

AN INTERNATIONAL JOURNAL OF WORLD FEDERALISTS

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BUILDING A WORLD COMMUNITY

FEATURED ARTICLES

FOR OPPENHEIMER,
WORLD GOVERNMENT WAS
THE ONLY WAY TO SAVE US
FROM OURSELVES

INTERNATIONAL POLL:
PUBLIC SUPPORTS A WORLD
PARLIAMENT AND WORLD LAW

UN REFORM:
THREE PATHS FORWARD

IN DEFENSE OF AN
IDEALIST APPROACH TO
UN REFORM

THE UNITED STATES
SHOULD RATIFY THE
ROME STATUTE



Citizens for
Global Solutions



WORLD FEDERALIST
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Mondial is published by the Citizens for Global Solutions (CGS) and World Federalist Movement — Canada (WFM-Canada), non-profit, non-partisan, and non-governmental Member Organizations of the World Federalist Movement-Institute for Government Policy (WFM-IGP). *Mondial* seeks to provide a forum for diverse voices and opinions on topics related to democratic world federation. The views expressed by contributing authors herein do not necessarily reflect the organizational positions of CGS or WFM-Canada, or those of the Masthead membership.

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Dear reader:

Welcome.

Welcome to those opening these pages for the first time and those returning to the publication.

Welcome to a forum for discourse and dialogue on principled and practical pathways to achieve a democratic world federation for people and the planet.

Welcome to *Mondial*.

Some elements of this issue may look new, as may some of the names and faces behind it. We address you for the first time as the Editorial Board to situate *Mondial* both in the context of our movement and the global moment we meet today.

Mondial is a publication of Citizens for Global Solutions (CGS) and World Federalist Movement — Canada (WFM-Canada), both Member Organizations of the World Federalist Movement-Institute for Global Policy (WFM-IGP). This journal provides a forum for collaborative exploration and deliberation on solutions for a better future within the framework of democratic world federation, striving to build a shared global governance system predicated on peace, justice, democracy, rule of law and the common dignity and rights of humanity and the Earth itself.

The current issue's publication coincides with two powerful milestones: the 75th anniversaries of the Universal Declaration of Human Rights and the Convention on the Prevention and Punishment of the Crime of Genocide. The significance of both resonates deeply not only as rhetorical proclamations but as hopeful accountability mechanisms to achieve their creators' vision of a world free from the gravest crimes that shock the conscience of humanity. At a harrowing time for a global community gripped with compounded crises, constructive discourse can easily yield way to polemic or diatribe. *Mondial* seeks to offer an alternative space to address the most critical issues of the day and means to envision a better tomorrow.

We are honored by an unprecedented array of topics and authors in this issue, which we hope reflect the past, present, and future of our movement. These include:

- Two takes on democratic world federation through the lens of nuclear disarmament, which animated our organizations' founding and now has reentered popular awareness in part *via* the film *Oppenheimer*;
- Expert analysis of the most current polling on public support for a world federation and global parliament;
- Practical and principled guidance on forward-looking pathways for achieving United Nations reform;
- Legal explanation of current global pathways for climate justice;
- An argument in favor of the United States ratifying the Rome Statute of the International Criminal Court, by the US signatory and chief negotiator of the agreement; and
- A case for democratic world federation as a global system of protection for LGBTQI+ rights.

For the first time, we also include poetry inspired by and book recommendations offering insight on democratic world federation.

We hope you engage actively with the concepts and opinions put forth in this issue. Beyond these pages, our organizations seek to animate the ideas and solutions proposed through concrete action in our advocacy campaigns, and educational programs. We invite you to learn more about how you can join and support these initiatives by visiting globalsolutions.org or by scanning the QR code at the back of the journal.

As we embark on a new chapter for *Mondial*, we recollect the Declaration of Purpose that catalyzed our movement more than 75 years ago:

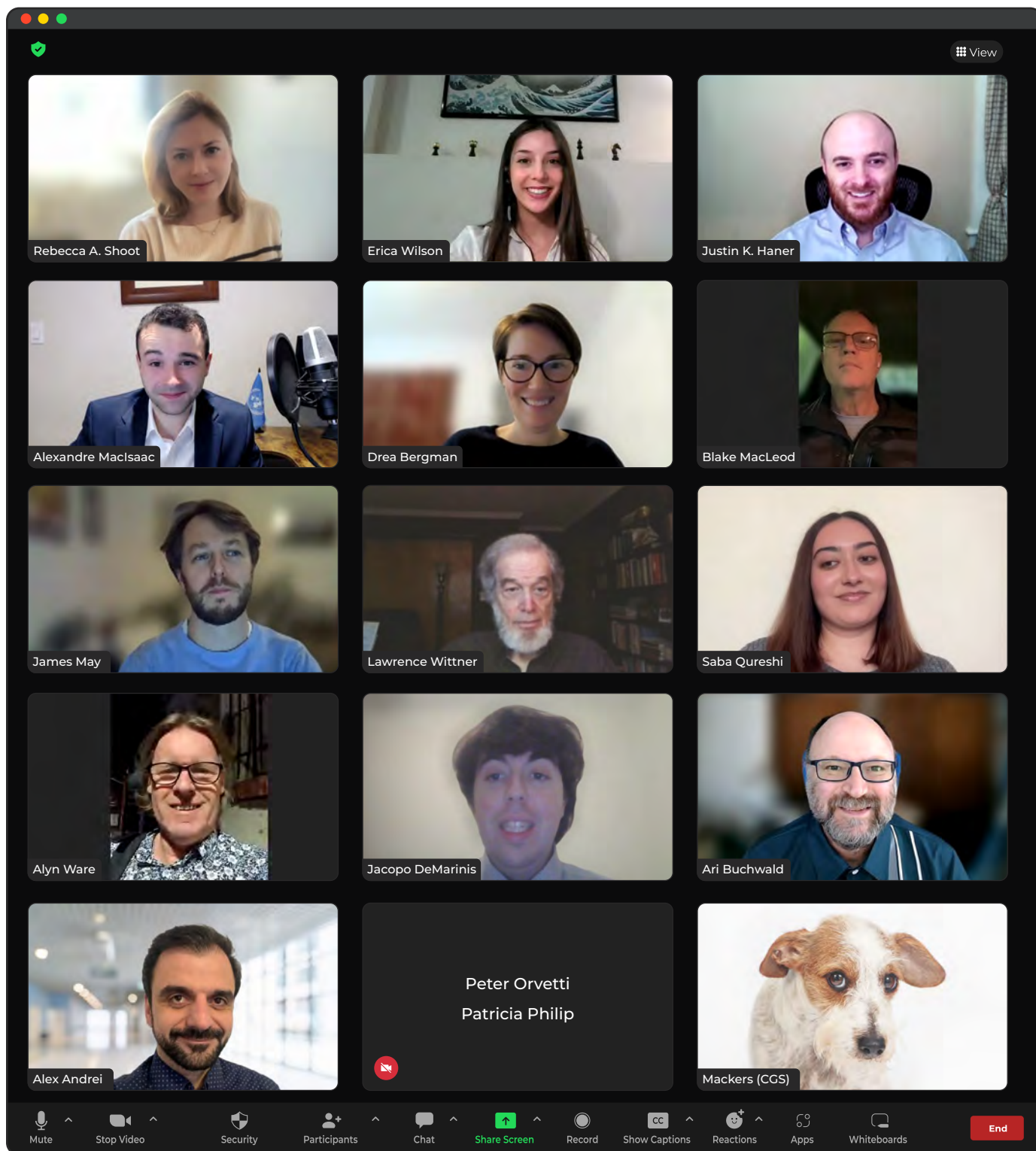
WE BELIEVE that PEACE is not merely the absence of war, but the presence of justice, of law, of order – in short, of government and the institutions of government; world peace can be created and maintained only under a world federal government, universal and strong enough to prevent armed conflict between nations, and having direct jurisdiction over the individual in those matters within its authority.

Thank you for joining us.

In solidarity,

The Editorial Board

LETTER FROM THE EDITORIAL BOARD



To learn more about Citizens for Global Solutions and contact the Editorial Board to offer feedback or contribute to future issues, please email outreach@globalsolutions.org. Information on how to support our work is available in the back of this issue.



IMAGINE

Imagine that the Pope, the Dalai Lama, or the Archbishop of Canterbury decided to become an instrument of peace by going to Gaza and offering up himself for the release of all of the hostages.

Imagine that this inspires many other religious leaders from around the world to go to Israel, the West Bank, and Gaza in order to comfort the victims of violence and provide humanitarian aid.

Imagine that these religious leaders were committed to staying until all parties were willing to submit this conflict to binding arbitration through a neutral international court of justice.

Imagine that the spiral of attack-occupation-oppression-terrorism-retaliation would finally be ended and a lasting peace between Israel and Palestine would be guaranteed.

Imagine that at the same time some other religious leaders went to Ukraine and were committed to staying there until both sides agreed to submit their conflict to binding arbitration through a neutral international court of justice.

It might be impossible for many people to imagine that these things could ever happen. But maybe the lack of world peace is in part a lack of imagination.



David C. Oughton

A Board member of both the St. Louis Chapter of CGS and the national organization for many years. He has taught hundreds of courses in philosophy, the world's religions, peace studies, and Holocaust studies at Saint Louis University and other schools in the St. Louis area. He is passionate about promoting the need for a democratic world federation of nations in order to outlaw war, eliminate genocide, and solve our global problems. He argues that the religions of the world have the responsibility of building a firm foundation for a future world federation by promoting the teaching of a world community, world citizenship, *humatriotism*, the Declaration of a Global Ethic, and the Charter for Compassion.



Strawberry Fields tribute to John Lennon
Imagine Mosaic, Central Park in New York
Lolalatorre, CC BY-SA 3.0, via Wikimedia Commons

FOR OPPENHEIMER, A WORLD GOVERNMENT WAS THE ONLY WAY TO SAVE US FROM OURSELVES



Jane Shevtsov

Ecologist and board member of the Citizens for Global Solutions. She teaches math for life sciences at the University of California, Los Angeles.



Tad Daley

Served as a coauthor, speechwriter, or advisor to five members of the United States Congress, including the late U.S. Senator Alan Cranston and the late U.S. Senator Harris Wofford. He also served for several years as a member of the International Policy Department at the RAND Corporation.

Blink and you'll miss it.

In a scene in the new *Oppenheimer* film set right after the successful 1949 atomic bomb test by the USSR, there is a brief exchange between the film's two main antagonists. Lewis Strauss, chair of the Atomic Energy Commission, asks J. Robert Oppenheimer what he thinks should be done now. "International control," Oppenheimer immediately replies.

"You mean world government?" Strauss fires back.

It sounds like a throwaway line, or one of those accusations routinely hurled at those trying to make global institutions marginally more effective. But in this case, Chairman Strauss' epithet was spot on.

The tremendous destruction of World War II, even before Hiroshima and Nagasaki, prompted a radical rethinking of the world political order. In particular, the idea of world government as the solution to the problem of war was placed front and center in this country's foreign policy debate, and argued about passionately in diners, dorm rooms, and

dinner parties all across the land. Unfortunately, however, the legions of moviegoers who buy tickets to Christopher Nolan's otherwise excellent film this summer will have no idea that one of the leading proponents of that singular idea was J. Robert Oppenheimer.

After the bomb was dropped on Hiroshima, Oppenheimer threw himself into working to control nuclear weapons. Like other atomic scientists, he was fully aware that the Soviet Union would likely develop its own atom bombs in just a few years, and that time was short to prevent an unrestrained nuclear arms race. The movie refers to his activities as working for "international cooperation." But his actual ideas were much deeper and more radical than those anodyne words imply.

In 1946, Oppenheimer participated in the development of a report for the Secretary of State's Committee on Atomic Energy about what might be done to control nuclear weapons. The report, which became known as the Acheson-Lilienthal report but which was authored chiefly by Oppenheimer himself, proposed an international Atomic Development

Agency that would have the sole right to mine and process uranium and to run reactors of any kind. This was a radical proposal, but, as its authors explained, they could see no alternative.

In June 1946, Oppenheimer published an article in *The New York Times Magazine* explaining the proposal to the public. The article discussed the relationship between peaceful and military uses of atomic energy, evaluated a couple of other ideas for controlling atomic weapons, and then discussed the proposed Atomic Development Agency.

It is here, in a section entitled “Sovereignty,” that we come across a striking passage:

“Many have said that without world government there could be no permanent peace, and without peace there would be atomic warfare. I think one must agree with this. Many have said that there could be no outlawry of weapons and no prevention of war unless international law could apply to the citizens of nations, as federal law does to citizens of states, or we have made manifest the fact that international control is not compatible with absolute national sovereignty. I think one must agree with this.”

Similarly, in a January 1948 article for *Foreign Affairs* magazine, Oppenheimer wrote:

“It is quite clear that in this field we would like to see patterns established which, if they were more generally extended, would constitute some of the most vital elements of a new international law: patterns not unrelated to the ideals which more generally and eloquently are expressed by the advocates of world government.”

From the vantage point of 2023, the remarkable thing about these passages is the apparent assumption that the reader is familiar with the idea of world government, and arguments for and against it, to the point where they can just be mentioned without explanation or elaboration. And for much of the public for much of the 1940s, this was probably true — as remarkable as it might seem to us today, when this notion is entirely absent from the international affairs debate.

