

**Towards a UN World Parliament:
UN Reform for the Progressive
Evolution of an Elective and
Accountable Democratic
Parliamentary Process in UN
Governance in the New Millennium**

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**Towards a U.N. World Parliament:
U.N. Reform for the Progressive Evolution of an Elective and Accountable
Democratic Parliamentary Process in U.N. Governance in the New Millennium**

Robert Sheppard¹

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In his work at the Law Institute of the Chinese Academy of Social Sciences, he participated in the Second International Conference on Legislative Theories for the purpose of assisting the China national People's Congress in the drafting of a new Basic Legislation Law (*Lifa Jibenfa*) for restructuring of the Chinese legislative system. The National People's Congress has scheduled the draft of the Basic Legislation Law for debate and final enactment into law in March 2000. This Conference was sponsored by the Ford Foundation and the International Republican Institute, and included participants from the U.S. Congressional Research Service, the Association of U.S. State Legislatures, the German Federal Parliament, and the Chinese National People's Congress.

Mr. Sheppard taught previously in the law school of Xiamen University, China and was admitted as a lawyer in California in 1979. He has over two years of lobby work experience in the U.S. Congress in Washington, DC, and has previously studied at the University of California, Berkeley, the People's University, University of Heidelberg, and the University of Tuebingen, Germany. His languages spoken include Mandarin Chinese, Russian, German, and English.

While the United Nations Organization is often looked upon as an idealistic vehicle for the global propagation of democratic institutions and values, the fact remains that it itself is a profoundly undemocratic institution composed only of the representatives of states and ruling governments and not of any elected representatives of peoples who would iterate proposed global public policies to their peoples and be answerable to them by any focused democratic process of selection or consent.

This is not in the least surprising as all international institutions until recent times have reflected this limitation in being state-centric rather than demo-centric (people-centric). International institutions, however, no less than domestic governmental ones, are subject to the process of historical evolution, including occasional quantum qualitative leaps forward, as to their inclusiveness and accountability vis-à-vis the peoples they represent.

The first revolutionary quantum leap in the democratic evolution of international institutions occurred recently with the full implementation of the European Parliament. The European Parliament uniquely constitutes the first example in world history of direct electory and democratically accountable process to a supranational international institution. In this, it recapitulates the embryonic origins of domestic European Parliaments, which initially were largely advisory entities, such as the Estates-General and the earliest British Parliament. These were in their initial manifestations largely “talking-shops” (*parley-ments*), yet they fulfilled a very vital role in reflecting, evoking, evolving, and embodying the growing consciousness and a will of the “people” as a people *per se* and a source of democratic legitimacy based upon effective consent of the governed. In this sense, the European Union is the first democratically legitimate international institution whose work-product is in any way answerable directly to the poly-national “people” on whose behalf it acts internationally.

The long-standing confrontation over the U.N. dues arrearages of the United States, the demands for widening the Security Council, along with the recently proven vitality of the European Parliament, and the widened perspectives accompanying the dawning of the new Millennium, the experience of globalization of the world economy, and the rise of the “global village,” CNN and the Internet, have all put the question of United Nations structural reform on the front burner both internationally and domestically within the United States. At the same time, the demise of the East-West divide and the recent Asian and Emerging Market Economic Crisis have served to focus attention on the remaining very serious “North-South” divide

reflected in the United Nations between the very populous yet economically disadvantaged developing countries of the “South,” constituting a democratic majority of the world’s population, and the economically advanced leading powers of the North, dominating the Security Council and other non-democratic institutions, such as the IMF, WTO, and World Bank. This divide has highlighted the increased marginalization of the U.N. as an institution for bridging such a gap and the pathos of the “dialogue of the deaf,” as the North and South speak past one another without an effective common forum for mutual comprehension, compromise, or consensus. It also seriously calls into question the democratic legitimacy of the United Nations institutions generally.

Therefore, there is a timely and even very urgent need for a focused world debate on the future of the United Nations in the New Millennium and on the role of international institutions and international law, not simply in microscopic technical terms of how many Security Council seats or international civil servants ought there to be at a given point in time, but rather macroscopically in terms of how the evolution of such universal international institutions ought to be shaped to reflect the emerging consciousness of the “people of the world” as a polity and ultimate source of legitimacy. A new sense of global identity along the lines of the McLuhanesque vision of the “electronic global village,” based on satellite television, the Internet, and the perspective of space travel, together with a new global environmental awareness, will bond together and force forward a new global popular consciousness, which will inundate and restructure the present international institutions just as forcefully as the wave of national consciousness of the “Gutenberg Revolution” following on widespread use of the printing-press and mass vernacular literacy that inundated the feudal institutions predating the nation-state and the pre-Westphalian international order and forced a progressive democratic evolution beginning in Europe after 1600. The entire macro-question of the ultimate relation of existing international institutions and international law to the people or peoples they purport to represent will have to be thought through anew with the new Millennium.

