

**Promoting International Democracy:
Civil Society Engagement in Global Governance**

William Pace

Executive Director, World Federalist Movement – Institute for Global Policy

The following is an edited version of the oral presentation by William Pace at the

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Thank you for the kind introduction. It is great to be here in Minneapolis at the University of Minnesota and to see and hear from many colleagues.

Joe Schwartzberg, Director of our host agency, **The Workable World Trust**, has written an important book, ***Transforming the United Nations System: Designs for a Workable World***. That book begins with two pronouncements, made in the late 1940s, by Albert Einstein. The first observes: *The splitting of the atom has changed everything save our mode of thinking, and thus we drift towards unparalleled catastrophe.* Second, *Henceforth, every nation's foreign policy must be judged at every point by one consideration: does it lead us to a world of law and order, or does it lead us back to anarchy and death?*

I became a World Federalist because of Albert Einstein, when I was resisting the draft as a conscientious objector to the war the United States was waging in South- east Asia (and especially

in Vietnam). My pacifism was not based on religious beliefs; rather, it was moral and political. (I would have fought in WWII.) Thus, I began an intense struggle with the issue of how the human race and nations needed to address the issue of war itself.

At the end of college I also became very disillusioned with organized religion, but had fallen in love with astronomy. One cannot explore astronomy very deeply without confronting Albert Einstein. Like most people, I had no idea that Einstein wrote about anything other than physics and cosmology. Thus, I was astounded one day, while thumbing through the Denver library card catalog, to find a book entitled *Einstein on Peace*, a 700-page tome dealing with Einstein's efforts and struggle with this question from 1914 until his death in 1955. It is still, for me, one of the great peace biographies of the past century.

I'd like to thank The Workable World Trust and all of the presenters for this important conference. I greatly appreciated the introductory description, Joe, of your life at the beginning of your previously noted book. Although we've known each other for decades, I didn't previously know of your fascinating work and travel history.

Since my college days in the 1960s, living in the Rocky Mountains, I have been an activist and campaigner against war, for peace, for the environment, for civil and human rights, and have been dedicated to promoting international democracy. I had the great fortune in the late 1980s to work for Amnesty International and thus, for the last 25 years, to be able to work for peace, justice and democracy at the international level.

Working for change at various levels, I made a remarkable discovery. In Denver, where I lived for twenty-some years, I would go to City Council meetings where there would be usually 60 or so lobbyists. About 50 of them were working for business, industry or real estate interests. Maybe five to ten others, including me, worked on issues relating to civil rights, historic preservation, education or social welfare. I would also go to the Colorado state capitol where there would be as many as 500 lobbyists. Again, 90% were for business, industry, real estate, oil and gas and fewer than 10% on social welfare. Finally, I went to Washington DC. In those days there were approximately 10,000 lobbyists. Today, I believe, there are roughly 70,000, only a few thousand of whom work for non-profit causes. But when I came to the United Nations headquarters in 1988 and '89, there were no more than six NGOs with staff attending legal meetings of the General Assembly, only six. And, if one were to go to the Legal Committee in 2016, 25 years later, one would find there would still be only five or six. I was astounded when I learned of the ability of individuals to impact the processes of governance at the UN.

I want the young people at this conference to know that *individuals* can and do have an impact at the international governance level. That idea is completely counterintuitive and counter to the political lobbying perspectives of the local, state or national community. This is my first point.

Today, I'm going to speak bluntly and in very broad strokes, because of time limitations and the breadth of the issues I'd like to discuss. As Charlotte Ku observed, we are at a very interesting point in history. We are simultaneously creating the "best of worlds" and the "worst of worlds." What, then, should be our role?