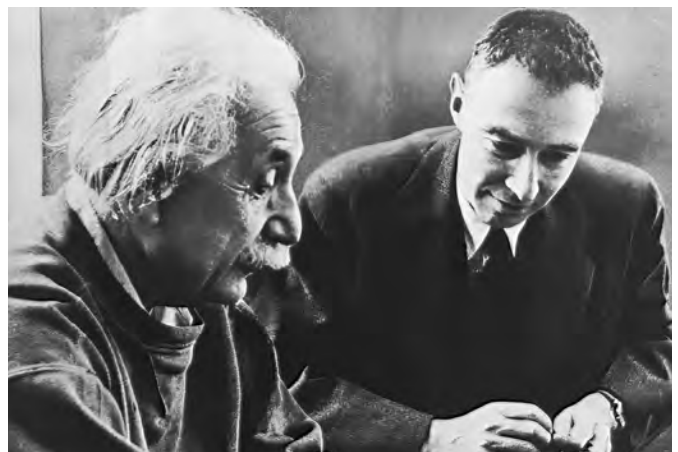
Even before the end of the war, world government advocacy had become a prominent feature of the political conversation in America. In 1943, the businessman and Republican presidential candidate Wendell Willkie published a book called *One World*. The book sold 1.5 million copies in the four months following its release and played a key role in a blossoming of world federation advocacy — long before virtually anyone had heard of anything like an atomic bomb. To choose but one example, an organization known as the Student Federalists, founded in 1942 by a charismatic 16-year-old boy named Harris Wofford, over the next several years

formed 367 chapters on high school and college campuses around the country. Mr. Wofford went on to become a U.S. senator and a key civil rights aide in the White House of President John F. Kennedy.

Then in 1945, just a few months before the Trinity test, came Emery Reves’ *The Anatomy of Peace*. While Willkie’s book was a travelogue describing his voyage around the world, Reves’ was an extended logical argument that only law could create peace and only a world federation — a union of nations with a government taking care of issues that could not be handled at the national level — could create meaningful law that applied to individuals rather than governments. Indeed, Oppenheimer’s passage above could have easily been a summary of Reves’ book.

It wasn’t just books. Beloved children’s book author and *New Yorker* editor E. B. White devoted a great many of his editorials to the problem of global anarchy. These were later collected and published in a book called *The Wild Flag: Editorials From The New Yorker on Federal World Government and Other Matters*. *Saturday Review* editor Norman Cousins, upon reading about Hiroshima, wrote a lengthy editorial for his magazine titled “Modern Man is Obsolete,” that passionately argued for immediate democratic world federation. “There is no need to talk of the difficulties in the way of world government,” wrote Cousins. “There is need only to ask if we can afford to do without it.”

In a similar vein Walter Lippmann, a founder of both *The New Republic* magazine and the Council on Foreign Relations, and a key player later in the Cuban Missile Crisis, wrote in 1946: “There are few in any country who now believe that war can be regulated or outlawed by the ordinary treaties among sovereign states... no one can prove what will be the legislative, executive, and judicial organs of the world state... but there are ideas that shake the world, such as the ideal of the union of mankind under universal law.”



Albert Einstein, founding member of the World Federalist Association, with Robert Oppenheimer at the Institute for Advanced Study. Image courtesy of US Govt. Defense Threat Reduction Agency, Public domain, via Wikimedia Commons.

Even General Hap Arnold, the only U.S. Air Force officer ever to hold the rank of five stars and founder of the RAND Corporation, said in 1946: “The greatest need facing the world today is for international control of the human forces that make for war.” The atom bomb, he declared, presents “a tremendous argument for a world organization that will eliminate conflict... We must make an end to all wars for good.”

And before the end of the decade, more than 50,000 Americans had joined the United World Federalists (UWF) — led for three years by a bright young man named Alan Cranston, who went on to serve as a four-term U.S. Senator from California. UWF has continued its operations to this very day and is now known as Citizens for Global Solutions (CGS).

A number of physicists also came to support world federation. “Conflicts in interest between great powers can be expected to arise in the future... and there is no world authority in existence that can adjudicate the case and enforce the decision,” said Leo Szilard, who first conceived the nuclear chain reaction. But humanity had at its disposal, he insisted, “the solution of the problem of permanent peace... the issue that we have to face is not whether we can create a world government... [but] whether we can have such a world government without going through a third world war.”

Even Edward Teller, accurately portrayed in the *Oppenheimer* film as pushing for the development of the immensely more destructive hydrogen bombs and eventually undercutting his colleague at the security hearings, appeared to embrace the idea! In 1948, he discussed the “Preliminary Draft of a World

Constitution,” written by a committee of eminent scholars chaired by the chancellor of the University of Chicago, Robert Maynard Hutchins, and aimed at establishing a “Federal Republic of the World.” And Teller said about this enterprise: “[America’s] present necessary task of opposing Russia should not cause us to forget that in the long run we cannot win by working against something. Instead we must work for something. We must work for World Government.”

But the most prominent and most active proponent of world government among scientists was Albert Einstein himself. He had always opposed nationalism, and supporting world federation was a natural extension. Einstein wrote articles, gave interviews, and helped found the Emergency Committee of Atomic Scientists. The Student Federalists of Princeton, New Jersey, held meetings in his living room. And he served as the founding advisory board chair of the UWF.

The type of world government that Einstein promoted would exclusively have power over security issues and a few internal circumstances that could lead to war. But this kind of limited world government was a must. “A new kind of thinking is essential if mankind is to survive and move to higher levels,” he said. “Often in evolutionary processes a species must adapt to new conditions in order to survive... In light of new knowledge... an eventual world state is not just desirable in the name of brotherhood; it is necessary for survival.”

Oppenheimer’s focus in the post-war years was more near-term. He worked for international control of nuclear matters — both weapons and civilian reactors that could be used to make weapons. But that international control was to take the form of an agency with a strict monopoly on such activities.



J. Robert Oppenheimer (in light colored hat with foot on tower rubble), General Leslie Groves (large man in military dress to Oppenheimer's left), and others at the ground zero site of the Trinity test after the bombing of Hiroshima and Nagasaki (some time after the actual test).

United States Army Signal Corps, Public domain, via Wikimedia Commons

His 1946 *New York Times Magazine* piece says about the plan: “It proposes that in the field of atomic energy there be set up a world government. That in this field there be renunciation of national sovereignty. That in this field there be no legal veto power. That in this field there be international law.”

Why would this be significant? In a lengthier article published in 1946 in the *Bulletin of the Atomic Scientists*, Oppenheimer wrote, “the problem that we are dealing with,” in seeking to prevent atomic war, “is the problem of the elimination of war.” Proposals for addressing nuclear issues were to be judged on whether they also advanced this goal. The article was titled “The Atom Bomb as a Great Force for Peace” — not because of the simplistic and banal argument that the bomb would make war too horrible to contemplate, but because its control would lay the foundation for a world government that truly could abolish war.

And in his 1948 *Foreign Affairs* article, again, Oppenheimer maintained: “If the atomic bomb was to have meaning in the contemporary world, it would have to be in showing that not modern man, not navies, not ground forces, but war itself was obsolete.”

At the end of this essay, Oppenheimer returned to the noble aspirations that so many held in the shattering initial weeks after Trinity, Hiroshima, and Nagasaki:

“The aim of those who would work for the establishment of peace,” he insisted, “must be to maintain what was sound in the early hopes, and by all means in their power to look to their eventual realization. It is necessarily denied to us in these days to see at what time, to what immediate ends, in what context, and in what manner of world, we may return again to the great issues touched on by the international control of atomic energy... [But] this is seed we take with us, traveling to a land we cannot see, to plant in new soil.”

Should we consider all this just a mere historical curiosity? Is anything about these conversations eight long decades ago relevant to the challenges of the 21st century? As politically unlikely as it might now appear, might something like a genuine world republic provide humanity with the kinds of tools it will require to get a grip on existential perils like the climate emergency, runaway artificial intelligence, and who knows what kinds of new weapons of mass extermination that Oppenheimer’s heirs will almost surely invent in the decades and centuries to come?

The best possible answer to that is the same one purportedly given by China’s Premier Zhou Enlai in 1971, when asked by Henry Kissinger what he thought about the consequences of the French Revolution.

Mr. Zhou, the story goes, considered the question for a moment, and then replied: “I think it is too soon to tell.”



A Dictate of Public Conscience is an application of law to weapons systems, the use of which would violate the principles of international humanitarian law even if not subject to a universal and comprehensive treaty/agreement.

The concept is included in the Hague Conventions of 1899 and 1907, as proposed by Fedorovich (Friedrich) Martens, a Russian jurist and diplomat who initiated the first Hague Peace Conference. It is commonly known as the Martens Clause.

Today, *Nuclear Taboo: From Norm to Law, A Declaration of Public Conscience*, is a campaign led by NoFirstUse Global to apply the principle to nuclear disarmament. Individuals and organizations may endorse the Declaration online.

Visit:
bit.ly/NFU-NT



This article was originally published in the Common Dreams newsletter, www.commondreams.org.

HOW STRENGTHENED GLOBAL GOVERNANCE COULD PRODUCE A NUCLEAR-FREE WORLD



Dr. Lawrence S. Wittner

Professor of History Emeritus at SUNY/Albany, the author of *Confronting the Bomb* (Stanford University Press), and a board member of the Citizens for Global Solutions Education Fund.

It should come as no surprise that the world is currently facing an existential nuclear danger. In fact, it has been caught up in that danger since 1945, when atomic bombs were used to annihilate the populations of Hiroshima and Nagasaki.

THE SITUATION TODAY

Today, the danger of a nuclear holocaust is probably greater than in the past. There are now nine nuclear powers — the United States, Russia, Britain, France, China, Israel, India, Pakistan, and North Korea — [engaged in a new nuclear arms race](#), building ever more efficient weapons of mass destruction. The most recent entry in their nuclear scramble, the [hypersonic missile](#), travels at more than five times the speed of sound and is considered adept at evading missile defense systems.

These nuclear-armed powers are engaged in military confrontations with one another — Russia with the United States, Britain, and France over the fate of Ukraine, India with Pakistan over territorial disputes, and China with the United States over control of Taiwan and the South China Sea — and have on occasion issued public threats of nuclear war against other nuclear nations. In recent years, [Vladimir Putin](#), [Donald Trump](#), and [Kim Jong-Un](#) have all also publicly threatened non-nuclear nations with nuclear destruction.

Little wonder that, in January 2023, the editors of the [Bulletin of the Atomic Scientists](#) set the hands of their famous “Doomsday Clock” at 90 seconds before midnight, the most dangerous setting since its creation in 1946.

A REPRIEVE, BUT ONLY A TEMPORARY ONE

Until fairly recently, this march to Armageddon [was disrupted](#), for people around the world found nuclear war a very unappealing prospect. Massive nuclear disarmament campaigns developed in many countries and, gradually, began to force governments to temper their nuclear ambitions. The result was banning nuclear testing, curbing nuclear proliferation, limiting development of some kinds of nuclear weapons, and fostering substantial nuclear disarmament. From the 1980s to today, the number of nuclear weapons in the world sharply decreased, from [70,000 to roughly 13,000](#). And with nuclear weapons stigmatized, nuclear war was averted.

But successes in rolling back the nuclear menace have [undermined the popular struggle](#) against it, while proponents of nuclear weapons have seized upon the opportunity to reassert their priorities. Consequently, a new nuclear arms race has gradually gotten underway.

AND WHAT OF THE FUTURE?

Even so, creating a nuclear-free world remains possible. Although [inflamed nationalism](#) and the [excessive power of military contractors](#) are likely to continue bolstering the drive to acquire, brandish, and use nuclear weapons, there is a route out of the world’s nuclear nightmare.

We can begin uncovering this route to a safer, saner world when we recognize that a great many people and governments cling to nuclear weapons because of their [desire for national security](#). After all, it has been and remains a dangerous world,

and for thousands of years nations (and before the existence of nations, rival regions and groups) have protected themselves from aggression by wielding military might.

The United Nations, of course, was created in the aftermath of the vast devastation of World War II in the hope of providing international security. But, as history has demonstrated, it is not strong enough to do the job — largely because the “great powers,” fearing that placing significant power in the hands of the international organization would diminish their own influence in world affairs, have deliberately kept the organization weak. Thus, for example, the UN Security Council, which is officially in charge of maintaining international security, is frequently blocked from taking action by a veto cast by one its five powerful, permanent members.

But what if global governance were strengthened to the extent that it could provide national security? What if the United Nations were transformed from a loose confederation of nations into a genuine federation of nations, enabled thereby to create binding international law, prevent international aggression, and guarantee treaty commitments, including commitments for nuclear disarmament?

HOW A FEDERATION OF NATIONS COULD END THE NUCLEAR MENACE

Nuclear weapons, like other weapons of mass destruction, have emerged in the context of unrestrained international conflict. But with national security guaranteed, many policymakers and most people around the world would conclude that nuclear weapons, which they already know are immensely dangerous, have also become unnecessary.

Aside from undermining the national security rationale for building and maintaining nuclear weapons, a stronger United Nations would have the legitimacy and power to ensure their abolition. No longer would nations be able to disregard international agreements, including agreements for nuclear disarmament, that they didn't like. Instead, such legislation, once adopted by the federation's legislature, would be enforced by the federation. Under its provisions, the federation would have the authority to inspect nuclear facilities, block the development of new nuclear weapons, and reduce and eliminate nuclear stockpiles.

The relative weakness of the current United Nations in enforcing nuclear disarmament is illustrated by the status of the [UN Treaty on the Prohibition of Nuclear Weapons](#). Voted for by 122 nations at a UN conference in 2017, the treaty bans producing, testing, acquiring, possessing, stockpiling, transferring, and using or threatening the use of nuclear weapons. Although the treaty officially went into force in 2021, it is only binding on nations that have decided to become parties to it. Thus far, that does not include [any of the nuclear armed nations](#). As a result, the treaty currently

has a more moral than practical effect in securing nuclear disarmament.

If comparable legislation were adopted by a world federation, however, participating in a disarmament process would no longer be voluntary, for the legislation would be binding on all nations. Furthermore, the law's universal applicability would not only lead to worldwide disarmament, but offset fears that nations complying with its provisions would one day be attacked by nations that refused to abide by it.

In this fashion, enhanced global governance could finally end the menace of worldwide nuclear annihilation that has haunted humanity since 1945. What remains to be determined is: Are nations ready to unite in the interest of human survival?



NoFirstUse Global advocates to achieve a safer world and support disarmament by encouraging no first use by nuclear powers.
U.S. Embassy, Prague, Czech Republic. Photo Courtesy of Alyn Ware.