When Maurice Schuman and Jean Monnet published their plan in the ashes of post-war Europe calling for the creation of the European Community, the prospects for the creation of a European Parliament did not seem sanguine, indeed the whole momentum of geopolitical *Realpolitik* argued against its practicability. Yet, such intellectual leadership has in fact changed the face of the world. What is urgently needed with regard to the United Nations is a road map

setting forth the possible routes to the next evolutionary quantum leap in ways reflecting both the ultimate aspirations and ideals of the peoples of the world and the necessary demands and limitations of *Realpolitik*, or the power calculus and equilibrium of force and power on which the institutions of political and legal legitimacy ultimately rest as their foundation. This was needed by Woodrow Wilson in 1919 regarding the League of Nations and again in San Francisco in 1945, and is as urgently needed today.

The purpose of this paper is to set forth a viable roadmap for the next intermediate step of evolution of the United Nations system, taking into account its democratic evolutionary potential and the inhibitory *Realpolitik* factors, which inhibit such further development, with the final result analogous to the seminal work of Schuman and Monnet towards the evolution of the international institutions in Europe in the 1950's, although, as will be seen the evolution, because of the greater limitations of the global arena, will be more limited, more gradual, and of a differing nature than the evolution of the European institutions. Thus, the logic and demonstrated success of the European Parliament calls out for the development of such supranational institutions as an advisory U.N. World Parliament on an analogous, though not identical, basis. In this regard, the historical success of the European Parliament lends definitive credibility to the prospect of a similar global body, as "seeing is believing" for many, and the leap from what actually exists to what is idealistically proposed is much less intimidating than a decade ago with models existing for solution of the problems still outstanding. The proposed model will also be systematic --that is not simply a proposal for a single institution but for the evolution and integration of such a new organ into a reformed United Nations system-- to include relevant reforms to the Security Council, Economic and Social Council, and to the International Court of Justice (ICJ), also called the World Court. The outline of the proposed model, given below, will draw upon my personal experience as a professor at the Chinese Academy of Social Sciences Law Institute, incorporating certain features derived from studies of comparative public and constitutional law to incorporate certain features of such "mega-parliaments" as those of the People's Republic of China and the former Soviet Union/CIS, the European Parliament, the U.S. Congress, and India.

The model outlined is not intended to be final but is intended as a starting point designed to stimulate a concerted research effort and discussion of both a scholarly and political nature. Hopefully, such a dialogue will draw in the better "think tanks," scholars, and political leaders of

many countries and continents, both North and South, East and West, and will build on past efforts in this direction through studies and directed international conferences, such as that of the International Network for A United Nations Second Assembly (INFU.S.A), sometimes called the “We the Peoples” initiative after the opening words of the U.N. Charter.²

I. OVERVIEW OF RECENT UNITED NATIONS STRUCTURAL REFORM PROPOSALS

Since the beginning of this decade and before, there has been a substantial number of proposals for structural reform of the United Nations, ranging from the mild “tinkering” variety to that of radical reform. There would seem to be broad agreement that systemic change is needed but a lack of consensus on the scope and contents of such reform. In the United States, a leading initiative was undertaken by the United Nations Association-U.S.A, which was set forth in Peter J. Fromuth’s *A Successor Vision: The United Nations of Tomorrow*, headed up with a contribution from Eliot Richardson and comprising a fairly modest schedule of reforms in the social, economic, and administrative sectors, yet documenting through the experience of practical statesmen within the political mainstream the systemic weakness and incapacity of the present structure for dealing with the globalized problems of the present, let alone the anticipated future.³

Calls for an immediate rush towards actual world government have been made by such organizations as the World Federalist Association of Washington, DC, as typified by Clarence Streit’s work *The New Federalist*. More recently, Ronald Glossup’s *World Federation? A Critical Analysis of Federal World Government* set forth a well presented plan for a federal type government for which a central federal government would co-exist with nation-states pursuant to a constitution limiting the world federal government to limited powers. Similarly, the creative work of Richard Falk, *A Study of Future Worlds*, calls for a United Nations with legal and political authority to override national sovereignties. As will be discussed below, this paper does not go so far as to assume that the world is now ready for such an actual law-making central

² See, e.g., BUILDING A MORE DEMOCRATIC UNITED NATIONS: PROCEEDINGS OF THE FIRST INTERNATIONAL CONFERENCE ON A MORE DEMOCRATIC U.N. (Frank Barnaby ed., 1991) (containing Richard Hudson’s proposal for his “Binding Triad” and similar path breaking studies).

