GLOBAL GOVERNANCE

IN THE GLOBAL NEIGHBORHOOD

by

Shridath Ramphal

Co-Chair

Commission on Global Governance

Booklet 35

WAGING PEACE SERIES

NUCLEAR AGE

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WAGING PEACE SERIES

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This issue of ***Waging Peace*** was adapted from his keynote address to The Third Global Structures Convocation on Human Rights, Global Governance and Strengthening the United Nations held in Washington, D.C. in Februrary 1994.

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GLOBAL GOVERNANCE IN THE GLOBAL NEIGHBORHOOD

by Shridath Ramphal

It was in the 1970s that advances in electronic communications prompted Marshall McLuhan to add the term "global village" to our vocabulary. Developments since then make that term even more apt as a metaphor for what the world has become. In our discussions in the Commission on Global Governance we too have been attracted to the concept of community and more specifically to the notion of the global neighborhood. A neighborhood, of course, may be rural or urban. More pertinently, the notion of a neighborhood has connotations beyond the physical. The accent is more on the people who occupy the space than on the space itself. Neighbors can be good, indifferent, or downright nasty, but to be neighborly is not simply to be next door; it is to be caring, it is to be a good neighbor. Therefore the idea of neighborhood carries with it a sense of aspiration to the qualities of community, of sharing and partnership.

The telescoping of distance and time by technology has been the prime factor in making the world smaller. Journeys that took weeks earlier this century now take hours; no point on the map is more than a day away for today's jet-traveller. Communication is instant: not just voices but images by fax, and now videophone, cross continents and oceans at the command of a few keys. Pictures from space reach our television screens on earth in seconds. The writer Isaac Asimov pointed out very tellingly that while it took Spain's Queen Isabella five months to learn that Columbus had made landfall across the Atlantic, and Europe two weeks to learn that President Lincoln had been killed, it took just 1.3 seconds for the world to see Neil Armstrong take his first small step on the moon. I could add that North Americans are seeing on their television sets today what happened in Japan tomorrow as it happened.

But new means of transport and advances in telecommunications — optical fibers, satellite links, facsimile transmission, modems, data highways — are only one factor making us global neighbors. Trade, industry, investment link us much more closely than ever before. And issues that compel us to work together for solutions add further links. While travel and communications bring us closer physically, these

other factors make us more interdependent, more involved in one another's affairs, more important to one another's well-being.

In our global neighborhood, we have to cooperate to preserve international peace, to keep trade free and expanding, to tackle ocean pollution and greenhouse warming, to check the spread of nuclear weapons, to halt deserts from becoming larger, to preserve biodiversity, to deter terrorists, to prevent famine and starvation, to save endangered species, to ward off economic depression.

In this changed and still fast-changing world, on the eve of a new century, what should be the vision, the values, the ethics that guide us in managing the affairs of our global neighborhood? This has been a question of pre-eminent importance for the Commission on Global Governance; we are sure that whatever proposals we advance for institutional or other changes should derive their validity from commitment to a set of principles and ideals relevant to our times and appropriate to our purposes.

There are, of course, values that have been respected through the ages and are valid everywhere: altruism, courage, determination, equity, generosity, integrity, justice, kindness, loyalty, moderation, patience, reliability, thoughtfulness, tolerance. Some of these are more pertinent to the conduct of public affairs and world affairs than others. And changed circumstances and fresh challenges call, if not necessarily for new values, for changed emphases.

If, as we believe, the concept of a global neighborhood is valid, it will not surprise you that we feel that neighborhood values should guide us. The duty of care for our neighbor is the foremost of these values. In a neighborhood, all are neighbors; in our global neighborhood, our duty of care is owed to all who share the planet. Our duty, of course, is the more compelling the more a neighbor needs care.