Guidance on how you can stage a demonstration like that depicted in the photograph may be found on: bit.ly/NFU-Action



INTERNATIONAL POLL: PUBLIC SUPPORTS A WORLD PARLIAMENT AND WORLD LAW



Andreas Bummel

Co-founder and Executive Director of Democracy Without Borders and of the international campaign for a United Nations Parliamentary Assembly.

An international survey carried out by the market research firm YouGov on behalf of the German Friedrich Ebert Foundation in 2023 indicates that a majority of the public in 13 of 15 countries covered by the study approves of the creation of a world parliament. With the exception of two countries, respondents in the other countries surveyed “strongly” or “somewhat” approved of the notion, significantly outweighing those who oppose it.

It is often claimed that nationalism is on the rise again. But many people, often clear majorities, would support institutional moves towards building a global society. This poll confirms that they would endorse a global democracy that is empowered to deal with global challenges. Governments should no longer ignore this desire and potential.

On average, 60% of respondents leaned towards supporting “the creation of a new global parliament that represents every country in the world, where every country would be represented based on how many citizens it has, rather than its own national government representation to the UN”.

The survey question further elaborated that:

“[T]he Parliament would meet to handle global issues like global peace, climate change, and emergency situations like pandemics. The Parliament would be part of a global legislative system that under certain circumstances would pass legally binding laws to govern the world as a whole. Would you support or oppose the founding of a World Parliament?”

Only 22% on average leaned towards disapproval. The most support was recorded in Kenya, where an overwhelming

majority (81%) approved of a world parliament, with 52% strongly approving and 29% somewhat approving of a global parliament. Only 17% disapproved and 2% said they did not know, the lowest proportion of uncertain respondents recorded in the entire poll.

Next on the list, are India (78% in favor and 10% opposed), South Africa (73% and 21%), Tunisia (71% and 13%), Indonesia (68% and 13%), South Korea (65% and 18%), Japan (63% and 13%), Turkey (59% and 17%), Argentina (58% and 20%), Germany (56% and 26%), France (53% and 27%), Brazil (50% and 24%) and Poland (49% and 25%). At the bottom of the 15 country poll are the United Kingdom (41% and 37%) and the United States (38% and 42%), which were also the only cases where more respondents “strongly disapproved” than “strongly approved” the notion.

A previous [extensive study](#) on sentiments on global democracy, by Farsan Ghassim, a fellow at Oxford University, found majority support in the United Kingdom and the United States. The recent YouGov survey, as well as an [earlier study](#) conducted in 2020 by the Global Challenges Foundation, show consistently broad public support for binding global decision-making over voluntary international agreements only.

Democracy Without Borders, which has been running a campaign for a UN Parliamentary Assembly for over 15 years, proposes a world parliament with a two chamber system. One chamber would continue representing the governments of member states, while the other would be composed of elected parliamentarians. The parliamentary body would thus not replace but complement national government representation.

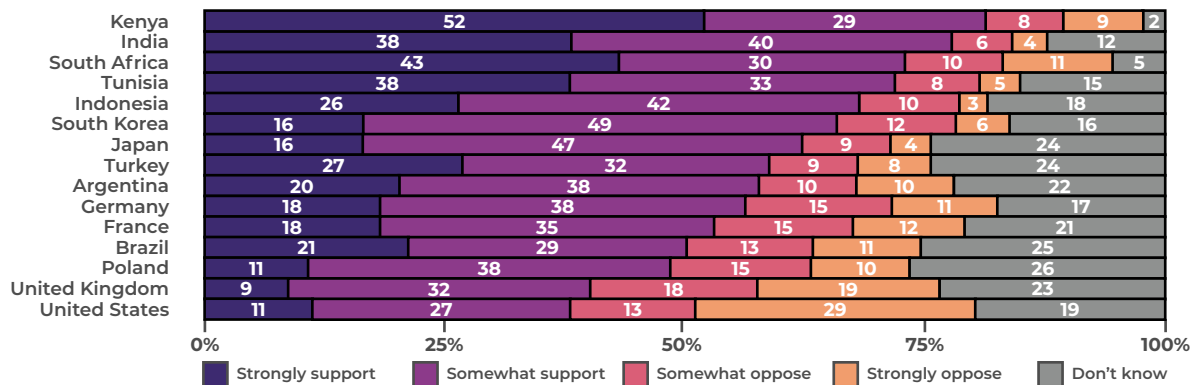


Figure: Support for a World Parliament

A previous [survey](#) by Farsan Ghassim, Mathias Koenig-Archibugi, and Luis Cabrera indicated that people prefer such a two chamber system over the status quo of exclusive government representation at the UN. This idea was recently [endorsed](#) by former officials and representatives of civil society and government, as part of proposals for the revision of the 1945 UN Charter, with a view to the UN’s Summit of the Future, which is scheduled for September 2024.

The public also endorses pragmatic first steps towards establishing a world parliament. A 12-country-poll by the Stimson Center, released in June 2023, found that on average 62% supported the proposal of setting up a UN Parliamentary Network “to inform parliamentarians of the UN’s agenda and obtain their feedback on it”. At the time, the researchers concluded that the barrier to reforming global governance “is not popular opposition”, but rather the reluctance of governments.

Reflecting this consistent global support, the Prime Minister of Barbados, Mia Mottley, recently noted in the introduction to the new [Global Solidarity Report](#), which also draws on international survey data, that “people worldwide share more solidarity than governments have hitherto harnessed.”

According to a UN General Assembly resolution adopted on Sept. 1 2023, the UN Summit of the Future will approve of an “outcome document” that includes a chapter on “transforming global governance”.

As we at [Democracy Without Borders](#) noted in 2021, to date the question of [enhancing democratic representation and participation](#) at the UN through a UN parliamentary body has been ignored in the official run-up to the summit, despite strong popular support and thoroughly thought through proposals. In particular, the establishment of a UN

Parliamentary Assembly, which Maja Brauer and I set out the case for in our book [A United Nations Parliamentary Assembly: A Policy Review of Democracy Without Borders](#), is a proposal that lies between the muted low-threshold UN Parliamentary Network and the high-ambition world parliament ideas. This proposition has attracted [broad support](#) from civil society, among experts, and from parliamentarians. In September 2022, it was [endorsed](#) by then Foreign Minister of Malaysia, Saifuddin bin Abdullah.

A [statement](#) released by the Climate Governance Commission in September 2023 notes, among other things, that diplomatic deliberation on “deeper reforms” of the international architecture “should commence immediately”, including on establishing “a parliamentary body or bodies at the UN and other international organizations to advise and better represent the world’s peoples”. The Commission will present a detailed report in November 2023.

The Governments of countries covered in the recent YouGov poll could leverage relevant diplomatic moves on strong popular support. Kenyan President William Ruto in particular has been promoting ambitious proposals for a global financial transaction tax or a global carbon emission taxation regime, both of which were included in the Nairobi declaration of African heads of government adopted in September 2023. Following the logic of “no taxation without representation”, it would be a rational next step to embrace the notion of a global parliament.

The data collected by YouGov on public support of a world parliament was part of the fourth annual [FES Global Census](#), which examines public opinion on key matters of multilateralism and international cooperation. The data was shared with Democracy Without Borders, which first published this article.

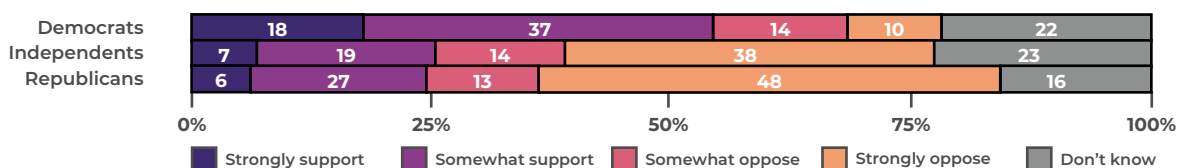


Figure: Support for a World Parliament US Sample, by Party

UN REFORM: THREE PATHS FORWARD



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It seems each day provides us a fresh reason for pessimism. A new demonstration of the fraying social contract, especially at the international level. The pillars upon which the international order was built seem to be rapidly deteriorating — from territorial integrity to the laws of war to the breaking of promises — and we find ourselves asking: what is to be done? There is no need to provide a comprehensive summary here of the risks we face; compelling diagnoses exist of what ails the world and there is no shortage of sensible prescriptions. The 2021 UN Secretary General's [Our Common Agenda](#) is a good recent example as are many other reports and analyses with a narrower focus, touching upon issues of [climate and the environment, security, poverty and inequality](#), financial sector vulnerabilities, and other such risk factors.

There is also growing acceptance of the view that these problems are generally global in nature. Solutions to them can best be framed in a context of much stronger international cooperation. It is for this reason that the debate about actions to confront them often ends up with a focus on the system of multilateral institutions that emerged out of the ashes of World War II.

UN REFORM A NONSTARTER?

One aspect of this debate is whether, against the current

geopolitical background, it would even be prudent to talk about reforms to our global governance architecture. With the “abysmal political climate for international cooperation, with deep rifts and mistrust” such as the argument in *Pass Blue* by Thomas G. Weiss, that “reform is a nonstarter,” that it is [Alice in Wonderland](#) to “discuss reforming the UN while ignoring the brutal contemporary political realities.”

Implicit in this position is the notion that time is on our side, that we can afford to wait for the “right” geopolitical moment. And, until the stars align again, our task lies in making minor adjustments. Secretary-General Kofi Annan told the General Assembly in 2003 “we have reached a fork in the road.” This thought has been repeated countless times by other Secretaries-General, by well-meaning heads of state and, it is assumed, will continue to be repeated through 2045, the 100th anniversary of the adoption of the UN Charter.

But insights coming from systems science about the breaching of planetary boundaries — to take just one example — demonstrate that time is *not* on our side, that we have a rapidly narrowing window of opportunity to address and hopefully mitigate the worst effects of the coming environmental calamities. Or, likewise, to reduce the likelihood of the use of nuclear weapons in one of the many unresolved conflicts bubbling around the world. What, then, is to be done?

THREE VIABLE PATHS

There seem to be three viable paths, which can be pursued concurrently. The first path is to recommit ourselves to the system we have. There are tremendous benefits to this — most notably that it would be a return to consensus. At this moment of great crisis, there is a legitimate case to be made that the safest route is the surest route — at least in the short term. However, that is also a limiting prospect and runs the risk of determining that the best we can do is to continue doing what we have already done. Perhaps more importantly, if we are conscious that the system as it stands is increasingly insufficient, by choosing *only* this path we are in a way admitting defeat at the outset.

The second course of action is to take the model we have and innovate. This is the course of action offered through the upcoming Summit of the Future and its attendant proposals including a New Agenda for Peace, proposals for financial architecture reform, and even Article 109. There is significant merit in this course of action, as well: it offers an opportunity for questioning the structures we have without undoing the progress they have made. In other words, it allows for organic growth. Yet, there are risks here, too — in that we could end up investing significant time and energy to perpetuate a system ill-suited to our interconnected reality; or that we achieve only marginal progress, or, worse still, the process results in greater political fragmentation and mistrust.

The third course of action is a deeper exploration into the persistent challenges underlying our current systems and a search for new solutions. Essentially, questioning underlying assumptions and finding new answers. This course of action excites us most — in large part because we do not believe that the current frameworks are sufficient for the world of today, let alone tomorrow. When we imagine a century ahead, we just can't picture a global governance system where Member States are expected, even required, to prioritize their domestic concerns when discussing international matters. We can't imagine that a successful governance system would continue to prioritize a profit motive, a power motive, over the wellbeing of citizens and nature. Yet the system we have (even modified per option two) does just this. We will be the first to admit that this may not be the most politically realistic course for today, but it will one day be the path we must choose. Why not begin now given its far-reaching implications?

We do not need to choose merely one of these three options. We are at a moment where many opportunities open before us. The international order is struggling under the weight of the crises we face — both new and old. Let us use this consensus as a starting point to commit to what we have, to see what meaningful change can come from the processes in progress, and to rethink the current order from our starting assumptions. In essence, a little bit of each viable path is the ultimate expression of the precautionary principle for global governance.

OVERCOMING PARALYSIS

One problem with concluding that the current political impasses make UN reform a nonstarter is that it leads to paralysis. It results in proposals that are the intellectual equivalent of rearranging the deckchairs as the ship is sinking. We are not suggesting ignoring the political realities of this moment but trying to see what the future holds. One day, we will need to move beyond traditional paradigms, beyond “reinforcing the crumbling foundations” of the current system. Humanity will need to articulate a new architecture, better suited to the needs of a rapidly changing humanity.

Importantly, it is not only governments who can advance this conversation — in fact this might be a key to overcoming some of the seemingly intractable obstacles to reform. As was noted in the 2023 report, [A Second Charter: Imagining a Renewed United Nations](#), from the Global Governance Forum, numerous global governance innovations over the past quarter century were not initiated by governments. They started with civil society organizations: the Land Mines Treaty, the creation of the International Criminal Court, and the adoption of the Treaty on the Elimination of Nuclear Weapons, to cite some recent examples. At a later stage, many governments adopted them. This is the “new diplomacy” in action.

At the end of World War II, and because of the destruction created by that conflagration, humanity had an opportunity to imagine something better suited to the needs of, in particular, the European continent. If in 1945 one had ventured to suggest that within a generation Europe would be advancing a project of economic and political integration, that by the late 1970s there would be direct elections for members of an increasingly influential European Parliament, and that by end of the century the broad parameters of monetary policy would be set by a European Central Bank based in Germany managing a single currency, one might have been accused of “Wonderland thinking”. And yet, it was the very political turmoil of that moment which allowed for this evolution to take place.

