate ratify anything other than the creation of a largely harmless (or even useless) organization, with no teeth and no ability to interfere to the slightest degree with the prerogatives of American power? The ghost of Senator Henry Cabot Lodge, who led the US Senate rejection of the League of Nations, hovered over the Dumbarton Oaks proceedings, effectively neutralizing the emergence of anything other than a weak organization.

This is not to suggest that others were not at fault as well. Stalin was equally fierce in his determination not to allow a body of international laws and principles to interfere with his own repression and killing, his overwhelming determination to defeat Nazi Germany and the pursuit of his own nuclear ambitions. We have deep respect for the work done by Clark and Sohn in *World Peace through World Law*,[5] but by the late 1950s, when their admirable suggestions for UN Charter reform were put forward, the Cold War had set in and a new landscape for international relations had emerged. The Soviet Union had already begun to act in ways that went wholly counter to the foundational principles of the UN Charter (to say nothing of the Charter amendments suggested in the Clark and Sohn proposals).

Thus, in thinking about the future, it is evident that the political context matters a great deal; there must be a coming together of minds about the ends and the means of a reformed system of global governance, at least among the major powers and many of the countries that are now operating as full democracies. It is worth noting the role played by enlightened leadership at various critical moments during the past century, from President Wilson's strenuous efforts to bring into being the League of Nations, to President Roosevelt's vital role in pushing for the founding of the United Nations, to Jean Monnet's vision for a united Europe pledged to peace and prosperity in the Treaties of Rome. The creation of the United States of America itself would not have happened in the eighteenth century without the resolute leadership of its Founding Fathers.

Governments need to feel that whatever new system is brought into being, it will protect their peoples, safeguard their national autonomy and cultural distinctiveness,[6] and lead to objective improvements with respect to the status quo. The system

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[5] Clark, Grenville and Louis B. Sohn. 1966. *World Peace through World Law: Two Alternative Plans*, Cambridge, MA, Harvard University Press.

[6] For example, through the employment of well-known federalist principles, or principles such as subsidiarity and proportionality, which are fundamental to EU operation (the former requires that decisions occur as closely as possible to the citizen, with checks made that

has to earn their trust, a rare commodity today among governments. How to get the process started and by whom is an important question. Some, including Clarence Streit in his 1939 classic *Union Now*, have suggested that the world's established democracies, with long traditions of rule of law, bear a special responsibility to lead the way.[7] But, eighty years later, India and China have emerged as global economic and political powers and it is difficult to think of any global governance initiative that could catalyze change without the participation of two countries that account for nearly 40 percent of the world's population. One may have reservations about including Russia in this list because, a quarter-century after the transition from the Soviet Union, to the world's 12th largest global economy, its claim to global power status seems to be based on the existence of its large nuclear arsenal and ability to disrupt and interfere, often on the margins of legality. This is not a substitute in any meaningful sense for a positive vision of what needs to be done to bring into being an improved global order.

Baratta argues that in the postwar era we found a middle way between World War III and world government.[8] We built nuclear arsenals, we developed a sophisticated military-industrial complex as an integral part of our economies (which, in the case of the Soviet Union, did much to bring about its collapse because of its unsustainable financial burdens), we put forward deterrence as the linchpin of our defense policies, we attempted to negotiate a range of arms control treaties – but we did not address in any fundamental way the main limitations in our state-based system.

According to Falk we continue to live in a world in which nation states "retain full control over their military capabilities"; in which they are not obliged to submit international disputes to some form of third-party procedure with high probability of effective implementation in cases involving war and peace; where international treaties remain the main mechanism of cooperation but are generally weak in settling disputes and even weaker in implementation; international institutions are poorly resourced and "lack any standing police or military forces;" "the peoples of the world remain overwhelmingly dependent on their domestic governments for protection against all forms of political violence and against abuses of human rights;" and nationalism remains a powerful force to mobilize people for narrow political ends.[9] Unfortunately for us, these flaws, which were evident at the San Francisco

decisions at the EU level are necessary given options available at the national, regional or local level; the latter requires that any action by the EU should not go beyond what is necessary to fulfil the objectives of the relevant EU treaties). See brief discussion of notions of subsidiarity in this chapter.