³ See, e.g., U.N.A-U.S.A, A SUCCESSOR VISION: THE UNITED NATIONS OF TOMORROW (Peter J. Fromuth ed., 1987)

government of general powers either in the dimensions of political consensus or in the politico-military-economic power calculus on which such a structure must needs rest its foundation. This paper will instead set forth an intermediate stage to lay the foundations for more comprehensive efforts at a later and more appropriate stage of development.

Within the United Nations organization itself there has been no shortage of studies, papers, and initiatives, though typically the constraints of practical interests tend to inhibit systematic reform in favor of the more technical tinkering in response to the concerns of the moment. Thus, the Palme Commission in 1982 focused on the pressing issues of superpower confrontation, U.N. peacekeeping, and nuclear disarmament in the U.N. commissioned study *Common Security: A Blueprint for Survival*. The “Jackson Report,” a product of a U.N. Commission headed by Robert Jackson of Australia and published as *A Study of the Capacity of the United Nations Development System*, constituted a major criticism of administrative mismanagement and the lack of overall coordination within the United Nations “family” of international organizations. Proposals have been repeatedly made for an overhaul of the Economic and Social Council (ECOSOC) to create a more compact and authoritative “Economic Security Council,” such as those contained in the Joint Inspection Unit’s report authored by Maurice Bertrand⁴ and echoed in the U.N.A.-U.S.A Successor Vision report. A comprehensive though limited internal reform effort was issued in 1992 by U.N. Secretary-General Boutros Boutros-Ghali as *An Agenda for Peace*, which, in the wake of the Gulf War, recommended a further movement towards implementation of the full system of collective security envisioned in the 1945 original structure including standing U.N. peacekeeping forces. The report stopped short of structural reform or major efforts towards democratization of the U.N. process itself in the pattern of the European Parliament.

The Boutros Boutros-Ghali report and other efforts by successor Kofi Annan can also be seen in part as a response to the negative initiatives from conservative circles in the U.S. Congress following on the steps of the Kassenbaum Amendment of 1985, which called for progressive withholding of the U.N. money contribution of the United States unless the U.N. introduced a system of weighted voting for financial decisionmaking in favor of those

⁴ Maurice Bertrand, *Some Reflections on Reform of the United Nations*, JIU Report 85/9, U.N. Doc. A/40/98, D1985.

economically developed states making the largest financial contributions. This, coupled with Grahm-Rudman, cut actual U.S. contributions by over 50%. Ironically, both the radicals of the right and left have from time to time favored either the withdrawal of the United States from the United Nations following the pattern of the League of Nations experience, or the abolition of all or part of the organization.⁵ This dues-withholding effort, effectively “structural reform by siege and starvation into submission,” constituted a negative reform agenda, which had considerable effect and which, despite recent compromises, is still unresolved today. It nonetheless carries the important lesson that if the *Realpolitik* power calculus is excluded and ignored in the formal processes of the U.N., even in the interests of equity or democracy, then the great powers are likely to paralyze those processes and marginalize them to the point of irrelevance or even to withdraw completely, as in the case of the League of Nations. The politics of the real world are likely to be much more about the protection of interests than the championing of principles in the abstract. The United Nations is always likely to involve an agonizing exercise in seeking a viable balance between might and right.

Given the conservative bias of the interests of existing Security Council permanent members in the privileges of the present system, including the veto and the above cited financial leverage of the great powers, such as the United States, to hamstringing the system in pursuit of their own interests, are the prospects for real reform of the United Nations moribund? Though microscopic analysis might tend to conclusions in that direction, the primary facts of life of the global economy in entering the new Millennium and the integration of the world at the level of telecommunications, popular culture, the Internet, environmental degradation and control, mass immigration, global drug and criminal networks, and capital flows all lead to the ultimate conclusion that much more global governance and multi-national management in each of these areas will be necessary by one means or another, and that international institutions for such management will require political legitimacy in the long run to be effective. Especially since the fall of communism and the increasing integration of the global economy on the basis of free flows of capital and goods, accompanied by occasional crises such as the recent Asian Economic Crisis, national governments now realize there is no way to establish independent national

⁵ Thus, Richard Gott observed of the U.N.: “We should shed no tears if it were to disappear,” and former Attorney General Ramsey Clark after the Gulf War demanded abolition of the Security Council with transfer of its powers to the General Assembly. *Nations Divided by a Lost Vision*, THE GUARDIAN (London) Aug. 28, 1993.

strategies in economic and social fields and to ignore the rest of the world and the interdependency of the global economy. Nation-states will increasingly need to manage such interdependency such that they are advantaged rather than victimized by it and will need to form new and reliable institutions of cooperation and governance to deal with realities beyond their control that may otherwise cripple them. Those institutions will be reliable neither for the dominant nor the weak economic powers without global legitimacy and it is in the common interest of both the strong and the weak to evolve such viable and reliable global institutions. In other words, as the realization of interdependence gains greater and mutual acceptance, so will the need for a solid world political framework be more apparent and acceptable. The rising consciousness of “world citizenship” from the telecommunications media, the Internet, global tourism and travel, and doing business worldwide can be expected to accelerate this reformation of consciousness and identity. Though the present United Nations is weak, marginalized, and unappreciated, its near universal membership, scope, and reach make it difficult to anticipate any other viable alternative for the degree of global effort, which would appear unavoidable. Consequently, it is likely that a Renaissance in the appreciation of the institution, albeit with great transformation, is to be anticipated and the pessimism of the present may well be superseded by a future recognition of its emergent indispensability and the concomitant need for the democratic legitimacy necessary to its reliable global functioning.