Today, we cannot afford to wait for what is called a “San Francisco” moment. Recall how that gathering came only after a global catastrophe prompted humanity to dare to think differently and engage in a reform process. Yet, today's generation is carrying the legacy of the imperfections bequeathed to it. Let us not wait for another catastrophe before we engage in meaningful reform processes. In addition to recommitting to promises made, in addition to technical modifications, let us take that leap of imagination necessary to prevent future global catastrophes. Who knows, perhaps in a few decades, like the European case, future generations will be amazed at what we were able to achieve.

IN DEFENSE OF AN IDEALIST APPROACH TO UN REFORM



Alexandre MacIsaac

Executive Director of the World Federalist Movement — Canada. Involved in world federalist projects since 2017, his background in global public policy and experience in administering federal elections were critical in solidifying his commitment to reform.

As World Federalists with aspirations for a more democratic and peaceful world, we are no strangers to criticisms that our proposals are “overly ambitious” or “unachievable.” Although most tend to agree with some of our more idealistic proposals, they often don’t view them as practical – especially in a gridlocked UN system that prevents substantive changes to the most undemocratic and inefficient aspects of its structure.

Any amendment to the UN Charter must obtain the approval of the Permanent 5 (P5) members of the Security Council, which itself is rife with democratic representation and inefficiency problems. More specifically, the Security Council places five states at the helm with exclusive veto powers and offers ten rotating seats to come together and make decisions that are filtered through the P5 members’ interests. The power and influence of the veto cannot be measured simply by looking at the number of resolutions vetoed by the P5. Security Council members are aware that any initiative that runs counter to the interests of one or more members of the P5 could be fruitless. The tragedy for our shared world governance lies in the bank of unspent solutions to global problems. Countless common-sense resolutions, many of which might easily receive majority support (not only among the 15 Security Council members but also the General Assembly) are never put forward at the UN Security Council, the General Assembly or other contributing bodies that put forward recommendations to it.

To make matters worse, the Security Council is the only body of the UN that can pass binding resolutions. The founders of the UN placed the most undemocratic and unrepresentative body as a gatekeeper, preventing effective and transformative world policy from coming to fruition. With this interest filter placed at the top of the decision-making chain, it is little wonder that efforts to establish binding resolutions that

shake the status quo system are stymied. All five members of the Security Council possess nuclear weapon arsenals. Their exclusive use of a veto on resolutions guarantees their continued access to those weapons, a microcosm of a larger problem at hand in nearly every aspect of global governance failures. The veto grants these powers a myriad direct and indirect interests allowing them to determine global standards and regulations regarding the world environment, economy and geopolitical landscape to their advantage and at the detriment of the global public good.

Unsurprisingly, given the institutional inertia built into the UN Charter at the outset by granting the five victors of the Second World War permanent seats and veto powers, nearly all reforms to the UN structure since its beginnings have avoided the Security Council. One minor exception is the 1965 expansion of the number of non-permanent seats from six to ten. While this type of reform does provide more democratic representation for the world population and increases pressure on P5 members exercising their veto powers, it fails to address the gridlocking power of the veto – circumventing the issue like a vine tendril growing along a brick wall in its search for light, able only to grow along the path allowed by the dominant world powers. The expansion of the Security Council has been discussed again in recent years, including the possibility of increasing the number of permanent seats, although there has been little-to-no progress on efforts towards the abolition or weakening of the veto.

As World Federalists, we have challenged the supremacy of the Security Council at every turn. When we were involved in the Coalition for the International Criminal Court (CICC), former World Federalist Movement Executive Director Bill Pace emphasized three principles for its formation, all of which revolved around its independence from the Security



Council. Even the most optimistic among coalition members of the CICC did not expect to see its objectives achieved in their lifetimes! Security Council efforts to influence outcomes did reach the ICC in the final days of the 1998 Rome Diplomatic Conference, but could not overtake the separate structure that we had fought for, and so the Council was only permitted discretionary authority over ICC proceedings.

Some World Federalists have recently turned our focus to promote the establishment of a UN Parliamentary Assembly (UNPA), with world citizen elections to gain the democratic legitimacy needed to pass binding resolutions on the world stage. Whether the UNPA would do so in a fashion complementary to the activities of a UN General Assembly, or act as its ultimate replacement, the goal is to fulfill or replace the need(s) for the unalterable system at the height of the intergovernmental organization - the Security Council. The UNPA project will take many years to promote, install, and ultimately develop while taking into account the myriad of possibilities for its structure as efforts respond to future events and evolving international norms. However, it is one of the most promising ways we, as humans sharing this world, can find hope for building a sustainable and equitable future.

The objective with the UNPA is to create a democratically representative body that over time could fulfill (and replace the need for) the binding roles of the Security Council. As the UNPA develops, it will become comparatively more

legitimate as a body reflecting world citizens' interests. The bright side for advocates of a UNPA is that they would be rivalling an immobile or unchanging opponent – offering all the time to develop and align with current world affairs while the Security Council becomes increasingly redundant, sitting still over the years like an ancient ruin overtaken by its own vines.

Perhaps I am wrong, and the Security Council will be propelled to act decisively in reforming its core issues in ways we currently think are impossible in light of the legitimacy challenge posed by a developing UNPA. I see this as a victory for World Federalists (and the world) in either scenario, offering the possibility for a UNPA to exist alongside (and perhaps even complement) a reformed Security Council.

The genie is out of the bottle – the second wave of globalization has reached new heights since its first wave in the early 20th century. The transition is owing to advancements in all sorts of production, communication, and transportation technologies. As greener technologies develop alongside their counterparts, they are often at a disadvantage (profit-wise) in relation to less sustainable practices. Transnational and multinational corporations operate in an unregulated world, reaping profits with little regard for the global public good. They have effectively divided and conquered the world into an international system that competes to drive a race-to-the-bottom on environmental and labor standards. It seems like madness to believe that we can prevent a war involving a world power (*e.g.* the Russian invasion of Ukraine or the US invasion of Iraq), or meet our climate change targets by continuing to approach global governance the same way we have over the last decades. Although it is a myth that this was Einstein's definition of insanity, he surely agreed that it would be insane to believe that we can achieve nuclear non-proliferation and disarmament without a supranational body – especially if he had lived to see the continuous failed efforts over the decades that ensued. To believe that we can achieve UN targets and prevent wars without addressing the issues at the core of the international system does not appear to me to be a realistic approach.

In this way, ironically, we can believe that the most pragmatic approach to reforming the UN is an idealistic World Federalist approach! I leave you to reflect on what your world utopia would look like, and with my favorite quote from Don Quixote which I believe highlights the importance of idealism in our development as a unified world community:

“When life itself seems lunatic, who knows where madness lies? Perhaps to be too practical is madness. To surrender dreams — this may be madness. Too much sanity may be madness — and maddest of all: to see life as it is, and not as it should be!”

THE UNITED STATES SHOULD RATIFY THE ROME STATUTE



Ambassador David Scheffer

Former U.S. Ambassador at Large for War Crimes Issues. He currently serves as Senior Fellow at the Council on Foreign Relations, Professor of Practice at Arizona State University, and is a National Advisory Council member for Citizens for Global Solutions.

A quarter century ago, the [Rome Statute](#) of the International Criminal Court (ICC) was completed following years of negotiations. I led the U.S. delegation in those talks. The Clinton Administration decided not to support the final text of the treaty in 1998, but after two more years of talks on supplemental documents, I signed the treaty on behalf of the U.S. on December 31, 2000. Despite the fact that [123 nations](#), including almost every American ally, have joined the ICC, the United States has not yet ratified the Rome Statute and thus has not become party to the ICC. That fact need not be the final chapter. The time has finally arrived to acknowledge some evolutionary developments and move towards American ratification of the treaty.

There is longstanding American policy that while the U.S. remains a non-party State to the Rome Statute, the ICC has no jurisdiction over U.S. nationals for actions undertaken even on the territory of a State Party of the Rome Statute. The same standard would apply to any other non-party State (like Russia) and its nationals acting on State Party territory (or territory of a non-party State — like Ukraine — that has fallen under the jurisdiction of the ICC voluntarily or because of a UN Security Council mandate). I term this the “[immunity interpretation](#),” which makes it difficult for the United States to fully embrace the ICC’s investigations of Russian suspects for atrocity crimes (war crimes, crimes against humanity, genocide) committed in Ukraine.

The immunity interpretation reached its peak under the Trump Administration, with the threat and, in two [cases](#), imposition of [sanctions](#) against key personnel of the ICC and foreigners. President Joe Biden [repealed](#) the executive order authorizing such sanctions on April 2, 2021, though Secretary of State Antony J. Blinken stated, “We maintain our longstanding objection to the Court’s efforts to assert

jurisdiction over personnel of non-States Parties such as the United States and Israel.”

The immunity interpretation, however, is archaic, counter-productive, and largely rejected worldwide. I should know, as I [presented](#) the immunity interpretation before the 1999 annual meeting of the American Society of International Law. While the position articulated some logical premises, it also defied the core principle of criminal law, which is territorial jurisdiction. It ignored the decision-making authority of a sovereign government when entering a treaty regime, including to confer criminal jurisdiction to an international court.

In December 2019, during a hearing on the Afghanistan situation before the ICC Appeals Chamber, I spoke and publicly [rejected](#) the immunity interpretation, whatever its original merit, as an argument that has been overtaken by customary international law.

After three decades of rapid development in international criminal law and in tribunal-building and jurisprudence to enforce the law, it is implausible that a non-party State can invade a State Party, commit atrocity crimes that fall within the jurisdiction of the Rome Statute, and essentially enjoy immunity for doing so. To do so rewards the non-party State with impunity while rendering meaningless the State Party’s membership in the ICC.

In Washington, D.C., I have attended meetings recently where retired senior officials of the U.S. government, particularly having held legal positions, have reversed their own positions and believe the United States should abandon the archaic immunity interpretation. Granted, the Russian invasion of Ukraine has proven to be an inflection point. At some stage,

the hypocrisy must be acknowledged. It simply is implausible to keep arguing the immunity interpretation with a straight face when the criminal assault against Ukraine and its people is so blatant, so widespread, so deadly, so destructive, and so persistent and while the U.S. Congress and the Biden Administration have [evolved](#) to support efforts, such as the ICC investigations, to hold Russian officials accountable under international criminal law.

The ICC cannot exercise jurisdiction over Ukraine for the crime of aggression because of the constraint built into Article 15bis(5) of the Rome Statute. This creature of the Kampala Amendments process in 2010, at the time strongly supported by the United States and some other major powers, reads, “In respect of a State that is not a party to this Statute, the Court shall not exercise its jurisdiction over the crime of aggression when committed by that State’s nationals or on its territory.” Consider for a moment how surreal that sounds, particularly if one recites it to the mother of a young girl who died from the impact of a Russian missile fired from across the border in Russia and hitting a civilian neighborhood in Ukraine.

There is a solution to the particular problem of the crime of aggression. Official U.S. statements condemning the Russian aggression against Ukraine ring rather hollow when the Biden Administration fails to support the creation, through a [procedure](#) involving a UN General Assembly resolution and a treaty between the United Nations and Ukraine, of an international Special Tribunal for Ukraine on the Crime of Aggression that can deny head of state immunity. Instead, the United States has [opted](#) for “an internationalized national court” in the Ukrainian legal system some day for the crime of aggression — a weak option that invites head of state immunity and hardly deters massive and continuous acts of aggression by Russia against Ukraine.

Recently, I attended a closed-door meeting in Washington with a senior government lawyer and, when asked, that official simply could not answer the question of why the Biden Administration would continue to uphold the longstanding and awkwardly hypocritical immunity interpretation, particularly in light of both the Russian actions against Ukraine and the Administration’s support for new laws that enable U.S. cooperation with the ICC to investigate Russian conduct. It also proves difficult to explain the ICC’s [investigation](#), without any noticeable U.S. objection, of Myanmar officials, whose country is a non-party State, for atrocity crimes against the Rohingya who were persecuted and forcibly deported onto the territory of neighboring Bangladesh, a State Party, beginning in 2017.

I firmly believe that whatever the merits of the immunity interpretation 25 years ago, it has been overtaken by the march of customary international law combining both state practice and *opinio juris*, by judicial decisions, by persuasive scholarly work, by a renewed recognition of fundamental principles of criminal law and of sovereign decision-making, and frankly

by common sense. Related to the immunity interpretation is the [debate](#) playing out in Washington over the implementation of ICC cooperation legislation that President Biden signed into [law](#) on Dec. 29, 2022. Administration officials have delivered tortured [testimony](#) before Senate committees in recent months when confronted by senators over the failure of the Administration to follow through on cooperation efforts with the ICC that are mandated by U.S. law regarding the Court’s investigation of Russian atrocity crimes in Ukraine.

In a recent Senate Appropriations defense subcommittee hearing, Sens. Richard Durbin (D-IL) and Lindsay Graham (R-SC) pressed Defense Secretary Lloyd Austin on the Pentagon’s resistance to the legal mandate. Austin [said](#) that he was concerned about the issue of reciprocity. Such views are outdated and reflect the concern that someday the tables will be turned and the ICC will be investigating and prosecuting U.S. actions and that we would not want other governments to cooperate with the ICC in its investigative work. The cooperation train left the station decades ago. All of America’s allies, with the exception of Israel and Turkey, are States Parties to the Rome Statute and are obligated to cooperate with ICC investigations.

But there is no comparison in modern times with what is transpiring in Ukraine. Ambassador-at-Large for Global Criminal Justice Beth Van Schaack answered Austin quite effectively when asked on the PBS [NewsHour](#) recently. She said, “I think there is virtually no equivalency or comparison to what Russia has done here to anything that might involve U.S. personnel or service members. We have a full-scale war of aggression being committed through the systematic and widespread commission of war crimes, crimes against humanity. There’s no comparison here. And so I do not see a concern that this would set any sort of a precedent that might rebound badly to the United States.”

Austin’s statement also reflects a presumption that should be challenged. During the Clinton Administration, my instructions as the U.S. chief negotiator of the Rome Statute were based on the intent of building an international criminal court which the U.S. one day would join. The instructions were not to negotiate for six years to build a court that the U.S. would never join. When I signed the Rome Statute, the intent was to signal that the U.S. would remain on deck with the treaty and work towards one day joining the Court, not to stand in permanent opposition to it.