[7] Streit, Clarence, K. 1939. *Union Now: A Proposal for an Atlantic Federal Union of the Free*, New York and London, Harper & Brothers.

[8] Baratta, Joseph Preston. 2004. *The Politics of World Federation, United Nations, UN Reform, Atomic Control*, Westport, CT, Praeger Publishers.

[9] Falk, Richard. 1993. "The Pathways of Global Constitutionalism," in Richard Falk, Robert Johansen, and Samuel Kim (eds.), *The Constitutional Foundations of World Peace*, New York, State University of New York Press, chapter 2, pp. 13–38, at p. 23.

conference in 1945 for the world we had then, were greatly magnified in the decades that followed by growing interdependence, by the forces of globalization and the emergence of a multitude of new global problems for which our UN-based system was wholly unprepared. Hence the opening of what some experts call a "governance gap" – our inability to address global problems because our institutions are overwhelmed, as they were designed for a different world that has ceased to exist.

SEEDS OF SUCCESS

This is not to deny the great progress that has been made in the UN system since 1945. The scope of its action has enlarged greatly. New issues have been taken on board through international conventions and the activities of the specialized agencies, especially in the social and environmental fields. International law has deepened and extended its reach, both in formal texts and in customary international law. Collaboration has been successful in many technical areas, from transport and telecommunications to science and health. Smallpox was eradicated in 1980 and global epidemics brought under control. Working internationally is now the accepted norm. There is therefore much to build on for the further evolution of global governance. It is largely in collective security and disarmament, financing and effective progress on the environment that the system has been held back.

Much has been learned about multilevel sovereignty since the federation of 13 states into the United States of America in the eighteenth century. The European Union, despite its challenges today, has demonstrated the benefits of yielding some sovereignty to supranational institutions and opening borders. Recognition of the "responsibility to protect" (R2P) doctrine by the international community is another acknowledgment of the limitations of national sovereignty, and the evolution of key sovereign *responsibilities*, to protect and care for national populations. With advances in the theory of change and examples of punctuated equilibria, rapid transformation has been shown to be possible and to lead to positive outcomes even in complex systems. The dire situation in which we find ourselves today can be the motivation to trigger positive steps forward.

The great expansion of international civil society, organized around many themes and directly engaged with the United Nations and other structures of global governance, is another encouraging feature of our times. Civil society organizations are active in public discourses and have built mature international coalitions in support of critical issues. With new technologies of information and communications, this collaboration has only begun to fulfil its potential and can only increase in the future. Public expectations have also increased, fed by the media and the intensified cross-border movement of people, encouraging more global perspectives, particularly among the young. In a connected world, public education can also become more sophisticated and effective.

FOUNDATIONS FOR GLOBAL GOVERNANCE

The world of today is unlike anything in our past experience, and yet any future trajectory will necessarily have some roots in what we have learned. A starting point is our historical experience with the principles and institutions of governance expressed today in national systems. We also need to understand the accelerating change we are experiencing as existing and emerging technologies transform the scale of human interaction and our ability to educate, communicate and consult. Most importantly, we need some agreement on humanity's fundamental purpose, potential and inherent capacity for good if properly motivated.

National Sovereignty

The Treaty of Westphalia of 1648 that ended the Thirty Years War has commonly been interpreted as an important juncture for the birth of the modern nation state and the concept of national sovereignty that we have known in the nineteenth and twentieth centuries. So-called Westphalian notions of sovereignty have served a useful purpose as the relevant scale for governance for more than three centuries; but already during the last of those centuries, as new technologies of communication and transportation eroded the significance of national boundaries, the national scale of social organization and governance gradually became insufficient. The trauma of the two world wars of the twentieth century, which new technologies for warfare made increasingly destructive, forced nations to acknowledge the need for a supranational organization to prevent the repetition of such collective self-inflicted disasters. However, national sovereignty remained at the heart of the League of Nations and the United Nations, and the insistence of the great powers to give priority to their sovereign national interests over collective security led to fundamental flaws in the institutions created. The League of Nations had no independent power of enforcement, and Japan could simply withdraw to pursue its adventure in Manchuria. In the United Nations, the Security Council had the potential means to enforce its decisions, but these were largely neutralized by the veto retained by the five permanent members of the Security Council, who could also block any proposals for institutional reform. Both thus failed in their essential purpose to maintain peace and to pursue other worthwhile international goals.