Should this prove to be the case, what alternatives present themselves as models for building the democratic legitimacy of such global institutions as will be needed in the next Millennium? The most influential recent initiative in recent years in this direction was that sponsored by the International Network for a U.N. Second Assembly (INFU.S.A), often referred to as the “We the Peoples” initiative. It proposed that a democratic “People’s Chamber” be created by the General Assembly without need for redrafting the United Nations Charter by utilizing Article 22 of the Charter, which provides: “The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.” The advantage of such a process would be that no new Convention to redraft the Charter would be needed nor subject to boycott by dissenting big powers unwilling to see dilution of their existing privileges. INFU.S.A has presented its proposal to the General Assembly continuously since 1985, and a series of Non-Governmental Organization (NGO) conferences to promote the plan has been pursued under the Conference on a More Democratic United Nations (CAMDU.N.). Partially in

response to such efforts, the House of Commons of Canada offered to host a first exploratory meeting towards the establishment of a United Nations parliamentary assembly in 1995.

The basic principle of the INFU.S.A proposals is that there should be a U.N. Second Assembly of directly elected non-governmental representatives representing all global inhabitants on a universal and equal basis as a complement to the existing U.N. institutions based on representatives of nation-states only. This would add to the democratic legitimacy of the work product of the U.N. and emphasize the collective responsibility and accountability of all governments to the collective peoples of the world. This would also facilitate dialogue between governmental and non-governmental representatives but would not seek to supplant the nation-states or the essential elements of present state sovereignty.

Though the INFU.S.A proposals have made but little headway, they deserve high credit for placing the matter on the agenda for discussion and raising the question of the principles involved. Their weakness also is evident in their unpalatability to the powerful nations of lesser population that would see their influence further diluted without respect to their economic, political, or military preeminence. As will be seen below, the present paper ratifies a great deal of the INFU.S.A approach while adding elements of *Realpolitik* balance, most notably an “Economic Senate” based on GNP or economic production, to make the mid-term prospects of the approach more viable.

Another approach to U.N. Structural Reform has been in the area of utilizing weighted voting within the existing institutions. As mentioned above, this was a partial objective of the Kassenbaum Amendment in the United States. It is sometimes demanded by economically advanced countries to enhance their influence where the weighting is based on economic factors, and it is sometimes favored by populous developing countries where the weighting would be based on population. An influential proposal in this vein is that of the “Binding Triad” proposal developed by the Centre for War/Peace Studies and popularized by Richard Hudson.⁶ Under this proposal, important decisions would still be made by a single vote of the General Assembly, but the vote would be weighted and counted in three different dimensions, with a “binding” Resolution having some degree of enforceability only if the vote reflects that the nations voting in favor of it constitute a two-thirds majority of member states, represent two-thirds of the

⁶ See e.g., RICHARD HUDSON, THE BINDING TRIAD, in BUILDING A MORE DEMOCRATIC UNITED NATIONS (Barnaby 1991).

world's population, and simultaneously account for two-thirds of regular contributions to the U.N. budget--a rough correlate of economic power and production. This means that a reformed U.N. General Assembly would be empowered to pass a mandatory resolution only with the consent of most of the nation-states of the world, most of the population of the world, and most of the holders of politico/economic/military power. Though there is much to be commended in such an approach, both in terms of recognition of the democratic basis of legitimacy of U.N. action and the balancing of such democratic principles with the *Realpolitik* elements that lend ultimate viability, the proposal is deficient in that there is no real democratic process or process of accountability of member nation-states to either their own peoples or collectively to the collective peoples of the world. The absence of a real assembly, real elections, real representation and debate, and a real gathering of popular consciousness not inhibited by the parochial interests of present power-holders of states all militate towards the probable absence of the evolutionary potential of real democracy. Yet, the political sanity of balancing the claims of representation by per capita population, economic power, and sovereign equality of nation-states is a central principle adopted and incorporated in the recommendations below.