President Bill Clinton conceded in his signing [statement](#) that the treaty would not (during his remaining three weeks in office) and should not be submitted by his successor to the Senate until “fundamental concerns are satisfied,” a primary one being to “observe and assess the functioning of the court.” That opportunity to “observe and assess” began on July 1, 2002, when the ICC became operational following ratification of the Rome Statute by 60 nations. We have had 21 years to “observe and assess” and while there are some

imperfections in the workings of the ICC, as there are with every legal system, the ICC's professionalism and track record merit Washington's respect.

In any event, U.S. policy towards the ICC today should not be premised on, structured, or implemented as if it intends to be a permanent non-party State. Such isolation was never the Clinton Administration's position and never reflected my negotiating instructions.

The immunity interpretation was not advanced by the U.S. in order to permanently keep it out of the ICC, but rather to explain its status and non-exposure to ICC jurisdiction until Washington ratified the treaty. Otherwise, why did we negotiate and sign the treaty?

Rationalizations for permanent non-party status may attract the support of those seeking that outcome, but such thinking defies all that was negotiated into the Rome Statute and its supplemental documents to protect U.S. interests, including due process protections, complementarity, Security Council backstop under Article 16, precise definitions of the crimes, judicial oversight of the Prosecutor's investigations, tough admissibility standards, high approval requirements for amendments, precise rules of procedure and evidence, comprehensive elements of crimes, and much more.

If the U.S. were to become a State Party of the Rome Statute, the immunity interpretation would become irrelevant — a non-issue — for the U.S. even if Washington wished to argue its merits for Israel, Turkey, Pakistan, North Korea, China, Iran, Myanmar, Libya, Egypt, Russia, Belarus, India, Saudi Arabia, Indonesia, Cuba, and other non-party States.

Those who express concerns about "reciprocity" unfortunately convey an intimidated attitude about the ICC. Rather than be on the defensive about the ICC, the U.S. government and particularly the Pentagon should take the offensive and recognize how the ICC in fact advances critical U.S. values, particularly against an aggressor State like Russia. The U.S. can weigh in and influence gravity requirements at the ICC



On July 17, 1998, diplomats, legal experts, and representatives of civil society gathered at a diplomatic conference in Rome to promulgate the foundational statute of the ICC. Twenty-five years later, there are 124 States Parties to the Rome Statute. Flickr, Coalition for the ICC.

and how the Prosecutor can best utilize his discretion, not to mention placing an American judge on the bench and perhaps one day greeting an American chief prosecutor. Washington can use its diplomatic clout to advance ICC investigative and prosecutorial objectives globally and in ways that are compatible with U.S. foreign policy and global security needs. The ICC should become part of this nation's lawfare strategy. In other words, Washington should weaponize the ICC for worthy objectives — such as justice in Ukraine and Darfur — that reflect critical American values, rather than taking an anemic defensive posture towards the Court.

The Pentagon should embrace the duty of the law and when necessary justify the conduct of warfare to Congress, to the public, and even to the courts during the adjudication of relevant cases. A skeptical fear of being accused of atrocity crimes is a long way from the reality of credibly being investigated or prosecuted for such international crimes. The world has changed, and any presumption of the right to commit atrocity crimes, or to be shielded from accountability, is quite antiquated. If the U.S. military dared to plan and implement genocide, crimes against humanity, or serious war crimes anywhere in the world, then such action would demand investigation and prosecution at home with enforcement of federal and military law.

Article 18 of the Rome Statute, which as a negotiator I proposed and largely drafted, is intended to give a country like the U.S. the opportunity to seize the reins of justice and hold onto them without interference by the ICC.

We should take that option seriously if the need arises, but which actually should not arise because U.S. armed forces and indeed our civilian leadership should never be engaged in the planning and commission of atrocity crimes and certainly not of the magnitude that could trigger ICC jurisdiction. One has to think counter-intuitively to enter the world of ICC paranoia, namely that the U.S. must never become a State Party because it should be at liberty to act with permanent impunity as a non-party State or that the U.S. should be free to plan and commit atrocity crimes without consequence even if it were to become a State Party, so the Rome Statute should somehow permit that outcome.

What do we have to fear from the ICC? I would argue that scenarios of illegal American conduct overseas or at home should never come to pass, but if they did, then the response must be first and foremost the enforcement of U.S. law, be it federal criminal law or the Uniform Code of Military Justice, or both, and adherence to Congressional oversight. The U.S. could become a pillar of complementarity and leadership in the ICC if some in Washington were not so intimidated by fear of ICC scrutiny.

Lawmakers still have work to do on complementarity. For many years, Sen. Durbin has advanced legislation to fill the gaps in federal criminal law for genocide, war crimes, and

crimes against humanity. If the gaps can be filled, then the U.S. can demonstrate its capacity to investigate and prosecute the atrocity crimes found in the Rome Statute and thus, if addressed properly, avoid ICC scrutiny. This is the same goal shared by our allies, which are almost all States Parties to the Rome Statute, and many have amended their criminal codes accordingly.

Durbin has almost reached the finish line. Laws of essentially universal jurisdiction have been adopted for commission of [genocide](#) and [war crimes](#). The next step should be the Crimes Against Humanity [bill](#), which Durbin [introduced](#) as an amendment to S. 2226 authorizing appropriations for fiscal year 2024 for the Department of Defense. One should not expect a mirror image of Article 7 of the Rome Statute in the Durbin bill, but if adopted it will be the first opportunity to bring crimes against humanity into the federal criminal code.

Administration and Congressional negotiators should be able to get it over the finish line this year given the impetus afforded by the Russia-Ukraine war, the recent enactment of the Justice for Victims of War Crimes [Act](#), and the new legal [authority](#) for cooperation with ICC investigations in Ukraine. Sen. Charles Grassley of Iowa (R-IA) stepped forward in 2022 to co-sponsor the Justice for Victims of War Crimes Act and thus build bi-partisan support for it.

Even though at present the United States is not a State Party to the Rome Statute, the consequence of these legislative acts would be that any Russian soldier or government official involved in atrocity crimes in Ukraine and who steps foot in the U.S., including Disney World with his family, would risk arrest and prosecution in federal criminal court for the crime of genocide, war crimes, or crimes against humanity. Even though President Vladimir Putin, Foreign Minister Sergey Lavrov, and Defense Minister Sergei Shoigu, if they dared to visit the U.S., could claim head of state immunity as the most senior officials of the Russian Government and thus avoid sustained arrest, the fact that a federal criminal indictment and an arrest warrant could be issued would present legal jeopardy and public shaming none of them may wish to risk. Of course, if the U.S. were a State Party to the Rome Statute, any ICC arrest warrant against such individuals should be honored if they were to visit this country.

In so many discussions I have had about the ICC and U.S. policy over the years, particularly dialogues with foreign scholars, lawyers, think tankers, diplomats, and journalists, there arises the constant refrain that American invocations about international criminal justice fall on deaf ears overseas, particularly in the Global South, because of the foreign perception of double standards. The complaint centers on the U.S. negotiating treaties like the Rome Statute that it then does not ratify. In their view, the U.S. military sometimes acts illegally on a large-scale, such as the Anglo-American invasion of Iraq in 2003 and the use of torture in Afghanistan, foreign



Amb. Scheffer briefed members of the Senate Foreign Relations Committee shortly after the promulgation of the Rome Statute in July 1998. C-SPAN.

black sites, and Guantanamo during the so-called war on terror. These are very deep scars.

While I was negotiating the Rome Statute, other negotiators often would press me in sidebar discussions about perceived American hypocrisy and the peculiar American failure to commit. They would remind me that they re-opened the [Convention on the Law of the Sea](#) at President Ronald Reagan's insistence to revise the deep sea mining provisions. But once they met U.S. demands and ratified the treaty amendments, the U.S. never followed through with ratification of that critical treaty. And yet today our government relies heavily on the rights protected by that treaty, albeit claiming they are customary international law, to ensure U.S. commercial and military access on the seas. Our foreign friends are not pacified and are quite cynical. There is deep resentment that the U.S. intensively negotiates international treaties, signs many of them, and then often fails to follow through with ratification.

The U.S. would begin to overcome the double-standards perception, which cripples our influence on so many fronts, including international criminal justice, if the Senate were to follow through on major treaties that the U.S. took the lead in negotiating and then often signed. These include the Convention on the Law of the Sea, Additional Protocols I and II of the 1949 [Geneva Conventions](#), the [Convention on the Rights of Persons with Disabilities](#), and, yes, the Rome Statute of the ICC. All but one of these treaties have been languishing for decades.

For example, it has been 23 years since the U.S. signed the Rome Statute. Despite some flaws in its performance, the ICC has demonstrated its credibility, competence, fairness in protecting due process rights, reasoned jurisprudence, and a mixture of convictions and acquittals. It also is demonstrating every day its relevance in a highly dynamic and violent world. All of Europe and Latin America, most of Africa, the Caribbean and Central America, and a good number of

Asian and Pacific nations are committed to a credible ICC.

White House and Congressional support for ICC investigations in Ukraine is an encouraging signal of more open minds about the ICC in the Executive Branch and on Capitol Hill. The Biden Administration should take the following steps now to advance American engagement with the ICC and pave the way for U.S. ratification of the Rome Statute:

1. The Crimes Against Humanity bill should be navigated towards adoption in the Senate and the House of Representatives as a bipartisan initiative to close an increasingly inexplicable gap in federal criminal law and better insulate the U.S. from ICC scrutiny. The White House should signal its intention to sign an acceptable bill into law.

2. The Biden Administration should undertake a thorough review of the [American Service Members Protection Act](#) and determine what provisions, if any, should remain U.S. law as the government considers ratification of the Rome Statute.

3. The Biden Administration should cease use of the immunity interpretation when discussing the Rome Statute, the ICC, and U.S. policy. There is no need to explicitly reject the immunity interpretation, but there is an imperative need now to stop defining U.S. policy as being anchored in it. A simple explanation would be that the immunity interpretation no longer guides U.S. policy.

4. The State Department should send a letter to the United Nations, as depository of the Rome Statute, to withdraw the George W. Bush Administration's [letter](#) of May 6, 2002, which states the intention of the U.S. not to become a party to the Rome Statute and to abandon any obligations as a signatory party. Those statements undermine U.S. foreign policy objectives and are embarrassing even to read in 2023. The letter remains a beacon of hopelessness for other countries seeking to understand the U.S. posture towards the ICC. Fortunately, the U.S. signature has never been removed from the Rome Statute but no longer should be soiled by such statements. A fresh State Department letter would send a powerful signal that the U.S. is shedding this symbol of weakness.

5. The U.S. should take the lead in the U.N. Security Council to ensure that the fresh [investigation](#) by the ICC Prosecutor of the recent atrocity crimes in Darfur can be fully resourced and supported by the Council under the UN Charter Chapter VII enforcement authority of UN Security Council Resolution [1593](#) of March 31, 2005, which referred the Darfur situation of 18 years ago to the ICC and which the U.S. enabled at the time. This would demonstrate that the Biden Administration not only is interested in supporting ICC [investigations](#) of the atrocity crimes in Ukraine but also is backing other designated ICC investigations, notably in Darfur. Further, the State Department should indicate its



While the US is not a State Party to the Rome Statute, it has cooperated to bring international criminal fugitives to justice, including through the Rewards for Justice program, explained here by Amb. Scheffer at an official briefing. Photo published on Justice in Conflict.

clear support for the ICC investigation of atrocity crimes committed against the Rohingya and seek Congressional authorization for that assistance, similar to what has been obtained for investigation of the Ukraine situation.

6. The National Security Council should chair an inter-agency task force to draft "declarations" to the Rome Statute that would address key U.S. interests, including [adherence](#) to the U.S. Constitution and to full complementarity within the U.S. judicial system. Senators undoubtedly would craft their own declarations, and those would be critical to consider, in part to ensure that none of them rise to the level of reservations, which are prohibited by the Rome Statute to all States Parties. But the initiative to draft declarations, which many nations have [employed](#) for the Rome Statute, would be a pragmatic and constructive means to mold acceptable terms for ratification of the Rome Statute.

7. President Biden should express his intention to take the necessary steps with consultations and legislation on Capitol Hill so that the U.S. can ratify the Rome Statute with bipartisan support in the U.S. Senate. (He will need 67 out of 100 votes to achieve U.S. ratification.) Everyone knows this will take time (likely years) to achieve but the stated intention will boost American credibility and blunt the double standards criticism that constrains U.S. foreign policy aims.

My hope is that it will not take another 25 years before the U.S. is part of the ICC. The fact that it took the U.S. 40 years to ratify the [Convention on the Prevention and Punishment of the Crime of Genocide](#) is a dishonorable precedent in American history and we should strive not to repeat it. Atrocity crimes are the scourge of our times and the U.S. should be proudly and confidently at the forefront of bringing the perpetrators of such heinous acts to justice.

This article was originally published by the [Lieber Institute of U.S. Military Academy at West Point](#).

CLIMATE CHANGE LAWSUITS AROUND THE WORLD



Bill Pearce

Called to the bar in 1968 and has had a varied career as a barrister. He is currently retired and living in Victoria while continuing to serve as President of the World Federalist Movement — Canada Victoria branch.

This article will examine the explosion of climate change litigation around the world and its role in reducing the output of greenhouse gases (GHGs) which is endangering the survival of our species. In 2017 there were 884 climate change lawsuits brought in 24 countries. By July 2020 this number increased to at least 1,550 cases in 38 countries (Stefer 2023).

Some of these lawsuits seek compensation for damage inflicted by fossil fuel-associated global warming and related extreme weather events. The most recent example is the case where the state of California is suing the major oil producers for billions of dollars associated with their deceptive practice of spreading misinformation as to the role of burning fossil fuel in the warming of the planet (akin to the denial tactics of the tobacco industry of the connection between smoking and cancer). In their attempt to hold the oil giants accountable they are looking for substantial compensation with regard to the industry's 2022 profits which exceeded 200 billion dollars, double their profits in 2021.