These failures are also symptomatic of a fundamental flaw in any system based on closed and rigid approaches to national sovereignty, and on cultures of competition and zero-sum thinking: the lack of trust between national governments. Governments on the international stage have often proven themselves not to be trustworthy, whether because of the cunning and deception of autocratic regimes and their leaders' insatiable appetite for power, or the inconsistencies produced by democratic changes in leadership and ideology. The only area in which, practically speaking, a government signature is worth more than the paper it is written on, is the financial

obligation for debts incurred, no matter how dubious in origin. Almost all other international obligations are still voluntary. This underlies the importance for any system of global governance to build trust that all decisions taken in the common interest will respect principles of justice and equity for all concerned.

A second flaw that can arise in giving primacy to national sovereignty, in which each state is considered equal, derives from the enormous differences, in fact, between nations – whether in geographic extent, population, economic power, military might or political influence. What chance could the tiny island state of Grenada have against the US military, which did indeed invade in 1983? How much does the population of Tuvalu (12,000) count in comparison with that of China (1.4 billion)? Perhaps more importantly, how can a Small Island Developing State with a tiny population carry out all the functions and international obligations expected of a modern nation? What is the hope for an economy that will never achieve economies of scale? Can a country such as Madagascar, a biodiversity hotspot with a population mired in poverty, be expected to meet both its human and nature conservation needs and obligations? The diversity of nations is part of the richness of humankind, and the autonomy of states needs to be preserved, but much greater flexibility and adaptability are required in intergovernmental processes to respond to the needs and to support the progress of all nations, leaving none of them behind.

At the other end of the scale, should the largest, wealthiest and most populous states continue to dominate the world, trampling on the rights of others? In essence, they often behave like bullies in a school yard, terrorizing others, grabbing whatever they want and competing to see who can be the most powerful at the top of the heap, imposing their hegemony on all the rest.

Furthermore, building the UN Charter around national sovereignty has produced an institution that addresses the aggregate of national interests, with nations too often jockeying for position to have their interests represented in the decision-making process. As in most power struggles, the stronger win out over the weaker. The present institution is poorly structured to protect and promote the collective global and human interests that must be the primary focus in the twenty-first century, and that are central to our proposals for Charter revision.

Governance

Nations have tried many systems of governance over the centuries, most of which can still be found somewhere in the world today. None could be said to be ideal. In fact, dysfunctional governments hide many of their misdeeds against their citizens behind a smokescreen of national sovereignty. If governance is to be just and equitable in service to their people at all scales, then the global framework should include a fuller definition of basic rights and responsibilities of all national governments, with the power to accompany and support, or to intervene in cases of flagrant and repeated failures to meet those standards at the national level.

Democracies, in principle, place the selection of leaders in the hands of the people. In representative democracies, those elected are expected to implement the platform on which they were elected (although this may seldom happen in practice) and thus to represent the majority. They are generally conceived to be only responsible to their electorate, rather than to any basic principles of justice or their own conscience. In most cases, political groups or factions within a society, once elected, try to govern while the other factions try to make them fail so that they, in turn, can take power. The interests of minorities are generally overlooked, as is, not infrequently, the long-term collective interest. In too many countries, winning the next election becomes more important than governing with the best interests of the people in mind. Lobbying and corruption give more influence to the wealthy and powerful. Many elected governments, once in power, have proven that they will stoop to anything to stay in power, undermining checks and balances, stifling opposition and dissent, and even sliding into despotism. As history and a number of current situations show, many autocrats were originally democratically elected, and may continue to go through the motions of irregular or sham elections.

Autocracy, whether by an absolute monarch or the head of an ecclesiastical hierarchy, was the dominant form of government for many centuries, and was the nearly universal form in Europe when the concept of national sovereignty was formulated. As history shows, a few exceptional leaders made great progress, but most were mediocre if not dangerously destructive in wielding their power. An aristocracy of hereditary landowners allowed for some decentralization, but it left the masses disenfranchised, if not completely subservient to the aristocratic classes.