II. ELEMENTS OF THE PROPOSED MODEL FOR THE EVOLUTION OF DEMOCRATIC PARLIAMENTARY PROCESSES WITHIN THE UNITED NATIONS SYSTEM

Drawing on the stronger elements of the above, various proposals floated earlier in the decade, and drawing on the real world subsequent decade of success of the model of the European Parliament, what then would constitute a strong and viable model blueprint for the democratic evolution of the United Nations system in the New Millennium? In simplest outline, the project would include the following elements, details of which would be worked out through academic research and a series of international conferences, first of scholars and NGOs, then of the United Nations organization itself, and finally through action either of the General Assembly pursuant to Article 22 without U.N. Charter revision or, in the alternative, a Convention of States through the United Nations empowered to act upon the proposals by adoption of a new or revised Charter as they acted in San Francisco in 1945.

A. *World Parliament*

The tentative model encompasses a body modeled on the earliest form of the European Parliament. This means that initially the World Parliament would be a *largely advisory body* based on global universal suffrage but with minimal consensual powers. It is to be emphasized that like the European Parliament *this is not a “world government” with direct and general law-making powers*, as would threaten the sovereignty of U.N. member states. The world is not yet ready for such a relinquishment of national sovereign powers and it would be foolish to think otherwise. As the European Union demonstrates, however, nations are prepared to adapt to democratically based international organs of circumscribed and limited jurisdiction dealing with matters of transitional concern without invading the sovereignty of the participating states, and the existence of such organs can form the material basis for further evolutionary processes when consensus and historical conditions are appropriate. As said before, the World Parliament would initially be largely a “talking-shop,” but talk, consciousness, and identity as a “global people” form the very fundament of democratic legitimacy and of further political evolution over the coming century. Its initial activity might be limited to policy resolutions of a general nature; global alignment and alliance of party and philosophical groupings along the lines of the European Parliament (e.g., European Parliament Greens Group); and eventual “co-decision” processes, such as consent to the U.N. budget, analogous to the European Parliament’s required consent to the EU budget or consent to the choice of Secretary General, World Court judges, or other fundamental decisions of an exclusively international character. This political weakness of the World Parliament would be a necessary condition to its acceptance, yet its moral authority would be of unique and monumental importance.

As envisioned, the World Parliament would take on part of its structure from the framework of China and the former Soviet Union’s National People’s Congress system in which a very large body numbering in the thousands is directly elected to meet rather infrequently, but itself elects a “standing Committee” numbering in the hundreds to meet more frequently and work more intensively than the more multitudinous plenary body would allow. Thus, direct universal suffrage global elections would be held every six years with a plenary session of the World Parliament likewise meeting *every six years*. *Every two years* the Standing Committee, consisting of an elected 10-20% of the representatives, would meet to further the work of the World Parliament on a more current basis. They would supervise and oversee the work of the

General Assembly, which would consist of single representatives of each State, and would continue to meet in plenary session once per year as occurs today with further ongoing functions year round. Therefore, the day-to-day work of the General Assembly, Security Council, affiliated agencies, and the Secretariat would be accountable to the “people of the world” through its directly elected organ--the World Parliament--every six years, and through its indirectly elected organ--the Standing Committee--every two years.

As in the European Parliament, to develop a more universal consciousness, delegates might be seated not by country but by party or philosophical grouping, where practicable. Further research would have to focus on the electoral mechanics and party alignment systems, utilizing comparative public and constitutional law studies as a guide, along with interviews of leaders of the European Parliament, U.N. General Assembly, CIS, U.S., India, and other “mega-legislatures” for development of possible models for consensus.

B. The Economic Senate of the World Parliament and the Realpolitik Calculus

In the statement of objectives, it was pointed out that the chief goal of the project was to further the evolution of democratic ideals and legitimacy of the international institutions of the world, but to harmonize such evolution with the demands of the real power calculus, which, in fact, governs international affairs in order to avoid the otherwise likely outcome that such a project would either be a stillborn “castle in the sky” or, if attempted, would fly apart at the seams under the political pressures of *Realpolitik*. In the past, fledgling democracy has always had to compromise with the realities of power and evolve step-by-step, where possible. This is often accomplished in the form of a “non-democratic” additional house in the parliamentary structure. Thus, in Britain, the necessity of compromise of the “common people” with the powers and interests of the armed and titled nobility necessitated a bicameral system incorporating the House of Lords, as well as the House of Commons. The French Estates-General included similar power blocs as “estates” or functional separate houses, and the American Senate reflected a necessary compromise of the interests of less populous states hesitant to subject themselves to “democratic inundation” by the more populous states.

In a more generalized statement of this process a parliament as a dispute resolution body may be seen to be workable if it functions as an “analogue computer” of the outcome of unlimited actual conflict, “power confrontation,” but with the interaction confined to words,

alliances, and compromises rather than blows, the same outcome can be reached by both weak and strong, but without the wastage of actual injury and loss entailed in “fighting it out.” So, if parliamentary wrangling operates as a reasonably accurate “computer simulation” of a more deadly struggle for its interests without the risk or injury, it is likely, or at least rationally possible, to prefer such a process to the alternative of “stepping outside and fighting it out.” This “analogue theory,” however, presupposes that the parliamentary or dispute resolution process in some way accurately reflects the true power relationships between the principal contestants, insofar as they can be generalized.