In Peru, an indigenous Peruvian farmer, Saul Luciano Lliuya, who lives below a melting glacier, seeks payment for damages to his property associated with excessive GHG warming of the planet proportionate to German energy giant RWE's overall contribution to global climate change of 0.47%.

The great majority of climate change litigation is not for the recovery of money but is associated with attempts by state actors, non-governmental organizations (NGOs) or individuals to seek court orders to force fossil fuel-producing companies to reduce emissions or to force nation-states to set lower emission targets or take more stringent measures to achieve emission targets. Most of these lawsuits rely on human rights legislation which protects the right to life and security of the person. In addition, the right to a healthy

environment is often invoked. Sadly, Canada is among one of the few remaining United Nations Member States that does not constitutionally protect the right to a healthy environment.

Section 7 of the Canadian Charter of Rights enshrines the right to life, liberty and security of the person and the right to not be deprived thereof except in accordance with the principles of fundamental justice. This section may provide a mechanism to constrain the government's ability to engage in activities that potentially may cause environmental harm which endangers Section 7 rights; this makes the Charter the closest thing Canadians have to a constitutional right to a healthy environment.

Before reviewing some of the recent leading cases of climate change litigation, I wish to note that, for the most part, there is agreement amongst all the judges around the world that have tackled the subject that global warming is caused in large part by human-caused burning of fossil fuels and is the cause of the extreme events we are witnessing almost every day. From these cases, I am driven to the conclusion that the reason for the outburst of judicial activism in this field in recent years is the fear that state actors and human beings are not acting fast enough to reduce our use of fossil fuels.

When judges come to the conclusion that state actors can't be trusted to do what is necessary they often step up to the plate to make things happen. An example of that can be found in *Leghari v. Federation of Pakistan*. Leghari, a Pakistani farmer, convinced a judge that the "delay and lethargy of the State in implementing the Framework" offended the "fundamental rights of the citizens" with the unusual result of the Court stepping into the shoes of the State to oversee the execution of the policy, with directions for certain Ministries to take specified action, and with the appointment of a Climate

Change Commission. Following years of monitoring the assigned tasks, the Court dissolved the Commission on being satisfied that the desired actions had been taken.

On May 26, 2021, the District Court of the Hague handed down a historic judgment that represents a new understanding of corporate responsibility in regard to the harm caused by corporate burning of fossil fuels and the resultant contribution to climate change. The case was brought by a number of NGOs and 17,000 citizens against Royal Dutch Shell. The Court concluded that Shell has an obligation to achieve in their operations a net 45% emissions reduction by 2030 compared to 2019 levels, in line with the Paris Climate Agreement. The Court acknowledged “RDS cannot solve this global problem on its own. However, this does not absolve RDS from its individual responsibility to do its part regarding the emissions of the Shell group, which it can control and influence.” This case stands for the proposition that state responsibility to reduce emissions is shared by individual major emitters of GHGs. It is presently under appeal.

Duty of care in the Shell case is based on the foreseeability test; tortfeasors will be held liable for damages they should have foreseen and could have mitigated. The Court found that Shell knew enough to foresee the damage its emissions were likely to cause, the certainty of which became clearer as time went on. In addition, it found that the Shell Group’s current share of global emissions to be approximately 1%.

The Court acknowledged that human rights law does not define human rights obligations on companies but that there is universal agreement that companies are bound to respect human rights. The Court also relied heavily on the UN Guiding Principles on Business and Human Rights, which obliges businesses to “prevent or mitigate any adverse impacts related to their operations, products or services” amongst other things, including “the obligation to institute a policy commitment to meet the responsibility to respect human rights due diligence to identify, prevent, mitigate and account for their human impacts.” It is noteworthy in this regard that Canada’s Bill C-262, respecting corporate responsibility abroad, which had its first reading on March 29th, 2022, states in para 6(1) that every corporation has a duty to avoid causing any adverse impacts on human rights from occurring outside Canada”. The definition of human rights in the Bill includes “the right to a healthy environment.”

To exercise due care in fixing its corporate policy, Shell was required to take into account the best available science and the broad international consensus of the destructive character of climate change based upon the right to life and undisturbed family life (embodied in the European Human Rights Code) enjoyed by the citizens of the Netherlands. Had it done so it would have decreased its emissions which contributed to climate change. The Court found that Shell had a direct obligation to amend its corporate strategy accordingly and

went further to state that it has a best-efforts obligation to bring down the carbon footprint of its customers.

The case built upon an earlier decision in the *Urgenda* case where a Dutch NGO and 886 citizens sought a mandatory order that the state had failed to take greater steps to reduce emissions than what was required. The Court ordered the government to cut its emissions by at least 25% by the end of 2020 compared to 1990 levels and in so doing became the first court in the world to do so. It concluded that the Court had the jurisdiction to assess whether the measures taken by the State are too little in view of what is clearly the lower limit of its share of the measures that need to be taken worldwide to address a dangerous change in climate. On Apr. 24, 2020, the Dutch government announced its plan to comply with the historic ruling of the Supreme Court which resulted in a complete transformation of climate change policies in the Netherlands, underlying the impact court decisions can have in global efforts to mitigate climate change.

The *Urgenda* case was relied upon in part in the Ontario case *Mahur v. Ontario* released on Apr. 14, 2023. The case concerned the alleged inadequacy of the Ontario emission targets. The Paris Agreement which Canada signed contemplates a 45% reduction of emissions below 2010 levels by 2030. This resulted in the passage of the *Canadian Net Zero Emissions Accountability Act* echoing the same commitment with the provinces passing their own equivalent legislation.

Mahur sought a court declaration that the Ontario target was inadequate based on the scientific consensus and the court found that “Ontario’s decision to limit its efforts to an objective that falls severely short of the scientific consensus as to what is required is sufficiently connected to the prejudice that will be suffered by the Applicants and Ontarians should global warming exceed 1.5 degrees C. by not taking steps to reduce GHG in the province further.” The court found that the Charter issues raised were generally justiciable, meaning that there was a sufficient legal component to warrant intervention of the judicial branch.

However, the Canadian Charter of Rights is not open-ended like the European Human Rights Code which gives state protection for citizens’ rights to life and security of the person. In Canada, every person enjoys the right not to be deprived of those rights by the state. Positive rights are only inferred in special circumstances. In the Mahur case the Court declined to make a ruling on the central issue as to whether Mahur had been deprived of his charter rights having decided that he failed to demonstrate the deprivation of his s 7 right was ‘contrary to the principles of fundamental justice’, another requirement in our Charter which is different than the European code.

While the Mahur case was unsuccessful at the first level, it nevertheless recognizes the catastrophic effects of climate

change and made important findings that might be built upon in future cases which have more compelling facts. That should not be difficult if we take a close look at Canada's 2030 Emissions Reduction Plan and the section on oil and gas. The reason we look here is that in 2019 the oil and gas sector accounted for 26% of the nation's emissions and the oil sands were by far the largest emitter. The Reduction Plan lays out all the projected production levels for each component of the oil and gas sector. For the oil sands component, they forecast a 2020 production level of close to 2 million barrels per day (bbl/d) and for 2030 it is over 4 million bbl/d which works out to a 69% increase in production.

The Plan also contemplates an increase in conventional oil for the same period of 33% and a lesser increase in natural gas. But when you go to the table which shows the emission projections for the entire oil and gas sector the emissions are projected to increase by just 4.5% when comparing 2020 emission projections to 2030. How does the Canadian government think it is possible to permit production levels of the dirtiest oil on the planet to go up 69% and permit other parts of the sector to go up appreciably but hold the rise in emissions to a mere 4.5%? The only meaningful reduction measure the Reduction Plan talks about is "advancing" carbon capture usage and storage (CCUS). This is the sole 'magic bullet' the Plan touts, which the increased use of will allow the oil and gas sector to meet its 2030 target. But an S&P Global Commodity Insight report last fall warned the Canadian government that the oil sands sector may have to throttle back production by up to 1.3million bbl/d to reach emissions targets and that even with abatement measures, including CCUS, a reduction of 800,000 bbl/d will be necessary, which represents a reduction from 2020 levels of 37.3%, as compared to the projected 69.3% projected increase. There is a disconnect. Something more has to be done to make it happen.

Furthermore, Canada has heavily subsidized the CCUS project which former Minister Catherine McKeena said recently that "incredibly...the oil sand companies demand that Canadian taxpayers spend even more to subsidize their carbon capture projects", to which I would note the Canadian

government made a commitment in the Reduction Plan to eliminate fossil fuel subsidies altogether. A good starting point, if the government wants to be serious about meeting its targets, would be to declare an end to oil and gas subsidies altogether, and place a cap on oil sand production levels to be 37.3% below present levels.

Catherine McKenna points out the obvious that "time is running out". She tells us UN Secretary-General Antonio Guterres put it best when he said "investing in new fossil fuels infrastructure is moral and economic madness" and "Real action-and a hard cap on oil and gas emissions is needed now". It is also time to regulate the industry to green up its products. A good start would be to mandate the use of green sources of energy to separate the oil from the sand. John Vaillant calculates that a full one-third of Canada's natural gas production is used for that very purpose. Such action would not only take the industry a long way to meet its targets but would make its oil sand much more saleable in world markets as having a GHG equivalent to conventional sourced oil. As it stands, if operations do not change and the oil sands expand as projected the amount of natural gas used to separate the oil from the sand will exceed 50% of present production levels. That is simply immoral.

Thus far, the oil industry has been treated like a sacred cow and most of the major companies have jettisoned their projects to transition to renewables and have doubled down on increasing production. I think most people on this planet are of a different view — that the oil and gas industry has to curtail its quest for profit and be part of the solution to what the Canadian Supreme Court considers to be an "existential challenge". Every person, including every corporation and every government body, has to pull together if we want this planet to be liveable for future generations. Fortunately, court decisions around the world have shown us that there will be consequences for perceived inaction. I have no doubt that the judicial systems around the world will play an important role in keeping all actors focused on what has to be done to meet 2030 and 2050 targets. The recent burst of judicial activism couldn't have come at a better time.



From left to right, the Inter-American Court on Human Rights (IACtHR), European Court of Human Rights (ECHR), International Court of Justice (ICJ), and the International Criminal Court (ICC). Images sourced from the IACtHR website and Wikimedia Common.

HOW A WORLD FEDERATION CAN RESPECT AND PROTECT LGBTQI+ RIGHTS



Jacopo DeMarinis

A graduate of the University of Illinois at Urbana-Champaign, DeMarinis joined CGS as Social Media and Communications Coordinator in 2022. He sits on the boards of Anne's Haven, a Chicago-area nonprofit dedicated to women's empowerment, and Chicago Peace Action.

How can world federalism ensure human rights and the equality of all people, including LGBTQI+ persons? This critical topic is the focus of this article. According to [Citizens for Global Solutions](#), the US member organization of the [World Federalist Movement/Institute for Global Policy](#), world federalist organizations advocate for universal human rights partly by promoting the universal ratification and efficacy of the eight core United Nations (UN) Human Rights Treaties and their optional protocols, including the International Covenant on Civil and Political Rights (ICCPR). However, this article posits that these international human rights treaties reflect the political and social realities of the 20th century. Since the creation of these human rights frameworks, the struggles of previously overlooked groups of people, including LGBTQI+ persons, to achieve equality have come to the fore. If the movement for democratic world federation is to effectively advocate for stronger global governance with respect to human rights in the 21st century, it is crucial that we address these evolving social and political realities.

CURRENT CHALLENGES FACING LGBTQI+ PEOPLE

Eliminating discrimination against LGBTQI+ persons both in the US and globally can be seen as a key step toward achieving universal compliance with the Universal Declaration of Human Rights (UDHR). Per the [Office of the High Commissioner for Human Rights](#), “protecting LGBTI persons from violence and discrimination does not require a new set of human rights laws or standards.... It is based on the Universal Declaration of Human Rights.” Thus, while the UDHR does not explicitly reference the rights of LGBTQI+ persons, the UN High Commissioner for Human Rights interprets the international human rights framework laid out

in the UDHR as covering the rights of LGBTQI+ persons.

While [significant progress](#) has been made in some areas, particularly regarding marriage equality - as noted by LGBTQ Nation in its list of “7 International LGBTQ+ rights advances in 2022” - the LGBTQI+ community still faces discrimination and violence worldwide that have hindered their full and equal participation in society. For example, in June 2023, the Human Rights Campaign [declared](#) a state of emergency for LGBTQI+ people in the US due to increasing hate crimes against the LGBTQI+ community and anti-LGBTQI+ legislation. This troubling trend is reflected globally: according to Human Rights Watch, the rights of LGBTQI+ people [around the world](#) are seriously compromised, as in Uganda, where President Museveni recently signed the [Anti-Homosexuality Act](#) into law, mandating the death penalty for anyone guilty of “aggravated homosexuality.”

PRECEDENTS FOR GLOBAL PROTECTION OF LGBTQI+ RIGHTS

One of the earliest instances of a UN body addressing discrimination against the LGBTQI+ community was the case of [Toonen vs. Australia](#) in 1994. According to Communication No. 488/1992, submitted to the Human Rights Committee by Nicholas Toonen, Toonen, a resident of the Australian state of Tasmania, challenged two provisions of the Tasmanian Criminal Code that criminalized sexual relations between men before the [UN Human Rights Committee](#), which is charged with ensuring the implementation of the ICCPR. Toonen argued that these provisions violated Articles 17 and 26 - among others - of the ICCPR, which focus on the right to privacy and anti-discrimination. The Committee determined that the criminal

code was indeed a violation of Mr. Toonen's rights under the ICCPR, mandating a reversal of the offending provisions. Importantly, this legal case established a precedent of existing international human rights frameworks being applied to protect LGBTQI+ rights.