Caring for the Poor

Today, high among those who stand in need of care are the poor, the one in four or five of its people that the world's remarkable and often spectacular economic progress has bypassed. The ranks of the abjectly poor have continued to grow larger. I recall that when we were completing work on the first Brandt Commission report at the very end of the 1970s, the World Bank estimated that there were around 800 million in *absolute poverty* — the term Robert McNamara had used a few years earlier to stir the world's conscience on human deprivation. UNDP's Human Development Report for 1993 put the figure at 1.3 billion — over 50 percent more. These figures give an idea of the scale of the problem and of the trend. The success of the newly industrializing countries of East and South East Asia has been so dazzling that it has tended to obscure the uncomfortable reality that poverty is growing. The wide prevalence of poverty alongside both untold affluence in the industrial world and vigorous economic advances in parts of the Third World is a paradox. It must seem a cruel paradox to those who remain trapped in poverty, for whom even the most basic needs of sustenance are seldom met.

The extent and depth of contemporary poverty must also be an affront to our notions of equity and justice. Only a sense of caring, born out of concern for their condition in life, and of solidarity with them as fellow human beings, can inspire more resolute action to help the poor work their way out of deprivation.

That sense of neighborly care and fellow-feeling has found spirited expression in the efforts of an expanding network of agencies, financed by voluntary public contributions and staffed by committed individuals, that engage in humanitarian and development work in the Third World. This spirit of solidarity has been specially evident on occasions of acute crisis. The generosity of individual citizens has often shown up, by contrast, parsimony on the part of governments.

As within nations, so within the global neighborhood: private or individual voluntary action, while valuable, cannot be a substitute for public or community efforts not just to relieve poverty but to combat its causes so that it may be eradicated. Concern for the underprivileged of the world must therefore exert a more dominant influence on official policy.

Tolerance and Respect for Others

One of the most distressing trends of the recent past has been the rise in racial and religious extremism and chauvinism. Some nationalist movements have displayed crudely xenophobic edges. Ethnic cleansing, that perversion that has recalled Hitler's barbaric behavior, has brought death to thousands and displacement and suffering to millions. There has been a resurgence, within some parts of Europe, of fascist movements; these have made scapegoats of

immigrants, many of whom have been the victims of violence. Elsewhere religious extremists have been ready to use violence to achieve their goals. Some have taken to attacking foreigners. Writers have faced death threats, and their associates killed, for offending religious leaders.

It has been said that these assertions of particular, narrower loyalties are in part a reaction against the forces of globalization and homogenization, attempts to withstand the currents of modernization and secularization. Whatever the causes, these trends, whose common stamp is intolerance, are regressive; they take humanity back. They allow atavistic fears and hates to prevail over the instinct of human solidarity and fellow-feeling. They allow the law of the jungle to replace the rule of law. They require us, therefore, to reassert the importance of tolerance and respect for 'the other': other people, other races, other beliefs, other colors, other cultures. The world community must be resolute in upholding these values and offering protection against the actions of those who would trample upon them.

The Challenge of Violence

Another troubling development that poses a challenge to the world community is the rise in violent conflicts as political movements seek separate statehood for communities that have been part of larger national entities. These secessionist movements seek to justify their actions by the principle of self-determination. This principle was crucial to the process of decolonization and has been an important influence on the political geography of our world. There are widespread misgivings, however, about applying this principle to support the break-up of existing states. There are understandable fears about the likely risks of instability and insecurity from an unhindered process of fragmentation. Nevertheless, it needs to be recognized that often the demand for separation and the resort to violence in pursuit of it follow the frustration of constitutional efforts to secure more modest changes, and reflect insensitivity on the part of those in power to the aspirations of communities that feel alienated.

Many of the nearly two hundred nation-states in the world consist of more than one ethnic group. There is consequently considerable scope for discord and conflict. Concern for the interests of all citizens, of whatever racial, tribal, religious or other affiliation, must therefore be high among the values informing our conduct in today's

world. There must be respect for their rights, in particular for their right to lead lives of dignity, to preserve their culture, to share equitably in the fruits of national growth, and to play their due part in the governance of the country. Peace and stability in many parts of the world could be endangered if these values are neglected. It is a responsibility of the world community to strengthen protection of these rights, as it seeks to discourage the urge to secede that their frustration can breed.