One of the major objections to the creation of a global system of government is that it would "just be like national governments," only worse and more remote, with no way to go back if it gets out of hand. Despite our long history of the practice or malpractice of governance, there is no existing "perfect" system that could serve as *the* appropriate model for global governance, with fully comprehensive safeguards to protect it from those seeking power for selfish ends. We have therefore spent several chapters in this book also focusing on the importance of education and shared and internalized values and principles, to create the requisite cultures and individual qualities necessary for functional governance. However, we now collectively have the great luxury of a historical and comparative global vantage point to draw from the best mechanisms and design features of diverse governance systems, in order to fashion state-of-the-art institutions with the requisite qualities and checks and balances against various abuses of power at the international level. Similarly, modern good governance literature, as described in this book, provides much knowledge to guide the creation of sound, appropriate new institutions.

Some basic design criteria can be identified that can be used in conceiving of institutions of global governance, such as those proposed here. The legislative, executive and judicial functions necessary for any government should be separated, with checks and balances between them. No one function should be able to control

and dominate the others, but they should collaborate to meet their common objectives. Safeguards should be built into the charter or constitution, with clear definitions of institutional, national and individual rights and responsibilities.

Given the frequent problems with individual leadership, and the complexities of governance today, it would be preferable to place the main administrative responsibility in a collective consultative body or council, to minimize the focus on personalities and to draw on a diversity of competencies. Power would be held collectively rather than individually.

One major challenge in an evolving system of global governance will be for national representatives, whether elected by the people or otherwise designated, to rise above merely representing national (or personal or ethnic) interests to see their role as seeking the welfare of all humanity and the planet as a whole. The ideal would be to set aside ideologies and political party platforms so as to select those with the personal qualities, mature experience and the basic values necessary for them to serve most effectively in the common interest. In this way, the rich diversity of perspectives and cultures so assembled could contribute to a collective consultative process in their search for the best solutions balancing the needs of all countries and peoples, with justice and equity, far from the conflict and raw exercise of power that mar present international relations.

A World Transformed (and Divided) by New Technologies

With the continuing process of rapid globalization, the world faces multiple potential instabilities.[10] Our systems of communication, transportation and finance are increasingly integrated, creating associated vulnerabilities from failures that can propagate through the system. Despite the wealth created by technological innovation in agriculture, industry and commerce, a major part of the world's population has failed to benefit sufficiently, and in recent years the concentration of wealth has accelerated.

Among the root causes of this socially destabilizing tendency is the primacy given to the profit motive as the exclusive end and purpose of the institutions (corporations and other business entities) creating economic wealth. Profit should be one measure of efficiency among others, but not a sole end in itself, enabling, for example, the destruction of the foundations of our collective prosperity and planetary life support systems. Important scientific knowledge and innovation thus, for example through distortions in our system of intellectual property, too frequently become walled-off private property, and access to them is restricted to those who can pay. This

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[10] MacKenzie, Debora. 2008. "The Collapse of Civilization: It's More Precarious than We Realized," "The End of Civilization," pp. 28–31; "Are We Doomed? The Very Nature of Civilization May Make Its Demise Inevitable," pp. 32–35. *New Scientist*, Vol. 2650, cover story, 5 April.

reinforces the barriers between rich and poor and impedes human progress; when new technologies benefit poor populations, it is often as passive consumers rather than co-creators or innovators of technological advances. Even the scientific literature is increasingly privatized, making the latest discoveries inaccessible to researchers who cannot pay to access them, now producing a strong reaction from the European Union but not solving the problem at the global level. Companies may hide behind a wall of commercial secrecy to prevent interference, even when it should be in the common interest, as in health and safety or environmental impact.

On the human side, there seems to be a general failure of leadership in service of the global collective good, with a rise of populist movements and xenophobia in reaction to insufficient sharing of the benefits of economic growth and neglect of the general welfare, leaving too many behind. There are vast forces of inertia and corruption blocking change. The financial system has become the most significant generator of wealth, but much of the turnover in the sector is detached from the real economy, more focused on trading of increasingly complex financial instruments than on supporting tangible employment-creating activity. The planet faces demographic instabilities from a population still growing in poor areas while aging and shrinking in rich areas. Economically we are trapped between the growth paradigm and our consumer culture confronting planetary boundaries, with emerging environmental crises such as climate change raising social and economic costs and driving population displacements. Business as usual is not an option.