Subsequently, the [UN Human Rights Council \(HRC\)](#) [passed a resolution](#) in June of 2011 - A/HRC/RES/17/19 - condemning discrimination and violence on the basis of sexual orientation and gender identity. The resolution also commissioned a report on the status of anti-LGBTQI+ violence and discrimination from the UN High Commissioner for Human Rights. Furthermore, a [2016 UN HRC resolution](#), A/HRC/RES/32/2, established the office of an Independent Expert on the topic. The independent expert is responsible for raising awareness of anti-LGBTQI+ discrimination and cooperating with civil society and state actors to identify how international human rights law can safeguard LGBTQI+ rights. [One of the first reports](#) prepared by the independent expert - Victor Madrigal-Borloz, in May of 2018 (A/HRC/38/43) - probes the complexities of anti-LGBTQI+ sentiment, underscoring the fact that anti-LGBTQI+ discrimination is rooted in a desire to force LGBTQI+ persons to conform to preconceived notions regarding sexual orientation and gender identity. Some of the Independent Expert's recommendations from this report include exhorting countries to repeal laws criminalizing same-sex relations and gender identity and build databases to track violence and discrimination against LGBTQI+ persons.

Civil society actors have also played a significant role in advancing universal rights for LGBTQI+ rights. For example, in 2006, a prominent group of international human rights experts met in Indonesia to devise a set of international principles, the [Yogyakarta Principles](#), which explicitly link the rights of LGBTQI+ people to universal human rights. The Yogyakarta Principles include the "right to state protection" from violence and discrimination, the right to privacy (specifically with regard to one's sexual orientation and/or gender identity), and the right to "equality and non-discrimination" with respect to sexual orientation and gender identity. These mirror provisions of the [Universal Declaration of Human Rights](#) (UDHR) including Article 12 (privacy) and Article 7 (equality, state protection, and non-discrimination). The Yogyakarta Principles also include recommendations regarding how to implement the principles, including ensuring that "national human rights institutions" include efforts to protect LGBTQI+ rights under the umbrella of their human rights advocacy. While the Principles have not been incorporated into an international treaty (they are merely [guidelines](#) and do not constitute binding international law), by connecting the rights of LGBTQI+ persons to widely accepted human rights frameworks like the UDHR, they provide a solid foundation for protecting LGBTQI+ rights around the world.

More recently, civil society organizations including [MADRE](#) and [Outright International](#) have launched a [campaign](#) to demand the inclusion of explicit protections for women and LGBTQI+ people in the new proposed [Treaty on Prevention and Punishment of Crimes Against Humanity](#), which was [under debate](#) by the Sixth Committee of the UN in October. The treaty has been hailed by some LGBTQI+ advocates for its departure from the Rome Statute definition of gender as a binary construction, although that has provoked heated debate among [States Parties](#).

WORLD FEDERALIST LGBTQI+ TOOLKIT

A democratic world federation is premised on the understanding that a sustainable future for humankind depends on empowered global governance institutions and stronger international law. Such a sustainable future for all entails protecting human rights, as defined by the UDHR and corpus of human rights law, which for LGBTQI+ rights, should include the Yogyakarta Principles. Unfortunately, the world federalist movement has not yet made an effective case for how democratic world federation can protect the rights of LGBTQI+ persons. However, there are several ways in which the world federalist movement can advocate for LGBTQI+ rights. My recommendations can be viewed as a series of "steps," each progressively advocating for more robust international law and the creation of new global institutions and mechanisms to advance LGBTQI+ rights.

ENFORCING EXISTING INTERNATIONAL AND REGIONAL TREATY LAW

- Advocating for regional courts and bodies to interpret regional human rights treaties, including the European Convention on Human Rights and the American Convention on Human Rights, in an inclusive way that protects LGBTQI+ rights. A successful example is the [Inter-American Court on Human Rights](#) which interpreted the [American Convention on Human Rights](#) as [covering LGBTQI+ rights](#). In "Consultative Opinion 24/17," the Inter-American Court on Human Rights ruled that countries party to the American Convention on Human Rights are required to legalize same-sex marriage and allow for people to change their name and gender on government documents to reflect their gender identity. Furthermore, the Inter-American Commission on Human Rights established a [Rapporteurship on the Rights of Lesbian, Gay, Bisexual, Trans and Intersex Persons](#) in 2014 to further LGBTQI+ rights within the Organization of American States. Other regional bodies could follow this example.
- Leveraging existing [international human rights instruments](#), like the [Convention on the Elimination of All Forms of Discrimination Against Women](#) (CEDAW) and the ICCPR, the world federalist movement should advocate for LGBTQ+ rights.

For example, the Equal Rights Coalition, an intergovernmental organization advocating for the rights of LGBTQI+ persons, and Human Dignity Trust, a global civil society organization dedicated to protecting LGBTQI+ rights through human rights law, [both support](#) leveraging CEDAW to advance the decriminalization of LGBTQI+ people worldwide. Notably, on Feb. 21, 2022, CEDAW issued the [Decision on Communication No. 134/2018](#), ruling that a Sri Lankan law criminalizing consensual, same-sex intimacy between women was a violation of their human rights.

PROMULGATING NEW LEGAL AND GLOBAL GOVERNANCE MECHANISMS FOR PROTECTION

- Calling for an inclusive UN and civil society-led conference and declaration in support of LGBTQI+ rights as an integral part of the UNDR, similar to the 2001 [World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance](#), which resulted in the [Durban Declaration and Programme of Action](#), according to the United Nations Office of the High Commissioner on Human Rights. This conference and subsequent declaration could focus on enhancing international support for the Yogyakarta Principles. World federalist organizations like CGS could lead the way by holding a preliminary forum on global governance and LGBTQI+ rights and campaigning for a subsequent conference involving the UN system.
- Building on the [Independent Expert's recommendations](#) laid out in his July 2022 report presented to the United Nations General Assembly (A/77/235), world federalists should campaign for LGBTQI+ issues to be incorporated into the [Women, Peace and Security Agenda](#), an international peace framework drawn up by the Working Group on Women, Peace, and Security, to draw more attention to the specific challenges facing LGBTQI+ people in conflict zones. Furthermore, incorporating provisions on LGBTQI+ rights into the [People's Pact for the Future](#), a compilation of civil society recommendations regarding the [2024 Summit of the Future](#), would be a definite step toward ensuring that LGBTQI+ rights are included in international agendas.
- Supporting an additional international human rights convention specifically dedicated to LGBTQI+ rights to hold countries accountable for their treatment of LGBTQI+ citizens and compel national governments to act to counter anti-LGBTQI+ discrimination and violence. This convention would resemble CEDAW and the [International Convention on the Elimination of All Forms of Racial Discrimination](#), and could be centered around the Yogyakarta Principles.
- Campaigning to ensure that the new Treaty on Prevention and Punishment of Crimes Against Humanity covers LGBTQI+ rights, as discussed above.

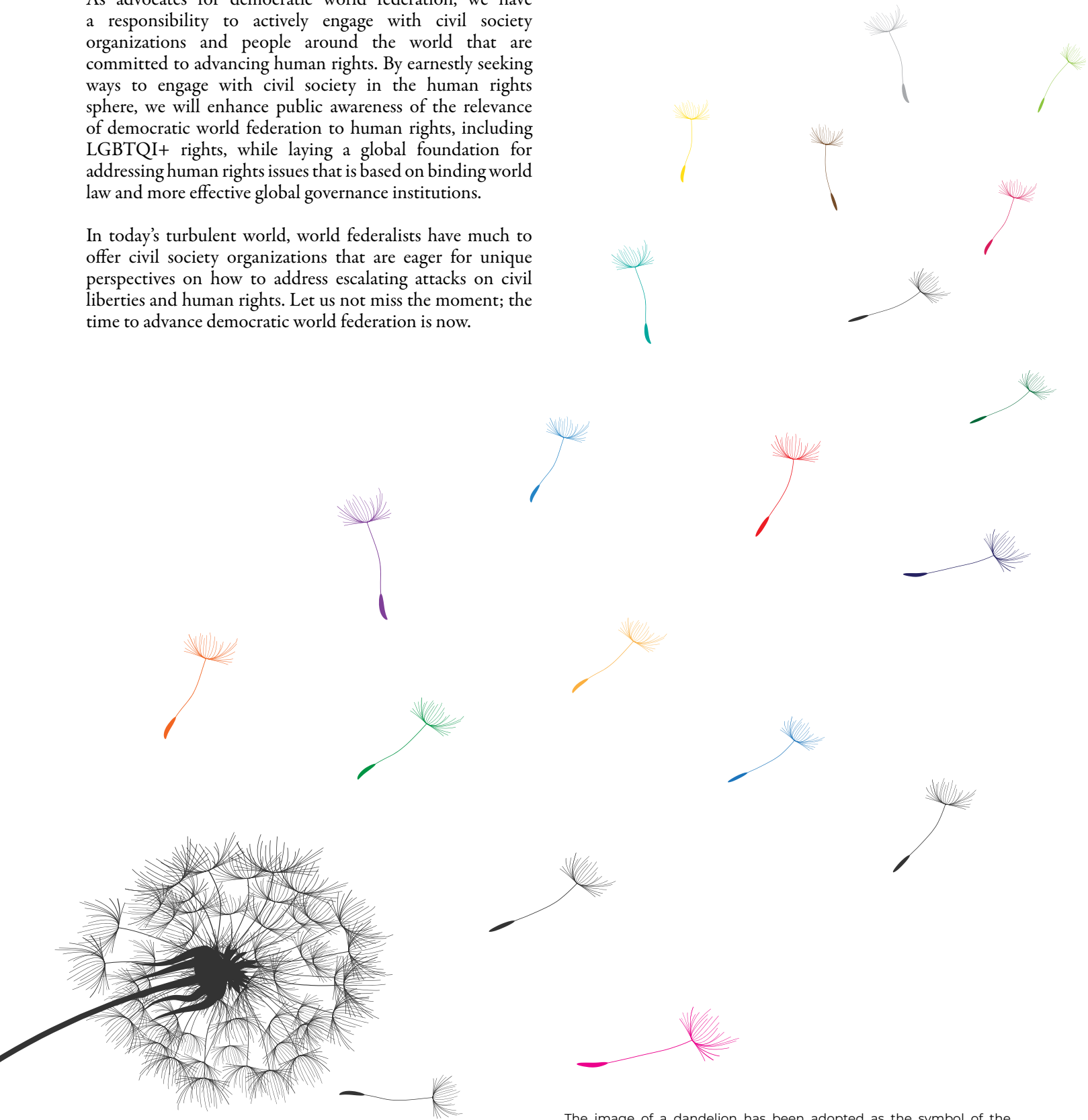
ESTABLISHING GOVERNANCE STRUCTURES AND INSTITUTIONS TO ENSURE ACCOUNTABILITY

- Creating a [UN Civil Society Envoy](#), supported by world federalist organizations like [Democracy Without Borders](#), which would enhance the representation of civil society in the UN system. As civil society organizations are spearheading the movement for LGBTQI+ rights throughout the world, a UN Civil Society Envoy could help ensure greater visibility of the LGBTQI+ movement in the UN system, provided that LGBTQI+ civil society organizations actively engage with the envoy by proposing initiatives to protect LGBTQI+ rights.
- Implementing the [UN World Citizens' Initiative](#), which would enable global citizens to propose initiatives before the UN bodies like the UN General Assembly or the Security Council, augmenting civilian involvement in the UN system. This mechanism could further enhance the visibility and strengthen the voice of marginalized groups throughout the world, including LGBTQI+ persons. As in the case of a UN Civil Society Envoy, global citizens would have to actively participate in the initiative to effectively advance LGBTQI+ rights.
- Advocating for the establishment of a [World Court of Human Rights](#) (WCHR), which would look to the UDHR for guidance to ensure that human rights are being universally observed and create a universal standard for protecting human rights, including LGBTQI+ rights.
- Calling for the establishment of a United Nations Parliamentary Assembly (UNPA) which, in conjunction with the UN General Assembly, would eventually be able to pass binding resolutions regarding issues of global concern, including the rights of LGBTQI+ persons.

MOVING FORWARD

As advocates for democratic world federation, we have a responsibility to actively engage with civil society organizations and people around the world that are committed to advancing human rights. By earnestly seeking ways to engage with civil society in the human rights sphere, we will enhance public awareness of the relevance of democratic world federation to human rights, including LGBTQI+ rights, while laying a global foundation for addressing human rights issues that is based on binding world law and more effective global governance institutions.

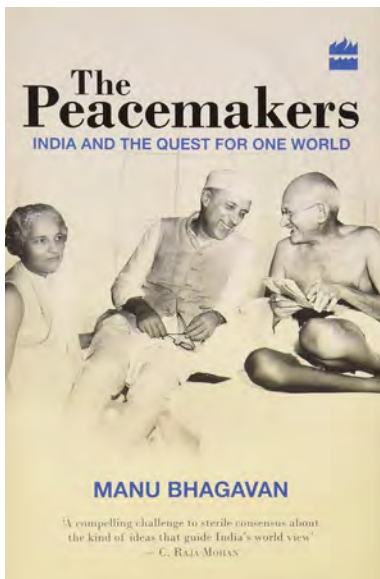
In today's turbulent world, world federalists have much to offer civil society organizations that are eager for unique perspectives on how to address escalating attacks on civil liberties and human rights. Let us not miss the moment; the time to advance democratic world federation is now.



The image of a dandelion has been adopted as the symbol of the **Yogyakarta Principles** on the application of international human rights law in relation to sexual orientation and gender identity.

THE PEACEMAKERS: INDIA'S QUEST FOR ONE WORLD

BY MANU BHAGAVAN



The Peacemakers: India's Quest for One World. By Manu Bhagavan.
India: HarperCollins, 2012.

The World Citizen Virtual Book Club, the longest-running program of Citizens for Global Solutions (CGS), gives participants an opportunity to take a deep dive into issues related to World Federation and engage with authors and guest experts monthly. Through December, the Book Club is examining *The Peacemakers: India and the Quest for One World*. Historian Manu Bhagavan delves deep into the heart of India's foreign policy and diplomacy leading up to its struggle for independence and spans an additional ten years.