Caring for the Earth

We have lately become more aware of how the way we live has been damaging our habitat, in some ways irreparably. It has been driven home to us that our actions should be guided by greater care for the earth. Consumer habits that result in pollution and ecological damage have to be moderated. There is need to be more frugal in the use of the resources that nature provides that cannot be replenished. Unless those who now use a high proportion of these resources show restraint, it is clear that others cannot aspire to a fair proportion for their own use.

The environmental crisis we find ourselves facing also behooves us to be sensitive to the long-term effects of our behavior on the habitat. We need particularly to act with greater concern for our children: to treat the earth and its resources as assets we hold in custody for the generations that will follow us. Just as we hold equity to be a desirable value in relations among nations and peoples, we must respect the case for equity between generations.

Few other developments have sent such powerful signals of our shared destiny as human beings, of our interdependence, than the growing evidence of global environmental degradation. Few other developments have so effectively conveyed the message that we are now a global neighborhood, in which neighborhood values are vital for survival.

Renaissance of Democracy

Not all recent developments have, of course, been cause for disquiet. Among the most heartening trends of the past few years has been the movement towards democratic government and the collapse in many countries of autocratic systems of rule that had endured for long periods. The passage from one to the other has not everywhere been

trouble free and even where democracy has been installed there is no guarantee that it is always robust enough to endure. But the drift is unmistakable and of the strength of the democratic impulse there can be little doubt.

This renaissance of democracy within national societies is a cause for thanksgiving. We have not yet reached the goal of universalizing democracy, but that goal — a world of democratic states — does not seem outrageously utopian even if it is not an immediate prospect. But what should cause us graver concern than the apparent remoteness of that goal of universality is that this embrace of democracy at the national level has not been accompanied by a parallel shift toward greater democracy at the international level.

The shift to democracy in what was the Soviet bloc and in the Third World has been championed with obvious enthusiasm by what are considered the mature democracies of the West. This passion for democracy abroad is, of course, itself a rather recent fashion. It was conspicuously absent in the Cold War era when the leading democracies bankrolled numerous Third World despots who trod on their people's rights. But this change in fashion — or policy — has not been extended to the question of democracy on the world stage. The leading democracies have chosen to be silent on that matter. As far as they are concerned, democracy seems to be virtuous only within national habitations. On the international stage, what matters is power.

It is against this demonstration of double standards by leading countries that the world community must take up the democratization of the United Nations. The reform of the U.N. is naturally a central concern of the Commission on Global Governance. The clear evidence is that the international society has tended to become less democratic with the passage of years. While the world has changed in significant ways, with the number of member states increasing and the relative standing of countries being transformed, the U.N. has remained virtually frozen in its post-Second World War mold.

Reforming the Security Council

The make-up and powers of the Security Council lie at the heart of this question of democracy at the United Nations. The Security Council has been released from the paralysis of the Cold War era and there is much less use of the veto. But these changes, welcome as they

are, have not changed the anachronistic nature of the Council, nor made it more representative of the nations of the world. The Council has so far registered only token cognizance of the sweeping changes on the international map since the U.N. was formed. In 1963 the number of non-permanent members of the Council was raised from 6 to 10, with consequential changes in voting provisions. This change took note of the fact that the membership of the U.N. had more than doubled, having risen to 113 states. Now it is 184 — an increase of over 60 percent since 1963 and over 250 percent since 1945. There has been no change whatever in the disposition of real power, in the composition of the upper echelon of veto-possessing permanent members. These remain the same five who virtually appointed themselves to these seats when the U.N. was founded.

The permanence of the permanent five was always one of the less wholesome provisions of the Charter. The U.N.'s founders were clearly not looking decades ahead to see in what ways the world would be transformed — and had they looked they well might not have seen. The powers that had won the war believed that to prevent another world war they should entrench their own position within the world system. Whatever justification there might have been for having these five countries and these five alone as the decision-making powers in the U.N. has been steadily eroded by the events of the past five decades. But because they clothed themselves in the cast-iron armor of the veto, the world community can move towards democratization of the United Nations only with their willing support — or at least their grudging acquiescence.