Thus, we come to a sticking point in any quest for democratically accountable global international institutions in the likely reluctance of very powerful but numerically smaller countries to submit themselves to an unmodulated democratic process in which their material interests might be determined by the “mob action” votes of very populous but often poor and (by them perceived to be) irresponsible states. The United States, whose power is based on preeminent military and economic power, might, therefore, hesitate to take part in a democratic process common to China and India where the power outcome of conflict resolution through struggle might be much more advantageous than that of a democratic outcome by universal suffrage. The “Lords” of the British polity with their estates, wealth, and private armies must have made a similar calculus, yet some centuries of internecine strife persuaded both commons and lords to the wisdom of an “analogue computer” for settlement of their differences through development of an “other place” or “additional house” producing an impure but workable “relative democracy,” preferable to all other alternatives. Consequently, the goal for our international project is a workable and more preferable balance of “right and might,” rather than the total exclusion of either.

In the existing United Nations system, this “additional house” already exists in part in the form of the Security Council, which gives a privileged place to the five permanent members including the power of the “veto.” Even here, however, inadequacies are perceived as some maintain that the “analogue computer” needs to be reprogrammed to reflect the rise of new powers such as Japan and Germany, who, unappreciated within the system, may be tempted to “step outside” to settle their disputes. Moreover, such a privilege is insufficient and ungeneralizable for purposes of overcoming the gap of the “North-South” or “developed-developing” groupings and the resulting imbalances of population and power.

The proposed “additional house” solution at the global level would need to reflect the economic base of the power calculus, as well as the military base embodied in the Security Council. Thus, it is proposed that an additional “economic house” of the World Parliament be established, perhaps as an “Economic Senate” or “Economic Council” with *representation based upon Gross National Product (GNP)* with the power of “co-decision” or effective veto over certain economic matters, which could only be “co-decided” with the concurrence of the “Economic House” reflected by the *affirmative votes of nations reflecting 50% or more* of total World “GNP” or “GWP.” This would constitute an effective “economic veto,” though one exercised not by any single nation but by an aggregation of such nations comprising an aggregate majority of economic production. This “additional house” or “Third House,” which would be an addition to the General Assembly and the “Second Assembly” based on population, would make the World Parliament a useful, acceptable, and workable “analogue computer” for purposes of resolving the differences over the “North-South Divide.”

Such an Economic Senate optimally would be chosen by popular election just as Senators are elected in the U.S., or if necessary in its initial operation, they could be chosen by the legislatures of nation-states as Senators were indirectly chosen in the United States prior to the twentieth century. Nonetheless, representation would be “undemocratic” to the extent that numbers of members would be apportioned according to relative GNP or U.N. dues paid and not paid on a *per capita* basis to accommodate the overall system to the *Realpolitik* power calculus. The leading international organizations dealing with economic matters such as the World Bank, International Monetary Fund, and World Trade Organization could also be *ex officio* members, and members would be expected to have some extraordinary credentials in economic expertise to contribute to the actual deliberations of the assembly, which might supplement or replace the operations of the G-7 or other processes that have largely marginalized United Nations leadership in the sphere of setting global economic policy. It is hoped that this actual accommodation of the claims of real economic power with yet an inclusive voice for those who are relatively weak would create a forum for true unmarginalized dialogue, particularly between the “North and South.” The structure of the economic house could be patterned on the consultative bodies such as the PRC’s China Political Consultative Committee (CPCC), America’s Senate, or Britain’s House of Lords, all of which constitute upper chambers of many bi-cameral legislatures; and it could also follow the “Standing Committee” pattern to elect a

more coherent smaller body to meet more frequently than the plenary session, coordinating with the structure outlined above for the house based on per capita proportional representation.

The final result envisioned would thus effectively produce a *quatri-cameral system* comprised of the integrated working of the lower house of the World Parliament, based on population and universal suffrage; the General Assembly, based on equal representation of all States, which is similar to the U.S. Senate that assures even small states some voice; the Economic Chamber, based on relative economic power (GNP); and the Security Council, based on military or comprehensive political power with an admixture of elective process. Additionally, some body might be necessary to work out differences between the chambers, just as in the United States Conference Committees where both Senators and Representatives convene from time to time to harmonize inconsistent bills passed by the separate chambers. Such an Inter-Cameral Conference might meet on an *ad hoc* basis or otherwise by seating equal numbers of leading members from each chamber along with the U.N. Executive Council for harmonizing the final work product of the system.