The early chapters are an important reminder of the brutality and violence unleashed by Britain's colonial rule as India's leaders asserted their demands for independence, giving further context to the critical Quit India movement that reached a global audience. Bhagavan weaves together key figures like Mahatma Gandhi, Jawaharlal Nehru, and Vijaya Lakshmi Pandit, showing how their visions for peace shaped India's independence and international relations. Pandit, Nehru's sister, an influential orator and diplomat, successfully argued support for India's independence while giving human rights center stage. Bhagavan's scholarship also challenges assumptions that the modern-day human rights framework (the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights) is drawn exclusively from the Cold War and American influence. Instead, he argues that "[i]t was India that steered the effort to create two separate covenants of rights, using its own new Constitution as justification and foundation."

At the close of World War II, Gandhi and Nehru "called for fundamental change" in the New World Order and envisioned India as leading the world towards decolonization predicated upon a democratic world government. "Nehru called his solution One World, after a famous book by the American Wendell Willkie[.]" where human rights and anti-imperialism became the framework for peace. Bhagavan skillfully navigates through India's tumultuous journey, from its colonial past to its emergence as a prominent global player in the 20th century. The narrative is informative and engaging, providing readers with a thorough understanding of India's multifaceted role in the formation of the UN as well as setting forth the principles of non-violence.

Furthermore, *The Peacemakers* offers insightful commentary on India's early foreign policy dynamics leading up to its independence in 1947 and the preceding decade. Bhagavan brings to light Nehru's efforts to forge strategic partnerships with major powers while preserving its non-aligned principles. Dissecting India's evolving administrations' relationships with countries like the United States, Russia, and China, he provides readers with a comprehensive view of India's role in shaping post-World War II international affairs.

The Peacemakers is a remarkable and comprehensive exploration of India's enduring commitment to human rights and the framework of One World. Bhagavan's masterfully crafted narrative makes it a must-read for anyone interested in the history of international relations and India's place in the world.

Drea Bergman
Director of Programs, CGS



Manu Bhagavan
Author

ABOUT THE AUTHOR

Manu Bhagavan is Professor of History, Human Rights, and Public Policy at Hunter College and the Graduate Center-The City University of New York, where he is also Senior Fellow at the Ralph Bunche Institute for International Studies. He is author or editor of seven books, including the critically-acclaimed *The Peacemakers* (HarperCollins India 2012, Palgrave Macmillan 2013) and *India and the Cold War* (Penguin India and UNC Press, 2019). His newest book, forthcoming in December 2023 from Penguin/Viking India, is a biography of Madame Vijaya Lakshmi Pandit, one of the most important and celebrated women of the twentieth century. Manu is the recipient of a 2006 fellowship from the American Council of Learned Societies and more recently has received Hunter's 2023 Presidential Award for Excellence in Scholarship.

MOTIVATION BEHIND THE BOOK

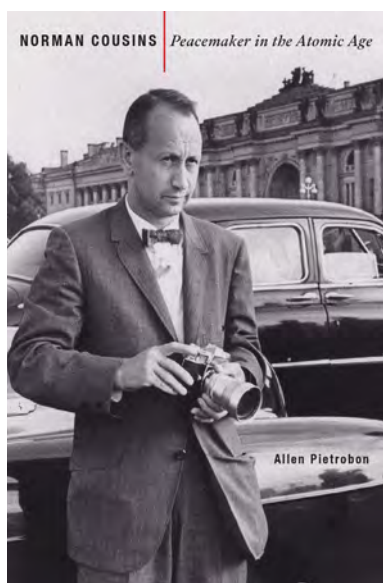
"I am a professional historian of India and I had finished my first book and then I went back to India to do some work. I was despondent because the state of affairs in the country at the time was not good. There was such a large gap between some of the ideals at the founding moment and where the country was at that time. And I grew really interested in constitutional questions and I wanted to understand the debates about what the country was supposed to be, how it was envisioned, how they framed ideals. A constitution is a guiding, visionary document and I wanted to learn more about those things. The idea was to investigate the making of modern India through its constitution. That initial idea was what grew into this book. The project shifted away from the constitution-making project to being interested in the 'One World' concept and uncovering what its goals were."

The Peacemakers: India and the Quest for One World was the most recent title explored by World Citizen Virtual Book Club, the longest-running program of Citizens for Global Solutions (CGS), which gives participants an opportunity to take a deep dive into issues related to World Federation and engage with authors and guest experts monthly. Visit the [CGS YouTube playlist](#) for all sessions related to this book.



NORMAN COUSINS: PEACEMAKER IN THE ATOMIC AGE

BY ALLEN PIETROBON



Norman Cousins:
Peacemaker in the Atomic Age.
By Allen Pietrobon. Baltimore: Johns
Hopkins University Press, 2022.

Although Norman Cousins was a major figure in U.S. and world affairs during his lifetime (1915-1990), this is the first book-length biography of that extraordinary individual.

The book, written by Allen Pietrobon, an Assistant Professor of Global Affairs at Trinity Washington University, argues that, unlike many peace activists during the Cold War, Cousins had “an enormous impact on domestic politics and international relations.” The key to this impact, Pietrobon observes, was Cousins’s role, for 35 years, as editor of the *Saturday Review*, which he built into the third most popular public affairs magazine in the United States, with a circulation of 650,000. This role enabled him to have a significant impact upon public opinion and, also, to build up a network of connections with prominent individuals, including Adlai Stevenson, Nikita Khrushchev, Pope John XXIII, Albert Schweitzer, Norman Thomas, Jawaharlal Nehru, John F. Kennedy, Martin Luther King, Jr., and many more.

According to Pietrobon, the atomic bombing of Japan set the course for Cousins’s peace advocacy. That bombing, Cousins wrote in *Modern Man Is Obsolete*, “marked the violent death of one stage in man’s history and the beginning of another.” It meant that war, which had persisted throughout human history, finally had to be ended, for, given the advent of nuclear weapons, the alternative was global suicide. And war could only be ended, Cousins maintained, by establishing a world government.

Naturally, then, Cousins, gravitated toward aiding victims of the atomic bombing, promoting world federalism (for example, leading United World Federalists and, later, the World Federalist Association), founding and co-chairing the National Committee for a Sane Nuclear Policy (SANE), brokering the Partial Test Ban Treaty of 1963, and improving East-West relations. In addition, he sought to end the wars in Vietnam and Biafra and, from 1948 to 1964, gave an estimated 2,100 speeches for peace. He also worked to assist victims of Nazi “medical experiments,” prepared speeches for U.S. presidents and presidential candidates, and from 1940 to 1964 alone, published just under 600 editorials and wrote or edited ten books.

In compiling this excellent account of Cousins’ busy and productive life, Pietrobon has drawn upon Cousins’s lengthy correspondence (located at UCLA), his extensive published writings, interviews with his daughters, and relevant manuscript materials at U.S. presidential libraries, the German Federal Archives, and Princeton University.

Overall, readers will learn much from this fine study of one of the most prominent figures in the 20th century peace movement.

Dr. Lawrence S. Wittner
State University of New York/Albany



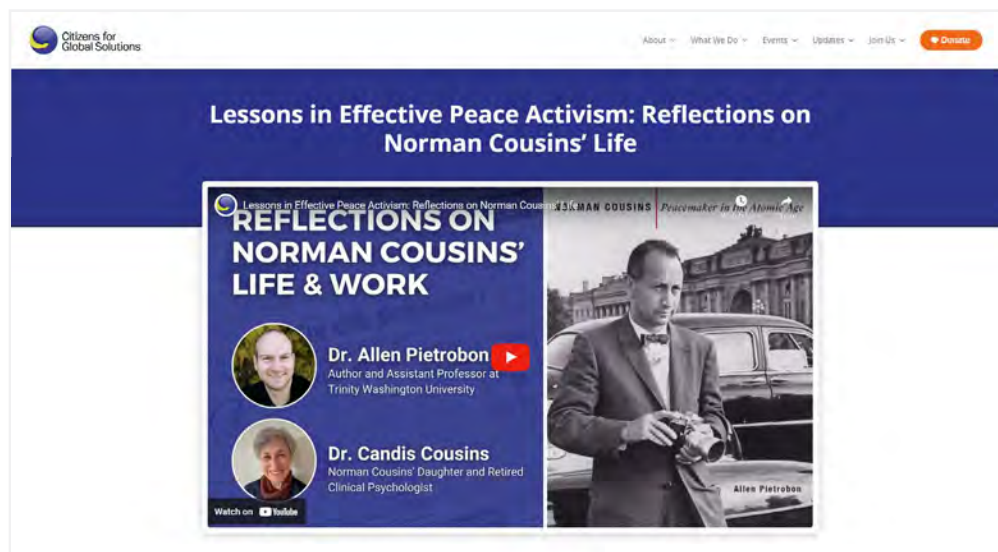
Allen Pietrobon
Author

ABOUT THE AUTHOR

Allen Pietrobon is an Assistant Professor of Global Affairs at Trinity Washington University and Chair of the Global Affairs Department. He specializes in modern American history and U.S. Foreign Policy. He is formerly the Assistant Director of Research at the Nuclear Studies Institute at American University.

MOTIVATION BEHIND THE BOOK

"I happened across Norman Cousins's anti-nuclear work at some point and became fascinated with him. I started to dig into his life and activities and came to realize that his impact was far greater than had previously been written about. Thus began a 12-year long research odyssey that took me to Japan, Germany, Poland, and Russia, to dig up information and uncover the amazing secret diplomatic missions and anti-nuclear work that Cousins conducted in the pursuit of peace."



Dr. Allen Pietrobon joined CGS members and special guest, Candis Cousins to reflect on Norman Cousins' life devoted to peace activism and world federation perspectives at a special event that may be viewed on our YouTube channel.

View the recording and read our blog post at: bit.ly/CGS-NCL



TOWARD THE SUMMIT OF THE FUTURE: BUILDING THE UN WE NEED



Nudhara Yusuf

Nudhara Yusuf is the Global Governance Innovation Network facilitator with the Stimson Center's Global Governance, Justice and Security program. Nudhara also serves as Coordinator of the Global Futures Forum and Global Youth Coordinator at C4UN, and is an honorary advisor to the NGO Committee on Sustainable Development-NY.



Rebecca A. Shoot

Rebecca A. Shoot is the Editor-in-Chief of *Mondial* and Executive Director of Citizens for Global Solutions. She is the Co-Convener of the Washington Working Group for the International Criminal Court and Senior Advisor to Parliamentarians for Nuclear Nonproliferation and Disarmament. She also serves as the Co-Chair of the Communications Task Force for the Summit of the Future convened by the Coalition for the UN We Need.

For those inspired by the discussions of reform envisioned in previous pages, the coming year presents what has been hailed as a [once-in-a-generation opportunity](#) to reshape the United Nations (UN). The [Summit of the Future \(SotF\)](#) will convene in September 2024 as an unprecedented high-level event, bringing together world leaders “to forge a new international consensus on how we deliver a better present and safeguard the future.” Per its conceivers, the Summit’s goals are to: “enhance cooperation on critical challenges and address gaps in global governance, reaffirm existing commitments including to the Sustainable Development Goals (SDGs) and the United Nations Charter, and move towards a reinvigorated multilateral system that is better positioned to positively impact people’s lives.”

The Summit of the Future is the culmination of a years-long initiative of the office of UN Secretary-General Antonio Guterres. Ahead of the 75th Anniversary of the UN, the Secretary General launched a Global Conversation, which spurred more than 3,000 civil society dialogues worldwide

and surveys involving some 1.5 million people in 195 countries. This discourse informed the [Our Common Agenda \(OCA\) report](#) released in September 2021, which now forms the basis of the SotF agenda.

Nudhara Yusuf, the Executive Coordinator of the Global Governance Innovation Network, contextualized the SotF’s importance and relevance as follows:

The Summit of the Future is an opportunity to take 79 years of lessons learnt at the United Nations and feed it back into the system. This is really an opportunity for us to update the fundamentals so that we are no longer working with 20th century tools, logic, and principles, to address 21st century challenges. But this is also a moment to build trust with and within the multilateral system – this is about the countries that weren’t there in San Francisco in 1945, and the generations that will not be yet present in New York come September 2024.

The Summit is a critical milestone but it does not exist in a vacuum in New York. Nor is it solely an enterprise of Member States. The [Coalition for the UN We Need \(C4UN\)](#), with organizations including GGIN and the co-publishers of this journal, CGS and WFM-CA, currently aims to galvanize civil society and citizens around the globe to take part in this watershed moment. In 2023, the organizations collaboratively convened the [Global Futures Forum](#) as a means for civil society to provide input on seven thematic tracks echoing themes within the *Our Common Agenda* report. Chief among the outcomes of this process is the [Interim People's Pact](#), which will coalesce as a *People's Pact for the Future* at an anticipated civil society conference in Nairobi, Kenya, in May 2024, several months before the SotF convenes at the UN premises in September. .

While the modalities of participation are still evolving, C4UN provides updates on the inchoate processes through the [Summit of the Future Information Clearinghouse \(ICH\)](#), “an independent, collaborative endeavor providing a variety of stakeholder audiences with access to accurate, objective and timely information focused on the SotF preparatory processes and other developments related to the Secretary-General’s OCA report.” The Clearinghouse includes as a series of Policy Briefs across the agenda’s thematic issues.



Nudhara Yusuf addresses the resonance of the Summit of the Future at the outset of the 78th UN General Assembly High-Level Week.

As Ms. Yusuf concludes, “Civil society has a fundamental role to play in raising ambition, generating accountability, and working with agility across the different tracks and chapters of the Summit of the Future. We hope the People’s Pact for the Future will be one key tool in this theory of change.”

Watch the recording of Nudhara Yusuf on UNGA '78 on YouTube:
bit.ly/SOF-NY



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