Beginning in the mid-nineteenth century with the telegraph and the railroad, a sequence of new technologies facilitated increasing scales of communication, exchange and social organization. On the one hand, this has created a more united world and made globalization possible. It has also opened up new potential for mechanisms of governance and public participation that are as yet far from being realized. As a compelling example of the shape of things to come, in the preparations for the UN Conference on Sustainable Development in Rio de Janeiro in 2012, 6 million people participated in the public online consultation on the themes of the conference. Hundreds of stakeholders apart from governments contributed to the documents considered at the conference and to the implementation of its results. These technologies are contributing to a sense of moral interdependence and responsibility and help everyone to see that Earth stewardship and human rights, among other things, are global norms to be respected everywhere.

However, we are also beginning to appreciate that the same technologies can be turned to pernicious ends. The genocide in Rwanda was fanned by extremist radio stations that incited neighbor against neighbor. The Internet lends itself to spreading conspiracy theories, terrorist recruitment, incitement to hate, confirmation bias and "alternative facts" with potential for mass manipulation, foreign political interference and the undermining of democracy. Systems of government are being destabilized. Cybercrime is spreading. Personal data are captured and used to target advertising and political messages for maximum impact, without people realizing

that they are being manipulated. A few giant companies mastering information technologies have acquired near-monopoly positions and great financial power. These are global processes, and only global approaches to their regulation will be effective.

Shared Human Purpose and Potential

The most fundamental area in which to build consensus is the ultimate purpose of governance itself. Why do we need governance: to avoid anarchy and collective destruction, and/or to achieve some common purpose? What should be the ultimate outcome of effective governance?

From the perspective of the individual living beyond a remote subsistence lifestyle in complete autonomy, governance should ensure the ability to meet basic needs for food, water, health and shelter. To this would be added access to education, to culture, to employment, to security and to opportunities to contribute to society in some way.

Beyond the individual, governance should maintain a certain social cohesion, facilitate the development of peaceful communities and their organization, collect revenues to support common services, encourage a sense of common identity, and implement solidarity through assistance to abandoned or vulnerable children and those who through poor health, disability, old age or other constraints cannot fully provide for themselves.

Those with a purely materialist orientation would say it is sufficient for everyone to be properly fed, well housed, comfortable, in some security and appropriately distracted to achieve some superficial form of happiness. However, most cultures, all religions and many psychologists accept an ethical framework and a concept of a higher fundamental purpose and potential for the human person than just material satisfaction. If our goal is a more just and sustainable social order, we shall need to cultivate other qualities of character such as moderation, justice, love, reason, sacrifice and service to the common good, which are necessary to overcome the focus on ego, greed, apathy and violence behind many of the failures of governance today.

At the highest level, effective governance should enable each person to develop her or his inherent potential and to refine her or his character, while contributing to the advancement of civilization. For most of humanity, human experience is ultimately spiritual in nature, and cultivating our higher qualities and the endless potential in human consciousness is at the core of what it is to be human.[11]

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[11] Approximately 84 percent of the global population expresses a religious belief or affiliation. *The Global Religious Landscape*, Pew Research Center: Pew Forum on Religion and Public Life, December 2012. http://assets.pewresearch.org/wp-content/uploads/sites/11/2014/01/global-religion-full.pdf.

In return, fulfilled human beings can better contribute to effective governance. A program of governance that includes a strong moral and ethical component, building commitment at the emotional as well as the intellectual level, can be highly motivating.

The second dimension is the role of governance in advancing human civilization in all its aspects – material, social, cultural and spiritual – primarily through facilitation. Government should not try to do everything, but its scope is very broad, including the legal system with legislation, enforcement and justice; and providing or enabling education and scientific research; health and police/security services; major cultural institutions; the instruments of the economy such as a stable money and supportive infrastructure, transport and communications systems; regulations for the environment, health and safety; disaster response; nature conservation; opportunities for recreation; etc.

One of the challenges in designing a system of governance is to determine which functions are best implemented at different levels from the global through national to local communities, and various other scales in between depending on circumstances. The principle of subsidiarity is important, leaving the maximum responsibility as close to the level of implementation as possible, and only taking to higher levels those things that cannot be dealt with at a smaller scale. Over-centralization should be avoided. In particular, the institutions of global governance should only concern those issues – such as world peace and security, protection of the global environment, ensuring basic human rights, aspects of management of the world economy and the equitable distribution of the world's resources – that are inherently global in nature.