C. *World Court Reform*

The present World Court is essentially unchanged from the time of its inception under the League of Nations, and is grossly underutilized and inconsistent with the substantive expansions of the content and “subjects” (legal persons recognized) of modern international law. Comprehensive reform of the United Nations system should not overlook the need for its reform and evolution, just as the European Court of Justice has evolved through the years.

1. *Circuit courts*

The ICJ is vastly underutilized while the number of disputes crying out for pacific settlement is increasing rapidly, e.g., the disputes over the Spratley Islands and the Senkaku-Diaoyutai. One reason for this is that many countries either view the World Court as an excessively “Western” institution or fear loss of control of the dispute. The World Court has tried to make itself more accessible through the formation of “chambers” in which parties can select a smaller panel of agreed upon judges to hear the case rather than the full court. This needs to be taken further regionally with the member judges assigned to regional or continental “circuits.” Therefore, if two African countries tend to mistrust the World Court as a whole as an

extension of the practices of their former colonial masters, they may refer the case to the African Circuit Court of the World Court made of a chamber including the African members of the World Court and some others. Just as the U.S. Supreme Court Justices have individual regional responsibilities the ICJ judges could operate analogously.

2. *Courts of first instance*

The present World Court can only hear cases brought by States, to the exclusion of individuals, corporations, or NGOs, notwithstanding that the latter may have enforceable rights under modern international law. This reflects the obsolescent Statute of the ICJ, essentially unchanged from the time of WWI when it was archaically perceived that only States were “subjects” or had rights in international law. As a result, under the present system of international law, individuals, corporations, and NGOs may have international law rights but have no court they can go to for vindication. The European Union has overcome this debility with evolution of a European Court of First Instance, which is empowered to receive international law cases from individuals, companies, and NGOs within certain limitations. Consequently, a World Court of First Instance could be similarly evolved to deal with the similar vacuum at the global level.

3. *Mandatory jurisdiction reform*

At present, States are not required to accept the jurisdiction of the World Court. Typically a case between nations is heard, if at all, only by voluntary submission of the parties. Compulsory jurisdiction is theoretically available if a treaty obligation requires it or if under Article 36 of the ICJ Statute, States submit a “declaration” accepting jurisdiction of the ICJ; however, the loopholes in such a procedure are so great as to frustrate almost always the jurisdiction of the court where there is no voluntary assent, as in the case of *U.S. v. Nicaragua* where the U.S. simply refused to appear, or other cases where jurisdiction was refused. This paralyzes the Court in that very few cases are heard and little systematic law developed. To some extent, this simply reflects the reality that many states are unwilling to limit their sovereignty and power relations to the rule of international law. Nonetheless, some steps can be taken to assure that more cases are heard and international law is developed systematically, even if the *Realpolitik* limitations limit its actual enforcement.

First, a system of “compulsory advisory jurisdiction” can be established whereby all states must minimally appear and present their case if sued by another state in the World Court. In the interests of its sovereignty, a defendant State might still maintain its exemption from “enforcement jurisdiction,” but would not be allowed to prevent the World Court from rendering a “non-binding advisory opinion” in *all* cases. This accomplishes two things. First, the Court’s decision can aid in settlement by its moral authority. Second, the Court, by hearing many more cases, even if not immediately enforced, will develop a comprehensive and systematic body of law and precedent for the guidance of states in the future. In any case, the Court is in no worse position than the common one of today where it renders a compulsory judgment but the losing party simply refuses to comply.

Second, the mandatory jurisdiction of the World Court can be enhanced by revival or reformation of the well known “Gorbachov Plan,” initiated by that leader of the then-Soviet Union, whereby all permanent members of the Security Council, as a condition of the exercise of such privilege, would be required to accept compulsory jurisdiction of the World Court over a range of disputes, subject to the proviso that they would have the option of referring the dispute to a special “sub-chamber” of the court consisting of a limited number of judges of the World Court expressly agreed upon by the disputing parties. This effectively links the privilege of “veto holders” with the obligation to be bound by substantive international law and not just power calculus, at least within a specified range of matters.

D. *Security Council Reform*

Security Council reform needs to be guided by multiple criteria, including the need to maintain the “analogue” value of the system to keep the relevant powers working within the system rather than outside of, or opposed to it; the need to preserve the operability of the system in producing a working consensus in times of crisis, which too many participants with inconsistent interests might presumably prevent; the need to prevent the complete paralysis of the system by a single veto (especially in times of crisis of division such as the Cold War deadlock); the need for effective control by principal military powers in the event of direct military action on a large scale directed by the Security Council and presumably manned largely by military forces of the permanent council members under the “original plan”; and, finally, the need for legitimacy of the Security Council’s decisions in eliciting the cooperation of the non-