One clear lesson for the future is that in any reform the world community should eschew further permanent or immutable arrangements. It should instead, as part of the reform, build in the principle of regular review so that reforms may be considered from time to time without being blocked or delayed at the outset by countries with vetoes. The implication of this is that the ranks of the permanent five should not be enlarged. As democratization would be ill-served by freezing the present disposition of power, there is a need to consider ways to dilute the power of the present permanent members without adding to their numbers. One way of achieving this may be in some way to create a new class of members between the permanent veto members and the non-permanent or rotating members. Political and economic realities no less than the compulsions of equity in the global neighborhood demand

such reforms.

The veto, it is widely agreed, is one of the less desirable aspects of the Security Council's architecture. Those who wish to see a democratically reformed Security Council have therefore to confront the dilemma that while it would be a step backwards to make the veto an even more dominant feature by increasing the number of veto powers, leaving the veto as it is now would be to go along with an arrangement that has ceased to have whatever validity it may have had at its inception. It may be unrealistic to think that the present five veto countries will volunteer to give up the veto; at the very least, however, proposals for reform must include a strong appeal to these countries to agree that the veto's use be restricted to only a narrow range of circumstances.

The need for reform of the Security Council has become more pressing in the years since the end of the Cold War. The demands on the Council have grown and it has entered a markedly more active phase. The Council's recovery from the immobility the Cold War had induced was universally welcomed. There seemed to be a new, cooperative spirit stirring among the powers occupying the Council's permanent seats. But euphoric sentiments have given way to a more questioning attitude in many quarters: the new-found unanimity of the Council — is it real or does it hide uneasy acquiescence? Is it a revitalized world body that we have, or a captive one? Is the world moving towards arrangements for genuine collective security, or are we in danger of being stuck with a global model of the sheriff's posse that used to impose its version of law and order in the now unlamented Wild West? There has been reason enough to wonder if having to live in a unipolar world, with a lone superpower instead of two superpowers at loggerheads, is indeed an unmixed blessing.

The early years of the post-Cold War era have not proved notably blissful. The long stand-off between the West and the East did come to an end and that did diminish the threat of a nuclear holocaust. But war and violence are still with us. Some old conflicts that superpower contention had fueled continued on their murderous courses despite the withdrawal of superpower patronage. New eruptions created fresh killing fields elsewhere. Calls for action by the United Nations have multiplied and the situations in which U.N. intervention is sought have become more diverse. As the U.N. is required to act for the world with increasing frequency, the legitimacy of the Security Council which

authorizes action in the name of all becomes ever more compelling. Making the U.N. more democratic is a pre-condition of making it more effective.

U.N. Intervention for Human Security

The U.N.'s founders saw as its primary function maintaining peace and security in the world, and they saw the dangers to peace and security as arising essentially from conflict between nation-states, from aggression by one state against another. Iraq's bid to grab Kuwait, coming close on the heels of its protracted war against Iran, was a warning against the temptation to assume that wars between states are becoming an extinct phenomenon. But the higher probability, for which there is abundant evidence in recent experience, is that threats to the security of people — and it is not just the security of states and territory that must concern us — will arise from situations within countries, rather than conflicts between countries. The security of people could be endangered by civil war, by humanitarian emergencies — and these can be both natural or man-made — and even, in extreme cases, by the collapse of civil order. Sometimes two or all three of these factors could be present in vicious combination.

When there is human suffering on a large scale as a result of such factors, it very naturally gives rise to the feeling that the world community should act to bring it to an end, that there is a moral compulsion on the world community not to stand aside but go to the aid of those who are vulnerable. These feelings are articulated as demands for U.N. action, even if such action would violate the principle that there should be no external interference in the affairs of sovereign states. The sovereignty and territorial inviolability of nation-states have been bedrock tenets of the world system. States have valued these as fundamental to the protection of their independence and integrity. Small and less powerful states, in particular, have seen in these principles their main defences against more powerful, predatory countries, and they have looked to the world community to uphold these norms.