I am honored to serve as the General Secretary of the World Federalist Movement-Institute for Global Policy, an international movement begun in 1947. Worldwide, we have about 30 national and associated member organizations. Some of our biggest projects you've heard about today: the **UN Parliamentary Assembly**, the **Coalition for the International Criminal Court**, which now includes roughly 3,000 non-governmental organizations in 150 countries, and the **International Coalition for the Responsibility to Protect**. We host the office of the **Global Partnership for the Prevention of Armed Conflict** at the UN, a global network for conflict prevention. We also host the **Center for Development of International Law**, the **Centre for UN Reform Education**, and the **NGO Working Group on the Security Council**. All of this we carry out in a relatively small (20-person) office near UN headquarters in New York.

Earlier today you heard mention of our **1 for 7 Billion campaign**, which seeks to change, after 69 years, the terrible procedures that have been used to appoint the Secretary-Generals of the United Nations. We believe that we have a very good chance – with the General Assembly, with elected members of the Security Council, and with the UK, one of the permanent members of the Council, - - to change next year's selection procedure.

We were a leader in the **GEAR (Gender Equality Architecture Reform)** campaign, which helped integrate different agencies and programs on women's issues into the broader **UN-Women** initiative.

We are a leader in the effort to restrain the use of the veto by the P5 powers, for which there are two parallel processes. One, proposed by Mexico and France, calls for a political declaration of

restraint by each of the P5. The other, backed by 25 countries, is known as **ACT (Accountability, Cohesion and Transparency)**, and calls for all Member States to endorse a Code of Conduct for restraint when a veto would block action to prevent war crimes, crimes against humanity and genocide. A hundred UN Member States endorsed these campaigns in the past year. [As of May 2016, the total rose to 111.]

And let me also recall, in passing, the **Hague Appeal for Peace** conference that we organized with three other international NGOs in 1999. Several persons in this audience were privileged to participate in that event.

Finally, in this only partially inclusive account, I wish to acknowledge the work of three wonderful young members of my staff – Justine, Alex, and Abby – (all in attendance at this gathering), in our **International Democratic Governance program** as well as on the previously noted **1 for 7 Billion Campaign**.

To address more fully the role of civil society, I shall now review the creation of the **International Criminal Court**, which the **World Federalist Movement**, in its various incarnations, has supported since the late 1940s. This has been a 50-year effort to create in the General Assembly a *permanent* court to succeed the military tribunals of Nuremberg and Tokyo. To tell this story from the world federalist perspective, we need to describe key developments in larger global governance contexts.

WFM worked for an ICC throughout the 1950s, '60s, '70s, and '80s. But creating an ICC was only one among several of our major world law proposals. Moreover, virtually no one thought it was politically possible. However, Einstein and others believed it would provide a fundamental foundation for a world order that could establish peace and disarmament, prosecute aggression and end impunity for the worst crimes in international law, crimes against humanity.

A crucial leap occurred in 1989, when one of our supporters, A.N.R. Robinson, a former prime minister of Trinidad and Tobago and an ICC advocate for 25 years, was able to re-propose the issue to the General Assembly, on behalf of the 14 Caricom nations of the Caribbean region. Because he also linked it to drug trafficking and terrorism, the US, UK and others couldn't kill the proposal outright. But they did send it to a "burial ground," the Sixth Committee, the Legal Committee of the General Assembly; and from there it was sent to the GA's Law Commission, which is often an even deeper burial ground for reform.

Negotiations relating to the legal matters had been followed by the UN offices of WFM (in The Hague and Amsterdam since 1950 and in NY since about 1965). Our UN office tracked the ICC proposal at the General Assembly from 1989 onward, and it kept the few NGOs following this negotiation informed. When the draft treaty came out of the Law Commission in 1994, Amnesty International asked us to organize a meeting on the proposed court in advance of the first GA debate on a draft statute. They wrote to many groups urging their participation. An outcome of our first meeting was the establishment by 25 organizations of the **Coalition for the International Criminal Court (CICC)** in February 1995. By the time we got to Rome, where the

ICC Statute was agreed to in June 1998, we had 800 member organizations. Some 535 CICC supporters were in Rome at various times for that five-week treaty conference.