permanent Council members in important actions. Many possible models have been proposed, accentuated by the bid of Japan and Germany for permanent seats. Options range from adding two or more new veto bearers to the Security Council to granting additional permanent seats but without the veto, and further to elimination of the veto with replacement by a quasi-veto super-majority requirement in many kinds of decisions. Once again, the danger is that to ignore the prior claims of power politics and the *Realpolitik* calculus in the direction of greater perceived equity may cause the system to break apart by important players opting to “step outside to settle differences,” or alternatively melt down by failure to reach a consensus capable of sustaining action. A plausible compromise might include admission of new permanent members without a veto in return for contracting the relative power of the existing veto holders by requiring a “co-veto,” that is a requirement that a veto must be cast by *two* veto holders, rather than a single one to be effective, coupled with super-majority requirements on important issues. This might allow the Security Council to avoid the total paralysis of the Cold War era where a single member could successfully obstruct the entire process, and might strike a more desirable balance of the “might” and right” claims of *Realpolitik* and democratic legitimacy. No visible option appears overwhelmingly superior, so the project should proceed in the direction of further research, toward consulting officials in the U.N., and to the capitals of the principal powers to discover a possible basis for consensus.

E. *World Court of Auditors*

One of the causes of fiscal crisis at the U.N. is the perception of fiscal mismanagement and misuse of funds raised and expended internationally, most notably resulting in the sanction of the U.S. for withholding dues to force control and reform. The European Union has addressed this problem by creation of an independent “Court of Auditors” based in Luxembourg for accountancy and control of use and misuse of funds. In the U.S. system, the General Accounting Office (GAO), an independent source of investigation, control, and reform in spending matters, plays this role. Evolution of such an institution might go a long way to defusing the present crisis based on U.S. Congressional dissatisfaction over fiscal and spending practices.

F. *World Commission and General Assembly Council of Ministers*

In the area of the executive and quasi-executive functions of the United Nations family of

institutions, the overburdening of responsibility, a lack of power to develop coherent policy, and a lack of accountability or subjection to democratic process is evident. In the evolution of the executive function, it will be necessary to develop a more coherent and integrated vision and policy mechanism. The model of the European Union is again instructive with the creation of a European Commission including functional portfolios and overall responsibility for directing coherent policy. The European Commission is democratically responsible to the European Parliament, which must concur in its appointment. Similarly, a "World Commission," chaired by the Secretary General, would be chosen with the consent of the World Parliament every six years and would be subject to a no-confidence vote of the Standing Committee every two years. The World Commission would be nominated by a joint recommendation and would be subject to the concurring approval of the Economic Chamber with regard to the economic and trade portfolios.

A useful mechanism of the European Union is the Council of Ministers, composed of the collective meeting of the functional portfolio ministers for each area of responsibility. Thus, on environmental matters, all the environmental ministers of the members would meet to define international policy for the environment. This could obviously not work directly on the global scale, because nearly 200 states are involved. Yet, on occasion, an Assembly of Ministers in a functional area might be desirable, followed by election of a standing committee or Council to carry forward action in a particular area. This mechanism might best be organized as a special committee of the General Assembly, attended by the Cabinet ministers of each country in lieu of the general ambassador to the General Assembly, for short-term sessions.

III. CONCLUSION

The globalization of the world economy, the ever closer knitting of the world together through telecommunications, the Internet, global popular culture, mass travel and tourism, the global nature of problems such as environmental degradation and control, international drugs, crime and terrorism, the global movement of capital, labor, and their attendant periodic contagions and crises, and the interdependence of economies, states, and peoples will give rise to never ending pressures to develop viable global processes and institutions to cope with such globalization and interdependency. There is little alternative to utilizing the global reach, scope,

and mandate of the United Nations to address these problems in the New Millennium. To produce reliable international institutions, the United Nations will need to develop political legitimacy through real and accountable electoral democratic processes within its institutions, including the evolution of an embryonic World Parliament. Such a World Parliament will not initially constitute a true supreme legislative organ, but rather a “talking shop” for the development of a world political consciousness and consensus, as well as an intermediate stage in a further evolution towards true global governance. The proven model of the European Parliament constitutes a tested model for such a World Parliament and many of its structures and processes can be utilized in designing a draft structure for a U.N. World Parliament. Its best chance of working will be if it is coupled with an Economic Senate or similar body that will balance the claims of *Realpolitik* and political/economic/military power considerations against the democratic principle of equal *per capita* representation of population. By maintaining such a viable balance of the claims of “might and right,” a viable foundation for the progressive evolution of true electory and accountable democratic processes within the United Nations system and beyond in the New Millennium will be maintained, and the prospects for such a positive evolution towards democracy in global international institutions will be given a fighting chance of success. Maintaining such a balance will also serve to create a viable forum for the resolution of differences between the “North and South,” or the developed and developing worlds, which so threatens to divide the globe at present, and will serve to eliminate the marginalization of the United Nations system.