There is therefore a need to balance people's right to security and states' right to autonomy. We need to accept that there could be circumstances within countries when the security of people is so extensively imperiled that external intervention becomes justified, that it would indeed be wrong not to intervene. It is important,

however, that intervention should be a genuinely collective act by the world community — that is, that it should be undertaken by the United Nations or authorized by it and carried out under its control.

An activist U.N. will not long survive as a legitimate and effective actor if it is used simply as a cover for the intervention of major powers. The U.N. will inevitably stumble from time to time — but so has every nation that has ever exercised power. In the global neighborhood the primary duty of everyone — states and people alike — is to support not usurp neighborhood action — U.N. action. **It is also essential that U.N. intervention should follow principled criteria and should be consistent and even-handed. Above all, intervention should not be unduly influenced, much less determined, by the interests or domestic political agendas of powerful nations acting within a region or globally.**

United Nations action does not always have to involve the use of soldiers, as its enlarging role in facilitating elections demonstrates. Yet the imperfections of our contemporary world are such that in the interests of peace and security the U.N. has to be able to deploy troops in some situations. Most of the time soldiers under U.N. colors have been engaged in what might be described as benign functions, when they do not have to use weapons. But there are occasions when the ability to use force, i.e., to engage in fighting, may be necessary to restore or enforce peace. There has been much discussion lately on how the U.N.'s capacity to take action in conditions of incipient or actual conflict should be improved. The U.N. Secretary-General has himself put forward proposals. There has been renewed interest in some provisions of the U.N. Charter that had lain dormant because of Cold War tensions but might now be activated.

In the Commission on Global Governance, we have had a group of members working specifically on security issues; and we have been fortunate to have Olara Otunnu, with his very pertinent knowledge and experience, in New York to steer it. We have been giving attention to a whole range of issues in this important and complex field. Our conclusions have yet to take final shape, but the thrust of our thinking is towards strengthening the U.N.'s ability to take preventive action, which means early action.

It has long been clear that the U.N.'s ability to be effective in some situations has suffered because, without any soldiers of its own, it

is not in a position to respond quickly, even if the Security Council may be in favor of action. Governments do not always rush to commit troops to operations in situations in which they do not see a vital national interest at stake or which do not seem to pose a threat to their own security, especially if there is a prospect of violence in which their troops would face risks. In these circumstances suggestions that the U.N. should have a small standing force of its own — one that it can deploy quickly without waiting for contingents from governments — have much appeal. One advocate of a U.N. force, entirely of international volunteers, is Brian Urquhart, who is a member of the Commission. Long a pillar of the U.N., his international experience and his internationalist instincts have convinced him of the value of a U.N. volunteer army. And his proposal has drawn wide support. Proposals for strengthening the U.N.'s intervention capacity are among the many ideas engaging our attention on the Commission.

The case for reform of the Security Council has been reinforced by the further need, now increasingly acknowledged, for security to be seen in its widest dimensions. Conventional threats to security, threats of violence or military action, have not disappeared, and the Security Council must continue to deal with them. But economic, environmental, demographic, and other factors can also endanger the security of people.

There have been many public warnings, for instance, that the next conflict in the Middle East could be about water. How the water of rivers or underground aquifers is shared between neighboring countries is indeed a contentious issue. As the region's demand for water increases with population and economic growth, so does the potential for discord over who draws how much. If countries seem on the verge of violent conflict, the Security Council would, perhaps, be moved to take note of the situation; but the Council is not at present geared to taking early action to prevent relationships deteriorating to that level and threatening a breach of the peace. The world needs a forum in which these wider sources of threats to security are kept under surveillance, so that action can be taken at a sufficiently early stage. Clearly such a forum has to be at a high level to have the chance of having an impact on developments.

Economic Security

Similarly, there is growing support for the view that there

should be a global body to consider key matters relating to the performance of the world economy and to international economic relations. The Group of 7 might claim to be such a forum but it is only a self-constituted club of the nominally richest countries created to look after their own rather than global interests. Even in that limited context the meetings of the G7 are now often derided, within the West itself, as mere photo opportunities for political leaders trying to revive sagging ratings in the public opinion polls.