The conference was a spectacular success. The Times of India, whose government opposed the treaty, called it “international lawmaking of historic proportions.” The CICC secured one of the strongest advances in international law in the last century. The Court is independent, not controlled by the Security Council. Its decisions are not controlled by the veto. It has an independent prosecutor, independent judges and automatic jurisdiction. It is a supranational agency for the 123 governments that have thus far ratified the Rome Statute and are implementing that treaty in national legislation. There are no reservations, and no immunity. Victims are allowed to testify in trials and may receive reparations. Gender crimes have been defined much more fully than in the Geneva conventions,

The extraordinary Rome Statute was the result of a successful partnership between global civil society and governments, mainly of small and mid-sized democracies. Many of the signatory states attained their democratic status with the tearing down of the Berlin Wall and the end of the Cold War. Collectively, they now play a more prominent role in world affairs than was previously possible.

Seldom recalled and never properly researched is the fact that the world’s major intelligence agencies and operations – especially in the West – completely failed to predict the end of the Cold War and President Gorbachev’s enabling the non-violent dismantling of the Soviet Union. This colossal intelligence failure and the failure of the entire major power foreign policy apparatus

created a tremendous vacuum. Remarkably, this vacuum was largely filled by the UN, which witnessed enhanced roles for small and mid-sized powers, and unprecedented growth by regional and trans-regional groupings. Simultaneously, a largely unacknowledged global civil society movement was emerging and doing so on an unprecedented scale. This historic convergence provides, I believe, a major explanation of the enormous political activity in the 1990s, which succeeded to some extent in bringing major reforms and improvements in the international legal order.

At the outset of the ICC negotiations, a group of eight or nine like-minded governments got together to promote rapid, progressive development of the draft statute. The P5, however, wanted to control any negotiation, while the anti-international law and authoritarian governments participated for damage control and to insure the sovereignty of their national legal systems.

The progressive “like-minded group” of governments grew steadily over the three years (1995-1998) of preparatory meetings in the General Assembly; by the commencement of the Rome Treaty conference, it included 70 countries.

The previously noted Coalition for the International Criminal Court (CICC) also grew exponentially during this period. It included NGOs from the global South and the global North and across a broad spectrum of mandates and themes, working together with a major trans-regional like-minded group of governments, also from the South and North. A parallel process, involving like-minded governments and NGOs, resulted in the creation of a treaty to ban land-mines and established a new level of collaboration between NGOs/civil society and governments. The CICC,

however, was a further, and in many ways much deeper collaboration – *inside* the General Assembly – in advancing a major human security treaty process.

In recent years, I came to recognize another crucial political element during the 1990s: the inspiration provided by Nelson Mandela. His impact on the world, and especially on Africa, from the time of his release from prison in 1990 and during his presidency of South Africa, 1994-99, was phenomenal. His own and other African governments, especially those of the South African Development Community (SADC), were among the strongest supporters of the Rome Statute and the strong, independent principles adopted by the like-minded-group of governments in Rome. Tragically, the retreat from the Rome Statute by African heads of state coincided with Mandela's leaving office and his death in 2013.

On July 17, 1998, at the FAO (Food and Agriculture Organization) office in Rome, the like-minded governments stood up to the major powers and to authoritarian governments and dictatorships and decided, by a vote of 120 yes and 7 no, to approve the ICC Statute. The US voted no, along with China, Israel, Yemen, Sudan, 2 others. But, at the insistence of the United States, this vote was officially "unrecorded."

While the Treaty was being negotiated, the US successfully insisted on a high number of ratifications, sixty, for its entry into force. This, it was supposed, would require 20-25 years for ratification and would provide time for the US to negotiate amendments to the treaty, as was done in weakening the Law of the Sea Treaty. Instead, a mere three years and eight months later, 66

countries had ratified the treaty, and it entered into force on 1 July 2002. The CICC had grown by then to more than 2500 NGOs working world wide to promote ratification.