In a world undergoing rapid change and transformation, it is particularly important to ensure enabling conditions for innovation at the community level. The future forms of society are far from fixed, and past experience is no longer an adequate guide to future possibilities. Communities forming their own vision of the life that they want, drawing strength from their diversity, combining well-established populations and new arrivals, building a strong sense of social cohesion and solidarity, will be the best placed to experiment with new forms of economic relations, social justice and governance. A strong focus on the education of children, motivating youth with the ideals of altruism and service, consulting together and sharing their intellectual and devotional life (inclusive of various backgrounds), can provide the foundations for lasting change. Strong communities will also be in a better position to pass through whatever trials and crises may now be facing us, accompanying the seemingly inevitable transition toward a more united and organized global society.

POSITIVE FORCES FOR GLOBAL GOVERNANCE

One question that quickly emerges in this debate about the future of global governance is: what are the factors in recent decades that have contributed to

creating a stronger sense of "world citizenship" or shared human solidarity across national boundaries? This is an important question because people would be asked, in an evolved international political order, to assume certain obligations of expanded civic engagement. Several issues come to mind.

First, because of developments in transport and communications, the world is a fraction of the size that it was at the end of World War II. Our global order may be state-based, but there is a much stronger sense of belonging to a global community of interdependent nations or peoples, where individuals travel more freely, more cheaply and more frequently than their parents or grandparents ever did. National boundaries in many parts of the world are in the process of softening or disappearing; this is already the case among the members of the European Union, but other regions of the world have also significantly lightened the burdens of previous restrictions on the movement of peoples, goods, capital and labor, as policy-makers and businesses have seen the benefits for economic efficiency and prosperity of the freer mobility of the factors of production. The Internet, social media and the spread of mobile phones have linked people as never before. There are still, to be sure, isolated pockets of nationalistic sentiments, with, for example, many Catalans in Spain yearning to establish their own sovereign republic, and a proportion of citizens in some European countries identifying with the resentments promoted by political parties from the extreme right wing. But overall, the tendency to look beyond national frontiers is clearly well established and it seems to point to an increasingly integrated global community, facing a range of problems that straddle national boundaries. Businesses, in particular, are likewise even more rapidly "going global" in terms of the markets where they sell their goods, the countries where they source their supplies, where they finance their activities and where they hire their workers.

This is not only a matter of technological change and perceptions of a new global geography. Values are changing as well as; to use one of Bertrand Russell's famous phrases, peoples are forced to expand their mental horizons and to acquire broader loyalties. Most people today, regardless of cultural, religious or ethnic background, whether male or female, want to live in a world characterized by peace and non-violence, economic opportunity and job security, environmental sustainability and the rule of law, where rules will apply to all, regardless of social status or nearness to the centers of power. Ideally, ambitious politicians eager to persuade voters to allow them to gain office should find it much better to promise security, improved living standards, social justice and human rights, environmental responsibility and public accountability, rather than to appeal to deep-seated nationalisms and baser instincts, which disproportionately attracts those who have been left behind in current conditions. And this, in turn, reflects the emergence of a truly global civil society, with broadly shared values that – while honoring diversity – transcends ethnicity, nationality, religious preference and social status.

Second, "sovereignty" is no longer the sacred principle that it once was. Numerous constitutions have been amended to enable participation in supranational bodies, such as the European Union, or in other bodies the aim of which is to establish peace and security. Article 24.2 of the Constitution of the Federal Republic of Germany states that "For the maintenance of peace, the Federation may enter a system of mutual collective security, in doing so, it will consent to such limitations upon its rights of sovereignty as will bring about and secure peaceful and lasting order in Europe and among the nations of the world."[12] Italy's 1948 constitution is no less clear: "Italy renounces war as an instrument of offense to the liberty of other peoples or as a means of settlement of international disputes, and, on conditions of equality with other states, agrees to the limitations of her sovereignty necessary to an organization which will ensure peace and justice among nations, and promotes and encourages international organizations constituted for this purpose." Even the United States imposed limitations on its own sovereignty on core national defense issues by signing the 1949 North Atlantic Treaty, whose Article 5 spells out that:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

And, of course, the United Nations Charter itself imposes certain limited restrictions on the sovereignty of its members in a range of provisions. For example, in relation to the (intended) evolution of the organization, its Article 108 imposes a two-thirds majority for votes in the General Assembly – other than for permanent members of the Security Council – on amendments to the Charter; this majority, in theory, was to prevent any one member or small group of members from blocking the evolution of the organization.

