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

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

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

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

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

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

STATE REPRESENTATIVE: THE THUCYDIDES TRAP AND THE FUTURE OF GLOBAL GOVERNANCE

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*By Mohamed S. Helal**

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

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

balance of power. As we move from a U.S.-led unipolar system to a world in which non-Western powers, particularly China, exercise greater influence in international affairs, the foremost priority for global governance is to ensure that this transition proceeds peacefully and to minimize the potential for Great Power conflict, especially between the United States and China.

For several centuries, the North Atlantic region has been the center of gravity of world politics. While non-Western powers, such as Tsarist Russia, the Ottoman Empire, and Imperial China exercised influence either globally or within their regional spheres of influence during various historical epochs, Western Europe and the United States enjoyed supremacy over the international system since at least the early nineteenth century. These states acquired unsurpassed military power, accumulated unmatched economic wealth, and developed unparalleled productive and innovative capacities, which ensured unrivaled western dominance over world politics.[2] This enabled Western powers to formulate the rules that governed international relations and design the institutions that facilitated global governance.[3] Indeed, contemporary international law and the existing regulatory regimes of the international system are largely Western creations that were globalized often through conquest and colonization, but also occasionally with the consent, cooperation, and participation of non-Western societies.[4]

We are currently witnessing the *denouement* of Western supremacy in world affairs. In addition to the meteoric rise of China as a global economic powerhouse,[5] various developments are contributing to the relative decline of Western power. These include Russia's resurgence, the growing prosperity and regional influence of pivotal states such as India, Brazil, South Africa, South Korea, and Turkey,[6] the aftereffects of the global financial crisis and the secular stagnation of Western economies,[7] and the rise of far-right populism and the retreat of liberal democracy.[8] The combination of these factors has precipitated what the policy commentariat is calling the crisis of the liberal world order.[9]

In this era of uncertainty, disorder, and ongoing power shifts, the most serious threat to international peace and security is the possibility of Great Power war, especially between the United States and China. As a declining hegemon, the United States perceives China as a threat to its security and global standing.[10] While China, the rising peer-competitor,[11] perceives the United States as an obstacle to its ambitions for regional, and possibly, global hegemony. Graham Allison and other scholars refer to this relationship of mutual insecurity between declining and rising powers as the *Thucydides Trap*. According to Thucydides, the origin of the Peloponnesian wars was Sparta's fear of being overtaken as the leading Greek city-state by a rising Athens. The historical record since the Peloponnesian wars is ominous. Twelve of sixteen cases of major power transition in the past five hundred years have led to Great Power war, which leads Graham Allison to conclude that

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[2] *See* PETER STEARNS, WESTERN CIVILIZATION IN WORLD HISTORY (2003).

[3] Alexander Orakhelashvili, *The Idea of European International Law*, 17 EUR. J. INT'L L. 315 (2006).

[4] Bardo Fassbender & Anne Peters, *Introduction: Towards a Global History of International* Law, *in* THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW 1, 7 (Bardo Fassbender & Anne Peters eds., 2012) (noting that "[o]ften both persuasion *and* intimidation will have played a decisive role" in the application of European law to non-Western regions).

[5] Robert Art, *The United States and the Rise of China: Implications for the Long Haul*, 125 POL. SCI. Q. 359 (2010).

[6] Michael Cox, *Power Shifts, Economic Change and the Decline of the West?*, 26 INT'L REL. 369, 371 (2012).

[7] Larry Summers, *The Age of Secular Stagnation*, 95 FOR. AFF. 2 (2016).

[8] Larry Diamond, *Democracy in Decline*, 94 FOR. AFF. 151 (2016).

[9] *See generally* RICHARD HAASS, A WORLD IN DISARRAY (2017); EDWARD LUCE, THE RETREAT OF WESTERN LIBERALISM (2017); REIN MÜLLERSON, DAWN OF A NEW ORDER (2017); JENNIFER WALSH, THE RETURN OF HISTORY (2016).

[10] Aaron Friedberg, *Competing with China*, 60 SURVIVAL 7 (2018).

[11] Joshua Shifrinson, *Should the United States Fear China's Rise?* 41 WASH. Q. 65, 67 (2019) ("Although China is not yet a full peer economic and military competitor to the United States, it is well on its way.").

"[i]ntentions aside, when a rising power threatens to displace a ruling power, the resulting structural stress makes a violent clash the rule, not the exception."[12]

Such a confrontation would be catastrophic. Moreover, even if the United States and China avoid direct armed conflict, heightened tensions between these states would negatively affect every aspect of global governance. Achieving even a modicum of effective governance in any policy area, such as nonproliferation, trade and investment, climate change, maritime security, cyber security, and outer space, requires maintaining peaceful relations between Washington and Beijing. Preventing Great Power war and preserving cooperative relations between the Great Powers, especially the United States and China, must be the principal policy objective of global governance and the international legal order.