In 2003, I was asked to help encourage highly qualified prosecutors to consider being candidates for the ICC. Often, the response was, why should they? It was assumed, given the opposition to the ICC by the US, China and Russia, that the Court would not have any cases. There was no expectation that governments would refer their own war crime situations to the ICC.

Instead, since the first months of its opening, the ICC has been overwhelmed with work and challenges. Like all international organizations, it has its own internal problems and weaknesses; but it is a very important development for peace and the rule of law in international affairs. Quite recently, for example, the prosecutor secured approval from the judges to open a case on crimes committed in Georgia in 2008.

But times have changed. There is no way that the International Criminal Court treaty could be agreed to now. The African governments would not agree to “no immunity”; most governments would not wish to have “no reservations”, the gender justice provisions would likely not be supported. Automatic jurisdiction, *proprio motu* (the ability of the prosecutor to independently initiate his/her own investigations) would be rejected. None of these pillars of the Rome Statute could be agreed today.

Thus, in the 1990s, there was a moment in time and a tipping point for change. But that tipping point has disappeared and has not resurrected. Indeed, I believe that most of the major

achievements in international law in the last 70 years could *not* be adopted or ratified in the fractured and regressive geopolitical environment since 2001.

Let us now consider Security Council reform, the absence of which presents a major block to other needed reforms in the spectrum of proposed improvements in the international legal and political order. The main focus of reform debates has been on how and to what extent Council membership should be expanded. Although a number of governments have worked hard to promote expansion, especially those of relatively major powers seeking permanent membership, surprisingly few NGOs are monitoring this monumental issue. Prominent among those NGOs are the previously mentioned Center for UN Reform Education and the Global Policy Forum.

A consideration of particular importance over the past twenty years has been the need to correct the North-South power imbalance built into the 1945 Charter. A related discussion is the demand for permanent seats for the so-called G4 powers: Brazil, Germany, India and Japan. Another group of nations advocating major change are the emergent BRICS powers (Brazil, Russia, India, China, and South Africa), two of which already hold Council seats. And the African Union calls for two permanent African seats, both with the privilege of the veto. Many other proposals have been put forward.

Charter amendment, however, is exceedingly difficult and, in the near term unlikely. It requires a two-thirds vote of all Member States in the General Assembly as well as votes for ratification by the governments of two-thirds of the Member States, including all of the P5 powers

Some states claim that permanent members are the problem, not the solution, and oppose the addition of any new permanent members. A large “Uniting for Consensus” bloc of nations, roughly fifty in all, oppose the G4 proposal, but are otherwise divided. Twelve of its members staunchly oppose any expansion of permanent membership. Many others in the bloc disingenuously call for expansion of both permanent and non-permanent seats.

This contributes to a stressful paradox. Whereas most nations say they support new permanent seats, most governments oppose the leading candidates for such seats within their own region. Italy and Spain, for example, oppose Germany; Japan is opposed by China and many other Asian nations; India is opposed by Pakistan; and so forth.

Presently, Member States are reluctant to abandon the addition of new permanent members for fear of being stuck with the 1945 geopolitical arrangement. Given this misguided hesitation, it is important for civil society to take a leading role in the debate. NGOs and concerned citizens must now strongly condemn the failures of the existing P5, including their misuse of the veto. We should also oppose new permanent members (though granting seven-year terms to some leading powers does merit consideration), advocate elimination of the veto altogether, insist that all seat-holders have to be elected and demand that their governments be held accountable for their actions.

Now, in conclusion, permit me to make some summary comments:

If humanity is to survive the 21st century, fundamental improvements in the UN system and in other agencies of global governance must be established. Non-governmental organizations, educational institutions and other components of civil society will be indispensable actors in effecting these changes. I believe that all of the presenters at this conference endorse this concept.