For those of us who argue that in 1945 we missed a great chance, maybe one can say that coming out of the war the world was not sufficiently stabilized; the reconstruction of the entire European continent remained ahead. Maybe the idea of a global community of nations in what was still the colonial era was premature; there were only 51 signatories of the UN Charter in San Francisco. By the late 1970s, membership in the United Nations had risen to 152 countries. Clark and other fellow thinkers arguing for a stronger UN in the 1940s can perhaps be critiqued for overestimating the readiness of world leaders and communities to take the medicine of a stronger UN, but they cannot be faulted for correctly diagnosing the flaws of

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[12] Constitution of 1949, as amended in Unification Treaty of August 31, 1990.

basing an international order on inflated notions of national sovereignty or for trying to address anarchies inherent in the current system, which has proved unable to address our host of global problems: the dangers of nuclear weapons, the huge economic and social costs associated with the absence of effective collective security mechanisms, violent extremism, repression by autocratic regimes, as well as the emergence of a range of new problems (e.g., climate change). These have largely gone unattended either because we do not have the institutions to confront them in a meaningful way or because they simply have exceeded the political and operational capacities of existing institutions. Ideals of robust and functional international governance did not die altogether in the 1940s; they were partially resurrected in 1957 with the creation of the European Economic Community, the precursor of today's European Union. The EU has helped build up a strong regional political identity and has shifted "legitimacy and political balance away from reliance on the state as supreme international actor."[13] It remains the most important experiment to date in supranational economic and political integration and may be an early model for more ambitious political arrangements in the future.

CONCLUDING REMARKS

In this book we have taken the view that the more sensible approach in developing the foundations of an enhanced global constitutional order is to build on the existing institutional infrastructure associated with the United Nations. The UN Charter, despite the many extraordinary aims, legal principles and values it enshrines (which should, of course, be retained and strengthened), is today a too-weak form of global constitutionalism. As we have argued, it is heavily constrained by the commitments it makes to uphold outdated and unclear notions of state sovereignty, it is saddled by the veto, it is inadequately resourced, it has not succeeded in establishing a genuine international system of rule by law, it has consistently proved incapable of controlling or preventing internationally relevant abuses of power and other forms of deviant state behavior. One might even concede Falk's statement that "The United Nations never has had the sort of role or created the kinds of expectations that one could identify with even a minimalist constitutional order."[14] But it is what we have; it has universal membership, it has accumulated during the past 75 years a body of texts and practices that have precipitated important changes in specific areas (e.g., a remarkable strengthening in the legal underpinnings of our human rights framework), it has participated, however ineffectively, in most of the peace and security debates of the postwar period, and the Security Council has the power to enact binding international law. More importantly, as Clark and Sohn showed in their magisterial work, as with any founding document, the UN Charter can be amended,

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[13] Falk, "The Pathways of Global Constitutionalism," p. 30.
[14] Ibid., p. 16.

modernized and adapted to the needs of the present. It is our view that we would be better served by improving upon this foundation rather than going back to the beginning and starting over again.

The scenarios developed in Chapter 21 show that the range of possible futures is multiform, and the only certainty is that there will be surprises. This book represents our reasonable efforts to shine some light on the possible ways ahead, to provide a vision of where we might need to go and to suggest workable mechanisms for the next steps in our evolving system of governance. It tries to strike a balance between what idealism says would be desirable, what the reality of our present situation says is necessary and what might seem feasible to a political realist. No one person or group of persons has all the answers. As we go forward, we will all need to adopt an attitude of constructive exchange, consultation and learning as we experiment with pathways for more effective governance at multiple levels, collecting and sharing best practices as experience accumulates. Systems science suggests that humanity will make it through this age of transition to achieve a new equilibrium at a global level of social organization, including in the realm of international governance. This will open opportunities for a new flourishing of human civilization and well-being around the world. We hope that the efforts we all undertake now will eventually be fruitful in contributing to the evolution of human society as it realizes that the Earth is – inevitably – one interdependent community, with all of humanity as its citizens.