Translating this overarching objective into specific recommendations that apply to the infinite variety of institutions of global governance is not possible here. However, as a general matter, any reconfiguration of the global institutional infrastructure should be guided by three priorities:

First, international organizations and governance regimes should be designed in a manner that facilitates communication, cooperation, and compromise between the Great Powers. In this regard, an important role for international organizations is to act as authoritative sources of scientific data and impartial facts, which are scare commodities in today's post-truth political climate. These organizations can also use their convening power to facilitate compromise and encourage trade-offs within and across regimes and issue-areas,[13] which promotes a sense of diffuse reciprocity and interdependence between the Great Powers.[14]

Second, the composition and structure of international organizations must reflect the changing balance of power and contribute to ensuring that the ongoing power shift remains peaceful. Many academic and policy conversations about institutional reform focus on increasing the legitimacy and effectiveness of governance regimes by granting greater access and participatory rights to non-state actors, such as corporations and civil society organizations. These ideas, while laudable, might have the unintended consequence of disrupting the balance of power. Nonstate entities, even organizations advocating praiseworthy causes, are not neutral actors. They promote policies and agendas that usually align with the interests of particular states, including Great Powers. Therefore, while increasing the involvement of nonstate actors might inject fresh ideas into policy discussions, provide access to private financial resources, and ameliorate the legitimacy-deficit of some governance regimes, doing so must not come at the expense of undermining the incentives for Great Powers to cooperate through global governance institutions. Similarly, proposals to expand the UN Security Council to improve its legitimacy should not lose sight of the reality that the Council is not a collective security or law enforcement regime. Rather, it is a Great Power Concert.[15] The Council is not a representative body that draws its legitimacy from broad participation in its decision-making process. Instead, it was envisioned as, and should remain, a forum for Great Power consultation and co-management of international security.

Third, the United States and China are not irreconcilable ideological foes. This makes it unlikely that the world will revert to a Cold War-like standoff between opposing alliances.[16] Nonetheless, institutional reform strategies should beware of the emergence of parallel governance regimes and normative orders sponsored by competing Great Powers. Examples of this, such as the

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[12] GRAHAM ALLISON, DESTINED FOR WAR, at xv (2018).

[13] *See* Ernst Haas, *Why Collaborate? Issue-Linkage and International Regimes*, 32 WORLD POL. 357 (1979–1980).

[14] *See* Robert Keohane, *Reciprocity in International Relations*, 40 INT'L ORG. 1 (1986).

[15] Mohamed Helal, *Am I My Brother's Keeper? The Reality, Tragedy, and Future of Collective Security*, 6 HARV. NAT'L SEC. J. 383 (2015).

[16] Yan Xuetong, *The Age of Uneasy Peace*, 98 FOR. AFF. 40 (2019).

establishment of the New Development Bank and the Asian Infrastructure Investment Bank, have appeared in recent years.[17] While a measure of regionalism is inevitable, reforming the processes of global governance should incentivize the continued engagement of the Great Powers and discourage institutional fragmentation and duplication, which would ultimately weaken collective responses to global policy challenges.

CIVIL SOCIETY REPRESENTATIVE

*By Lauren C. Baillie**

In our increasingly globalized world, civilians feel most acutely the impact of conflicts and failures of interstate regulation. Modern conflict has been characterized by states and nonstate actors targeting civilians. One need only look to the offenses committed in Syria and South Sudan to understand the immense toll those conflicts have taken on civilian lives. In addition, failures in interstate regulation, particularly around business practices and climate change, disproportionately affect the world's most poor and vulnerable, as political and economic interests take precedence over the rights of civilians.

In this context, civil society plays an increasingly important role in representing the needs and interests of civilian populations. Civil society advocates for the needs of civilians, including women and marginalized communities. Civil society also plays a watchdog function, overseeing state treatment of civilians and implementation of political and international agreements, and provides substantive expertise on issues of global significance.[1] Despite this critical role, however, civil society stands at the periphery of global governance, limited to advocacy and consultation as a means of shaping global policy in line with global realities. Civil society organizations seeking to participate in UN processes face complex bureaucracies, politicized accreditation processes, and opaque systems for reporting and sharing information.[2] Further, without strong state partners, civil society organizations are often unable to advocate on behalf of their constituents. This conversation offers us an opportunity to rethink civil society's role in the world order, and to ensure that a critical voice—that of the world's civilians—is effectively incorporated into global governance.

Protection of civilians should remain a core component of the mandate of any new global governance organization. This mandate should include peacekeeping and stabilization operations, accountability for international crimes and atrocities, and protection of human rights. It should also include the power to receive complaints and to conduct investigations when rights are violated. Further, the organization should establish stronger processes for maintaining internal accountability, to include stronger, and more transparent disciplinary processes for persons acting on behalf of the organization.

Civil society should be provided a formal role in the operations of any new global governance organization. This role should maximize not only the representative power of civil society in

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[17] Miles Kahler, *Global Governance: Three Futures*, 20 INT'L STUD. REV. 239, 240–41 (2018).

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[1] Avaaz.org, et al., *Strengthening Civil Society Engagement with the UN: Perspectives from Across Civil Society Highlighting Areas for Action by the UN Secretary-General*, at 8, *available at* https://www.una.org.uk/file/11621/download?token=agw75Vy5.

[2] *See generally* International Service for Human Rights, *The Backlash Against Civil Society Access and Participation at the UN* (2018), *available at* https://www.ishr.ch/sites/default/files/documents/mappingreport_web_0.pdf.