But there are other reasons which go to the heart of the G7's inadequacies as the world's economic directorate. The latest Gross Domestic Product statistics of the International Monetary Fund show that on a purchasing power parity basis — stripping away exchange rate distorting effects — the OECD countries now account for barely half of the world economy: China is the second largest economy after the United States, ahead of Germany and Japan; India is the sixth, ahead of Britain; Brazil and Mexico are in the top ten, ahead of Canada; while Indonesia, South Korea, Nigeria and others are substantial players. Of course, there are still big disparities in living standards and in technological capacity; but it seems fairly clear that, certainly in terms of market opportunities for trade and investment, there is an irreversible shift taking place to what have been some of the poorer parts of the world. The rich have yet to come to terms with the reality of economic multi-polarity.

The United Nations Economic and Social Council (ECOSOC) was expected at its founding to be a high-level policy forum, but it has turned out to be one of the U.N.'s lame ducks. It has not had the support from governments that would have enabled it to wield significant influence. Key governments have gone along with ECOSOC's enlargement; its membership was expanded from 18 to 27 in the 1960s at the time the Security Council took on four more non-permanent members and again in 1973 when ECOSOC membership was doubled to 54. ECOSOC gained in representativeness but not in authority or effectiveness. The big players preferred that authority and influence should reside elsewhere, in forums whose composition was narrower and which were therefore more amenable to their control.

What is therefore required is a body with as much standing as a reformed Security Council — perhaps that Security Council, instead of an altogether new institution — acting under a widened mandate or a more creative interpretation of "peace and security" or "threats to peace." I must emphasize the qualification however: it must be a

reformed Security Council if it is to have a wider mandate; and its actual participants when it sits in economic session must be of a nature and at a level commensurate with its mandate.

The restructuring of the Security Council to make it more representative of the world community, coupled with an extension of its authority beyond the sphere of conventional security on the lines of an Economic Security Council, could constitute a principal thrust of proposals for reform of the United Nations.

There are, of course, other areas of reform that we are looking at in the Commission in our study of the main organizations of international governance, including the various units of the U.N. family, the Bretton Woods organizations, and the GATT which is now to be subsumed by a World Trade Organization. Accountability, legitimacy, participation, efficiency, effectiveness: we need to take all these factors into account.

International Taxation

Besides the question of institutional reform, an issue of the highest importance is that of resources for global purposes, resources for activities the U.N. is requested to undertake and the global services it is expected to provide, resources to bring an end to extreme poverty, resources to prevent environmental crisis. The United Nations has been obliged to lead a precarious financial existence; the world's premier organization has not been able to bank on receiving money due to it from governments, including notoriously some of the richest governments. The basic needs of large numbers of people — food, shelter, healthcare, education — go unmet because of lack of resources for combatting poverty. Plans to achieve sustainable development remain plans on paper for the same reason.

Within countries, such public objectives as law and order (the national equivalent of security and peacekeeping at the world level), the welfare of those in acute need, or the development of backward regions are financed by society as a whole from the public purse through taxation. The need has been recognized for a shared commitment to provide the resources for such public purposes and to do so in a predictable, regular fashion. At the international level, however, even when the world community accepts certain objectives as deserving of a shared commitment, financing is left by and large to the voluntary decisions of governments.

Performance in most cases falls way behind what is desirable. Nothing illustrates this better than the record of foreign aid, of what is termed official development assistance. International targets set within the United Nations have become virtually meaningless, except as marks by which to measure the niggardliness of most rich countries. Only a handful of nations — mainly the Scandinavian nations and the Netherlands — have seen their commitment to these targets as morally compelling. Many affluent nations have chosen to retreat from them over time. Appealing to these countries to change course and to resolve to improve their performance to meet these targets have become a vain ritual.