The continued globalization of democracy, rule of law, justice and human rights must be the foundation of the transition to a new world order. This has been the global process over the last 70 years. If we were to consider the objective assessments of governments that Freedom House would have made if it existed in 1945, at the end of World War II, and were to compare them with subsequent assessments, we would recognize a massive *globalization of democracy* and of the *rule of law, human rights, and justice*. Enormous achievements have been made in respect to the General Assembly, the International Criminal Court, the Arms Trade Treaty, the Human Rights Council, the Responsibility to Protect, the Peacebuilding Commission, the Paris agreement on climate, the Sustainable Development Goals (for the period 2015-2030) and so forth.

Mutual assured disarmament must now replace the idea that our security depends on “mutual assured destruction.” The fact that the latter is still the primary defense policy of the nuclear powers should frighten all of us. We have to find a way to get to the former. The 140- page nuclear treaty recently adopted for Iran might be one that these six negotiating powers, including 4 nuclear powers, should apply to *themselves*. As peace activists, we should all write letters to the leader of Labour Party in the UK supporting his nuclear disarmament policy, who rightly observed that there is no reason why the UK should not unilaterally disarm its nuclear weapons, noting that

they would have almost no chance of survival if there were to be a nuclear war. Such an action would be an extraordinarily important, historic promoter of world peace.

The current UN cannot succeed. The underlying balances of power are not sustainable. However, the transition from a second to a third generation in international organization should be based on diplomacy and legislation, *not emerging from catastrophe and collapse.* This is something that the peace movement has not addressed properly. When I met Henry Kissinger in 1976 or '77, and gave him *Einstein On Peace*, he said, "Oh well, I agree, but it won't happen until after the next war." Well, this is madness, and our leaders are crazy and they don't know it.

Apart from the nuclear threat, recognition of a possible global warming catastrophe could also cause tipping points in world opinion. But that is not a certainty. I worry more about what's going to happen with water, droughts and mass starvation. We should not rely on catastrophes to lead us to major progressive reform.

Nor should we accept the proposition that shutting down the existing UN would result in something better replacing it. My fear is that adoption of "something better" could instead cause World War III, lead to tyrannical rule by a self-selected group of major powers, to competing UNs in the North and the South, or to other apocalyptic scenarios.

Myths about global governance need to be dispelled. One such myth relates to finance. The UN system would not break the bank. Minnesota's Secretary of State, Mark Ritchie, who spoke to us earlier today, observed that the budget for Minnesota is \$70 billion for two years, \$35 billion a

year. The governor of Minnesota has ten times more money than is available to the Secretary-General of the UN. In fact, he has more than the assessed funds for the entire UN system. Or consider my home state, Wyoming. The governor of Wyoming has 50% more to spend than the UN Secretary-General. In short, we, the international community, are not spending anything like the funds needed to address global needs, threats and challenges.

The emerging legal order will be a mosaic of regional and global laws and institutions. That is one of my most important messages. Human rights are going to be governed differently at the global, regional, and national levels. Human rights law will differ from laws for the environment. Both will be different from laws relating to peace and security. Criminal justice laws will differ from those relating to trade and financial regulation. Yet another regime will be needed to enforce the Law of the Sea. Our present multidimensional mosaic is still its infancy; but will, in time range from local to global and vary from region to region. It will be multi-dimensional and form – to paraphrase our keynote speaker, Andy Knight – a rich tapestry of local-up democratic global governance.

Strategic coalitions of democracies from all regions, working in concert with civil society coalitions, will provide a major model for reform. The subsidiarity principle, namely the idea of performing governmental tasks at the lowest practicable level is fundamental. (This, by the way, is the first conference I've been to in a long time at which the principle has been mentioned several times).

Before concluding, let me put forward one more counterintuitive idea, an idea that I have been arguing since 1970. Though often accused of being part of a left-wing conspiracy, World

Federalists are among the most conservative advocates for peace and global governance. Why? Because the sooner the global community begins putting into place laws and institutions that can address global problems, the *less* government will be needed. The longer action is postponed, the more catastrophic will be the issues that we must address and the more dangerous and onerous our laws and institutions will become.

To close, the human race has to make peace with itself if it is going to survive this century. We must also make peace with the earth and with all forms of life on our fragile planet.

Thank you.