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SAN FRANCISCO 2.0: CONSTRUCTING A GLOBAL GOVERNANCE ARCHITECTURE FOR THE 21ST CENTURY

This panel was convened at 11:00 a.m., Thursday, March 28, 2019, by its moderator Ian Johnstone of Tufts University, who introduced the panelists: Lauren C. Baillie of the Public International & Policy Group; Lisa L. Bhansali of the World Bank; Brian Bieron of Ebay, Inc.; Mohamed Helal of OSU Moritz College of Law; and Tafadzwa Pasipanodya of Foley Hoag, LLP

INTRODUCTORY REMARKS BY IAN JOHNSTONE*

doi: 10.1017/amp.2019.207

In 1945, world leaders gathered in San Francisco to sign the United Nations Charter, which laid the blueprint for today's international system. The institutional architecture that was built around the United Nations, including its specialized agencies (such as the World Bank and World Health Organization) and funds and programs (such as the United Nations Children's Fund (UNICEF) and the UN High Commissioner for Refugees (UNHCR)), survived the Cold War and seemed to have hit its stride in the immediate post-Cold War era. Yet the global distribution of power has changed, states are no longer the sole actors in international affairs, and the very idea of global governance is being called into question. Not surprisingly, there is much questioning of whether the institutional architecture that was built almost seventy-five years ago is still fit for purpose. Policymakers are rightly focused on reform of that architecture. Rather than tinkering at the margins, this panel was conceived with a more radical agenda. If the UN did not exist today, would we create it? If so, what would it look like?

The panelists addressed those questions by speaking from a particular perspective: that of large, powerful states; smaller, less materially powerful states; civil society; the business sector; and international organizations. Prior to the session, I asked each panelist to respond to a set of questions about the features of the proposed organization (working on the assumption that all agreed some sort of institution should be built). Based on their responses, I prepared a revised set of questions reflecting the most interesting fault-lines of debate among the panelists. In brief, those questions were:

Scope: What matters should fall within the organization's jurisdiction? Should it be comprehensive, covering all aspects of international affairs, or more focused and issue-specific, seeking to fill gaps in existing governance arrangements?

Membership: Should it have government representatives only, or representatives of business, civil society, and other international organizations as well? If nonstate actors are included, should they have voting power?

Powers: Should it have the authority to adopt binding decisions and create new law? If so, by what voting arrangements? Should it include dispute settlement mechanisms? Should the organization have coercive enforcement authority, for example the power to impose sanctions?

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https://doi.org/10.1017/amp.2019.207 Published online by Cambridge University Press

Structure: Should the organization have an "executive" body like the UN Security Council? Should it have a permanent secretariat and field offices? Should there be a distinct body for non-state actors—an NGO committee for example?

Financing: Assuming the organization would and should be financed at least in part by assessed contributions from governments, what other sources of funding—if any—should be established?

The session began with brief introductory remarks from each panelist, setting out their views on some or all of the above questions. In those remarks and the ensuing discussions, a number of themes emerged. First, all acknowledged that power mattered, but there was disagreement about what kind of power and how it should be reflected in the membership and voting arrangements of the organization. No panelist doubted that states were still the most important actors in the international system. They also acknowledged the importance of military and economic power to future global governance arrangements. But some panelists asserted that small states, regional organizations, and civil society needed a greater say if the new institution was to be effective.

A second fault-line of debate was the scope of the organization's mission. Some panelists felt it ought to focus on political and security issues, while others argued for a more comprehensive approach on the theory that the interdependence among issue areas required a holistic and integrated approach to global governance rather than fragmentation among multiple institutions. A suggested middle ground between these perspectives was multilayered governance, with authority dispersed among differently structured organizations depending on subject matter.

A third theme concerned the extent to which the organization should have supranational powers. All panelists seemed to believe it should be able to make binding decisions by less than unanimous vote. But there were differences of opinion on enforcement and how to hold members—as well as the organization itself—accountable for violations of the law.

These and other themes provoked a lively discussion among the panelists and audience. Unsurprisingly, we failed to design a blueprint for a new organization but did succeed in identifying key points of both convergence and divergence, laying a foundation for future experimentation in global governance.

State Representative: The Thucydides Trap and the Future of Global Governance

doi:10.1017/amp.2019.208

*By Mohamed S. Helal**

Imagining an alternative institutional and normative architecture for global governance must proceed on the bases of an identification and understanding of the principal challenges facing the international system. In my view, the gravest challenge facing the international system, and perhaps the greatest political drama of the twenty-first century,[1] is the ongoing shift in the global

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[1] The rise of China and other non-Western powers is the "greatest political drama of the twenty-first century" because it potentially signifies the end of a 500-year epoch of western dominance, which Niall Ferguson considers "the preeminent historical phenomenon of the second half of the second millennium after Christ." Niall Ferguson, Civilization: The West and the Rest 18 (2011).

https://doi.org/10.1017/amp.2019.207 Published online by Cambridge University Press