The inadequacy and unreliability of present financial arrangements have led to proposals being made for the introduction of a system to raise resources for global purposes through international charges or taxes. In the Brandt report nearly 15 years ago, calling for a new approach to development finance, we made a case for a start on automatic mechanisms for mobilizing resources. **The world must move, sooner or later, toward some forms of international taxation, as nations had to introduce national systems of taxation. The larger demands being made of the United Nations and the increasing difficulties it is having in financing the work it is asked to accomplish, as well as the challenges of persistent poverty and ecological stress, have made the arguments for a more rational approach to international public financing stronger. The Commission's inquiry into the needs of global governance will not be complete without further consideration of the appropriateness and feasibility of new methods of raising funds for selected public purposes.**

The suggestion that at least a part of the funds for internationally agreed public purposes should be generated in an automatic way— independent of action by individual governments and national assemblies — does not mean that their expenditure will also be free from control by governments. Budgeting and expenditure, how money is spent and who gets it, must remain subject to democratic control; the difference is that it would be possible for budgeting and planning to take place with less unpredictability about the availability of resources.

Strengthening the Rule of Law

The final area of the Commission's deliberations on which I

wish to touch is the role of the rule of law in international relations, and how it needs to be strengthened in the interest of better global governance. The rule of law has been a critical civilizing force in every free society. It is what distinguishes an authoritarian from a democratic society, what secures liberty and justice against oppression, what elevates equality above dominion. Respect for the rule of law is one of the most basic of neighborhood values. It is as essential to the global neighborhood as to the national one. Global governance without law would be a contradiction in terms.

Few would dispute this, but a large shadow falls between acknowledgment and performance. When the founders of the United Nations drew up the Charter at San Francisco they genuflected at the altar of the rule of law worldwide. They established the International Court of Justice (ICJ) under the Charter as the cathedral of law in the global system; but no one was obliged to worship there. The rule of law worldwide was an optional extra. States could take it or leave it, as far as the Court's "compulsory jurisdiction" was concerned. Each could decide, in effect, if it was going to be above the law of nations. And, of course, several did so decide.

The ICJ was marginalized within the global system. The development of international law could have been a major chapter of the post-war era. It was to be a mere footnote. The era was characterized instead by the rule of military power and of economic strength exercised often in denial, and sometimes even in defiance, of international legal norms. **We must strive to ensure that the global neighborhood of the future is characterized by law, not lawlessness; by rules which all must respect; by the reality that all, even the weakest, are equal under the law; that none, even the most powerful, is above the law.**

The Commission on Global Governance will make recommendations designed to extend the rule of law worldwide. Acceptance of the compulsory jurisdiction of the ICJ should surely be a bedrock condition of membership of the United Nations. Those who play in the neighborhood must agree to play by its rules. But it is not only states acting individually that should be subject to judicial scrutiny. Should not the ICJ have jurisdiction to review the validity of certain actions of international institutions, including especially the Security Council — given its own mandatory enforcement powers?

Nor is it to the International Court of Justice alone that we must look for securing the rule of law worldwide. Should not the

Security Council itself have a panel of legal advisers at its side — not just the international lawyers in national capitals or on the Secretary-General's staff — but lawyers serving the international community with a mandate to warn the Council when it is itself in danger of transgressing legal norms?

International law has to look also beyond states to individuals and other non-state entities. The traditional practice, under which only the former have international rights and obligations, is changing slowly, but states are still the only parties with standing in a dispute before the ICJ. **The time has come to create an International Criminal Court — ensuring, of course, that it is a genuine arm of international law and not a tool of power.**

It follows that the enforcement powers of the international legal system must be strengthened. The need for an efficient monitoring and compliance regime has become increasingly apparent over the years. One way forward is to make international law enforceable in domestic courts. An effective system of global governance requires the strengthening of the rule of international law through domestic legal systems. **In our global neighborhood we must live by a new ethic that is underpinned by a culture of law.**

Conclusion

I have sought to flag some of the principal concerns of the Commission. There are, as you will expect, many other issues that have been engaging our attention but which I have not been able to take up. We are now fairly well advanced in our discussions within the Commission and are working towards having our report ready for publication by the end of 1994. But the issue of our report cannot be the end of the matter. We attach great importance to the stage that must follow, and the efforts that would need to be made to stimulate interest in our ideas and mobilize support for our recommendations. We shall look to you as an important part of the constituency that must help to take our work forward in the second stage — in the year of the 50th anniversary of the founding of the United Nations. ■

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