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Giuliano Amato

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(that would like to gobble it up)

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Global law and the black holes (that would like to gobble it up)

Giuliano Amato*

1. One of the many effects of globalization that marked the beginning of the new century was the awareness that, in a myriad different ways, the process had spawned a global legal space; not just a potential space, but a space increasingly filled with regulations, decisions, certifications, and transactions coming from a multiplicity of sources: governments, as always, but also public international organizations, and even private organizations, with the effect not simply of applying but also of generating law, be it international, supranational, or transnational.

Many of our leading scholars have embraced this new field of inquiry and studies on global law have proliferated, illustrating the many reasons for its complexity, its innovations (with a weakening in the distinction between public and private law heading the list), and its robust character in several areas: for example, global administrative law, which has virtually become a discipline in its own right, with its own procedures, its own binding effects, and its courts; or the so-called regional systems, as exemplified primarily by the European Union. Here, even the rights of individuals are within the outreach of supranational law, thus providing individuals themselves with direct access to regional unions' courts.

Seen as a whole, we are unquestionably still looking at a *work in progress*, and it is certainly still a far cry from the aspirations of the United Nations' founding fathers, who wished to replace the first season of international law – that of governments as the absolute masters of the treaty system – with a system in which crucial decisions on "peace and security," i.e., basically on peace and war, would fall to the United Nations itself and

* Professor Emeritus at the EUI in Florence and at the University La Sapienza in Rome, Member of Parliament, Minister and twice Prime Minister of Italy, he also was Vice President of the Convention on the future of Europe and Justice and President of the Italian Constitutional Court. Honorary Fellow of the American Academy of Arts and Sciences, he now serves as Chairman of the Global Rule of Commission of the EPLO (European Public Law Organization).

no longer to individual governments(excepting every player's right to self-defense in the event of attack).

It is undeniable, however, that a robust fabric has come into being and that the second season, a season which – in Antonio Cassese's view – should no longer be based on agreements between governments but on a true international "community," has begun to take shape on the horizon.

2. If we ask ourselves today, a few years after publication of the first studies apprising us of these developments, whether that *work in progress* is indeed progressing steadily in its original direction, we have no option but to note that a marked counter-trend is gaining ground in the name of national sovereignty. This counter-trend is increasingly intolerant of the rules originally agreed to, of the obligations resulting from that agreement – including via decisions by the international courts that implement those rules –, and of the restrictions with which it should comply yet which it blithely ignores. All this, without basically incurring any form of punishment more serious than a rebuke or a warning, even when that warning is accompanied by economic sanctions (whose effectiveness, quite frankly, is often questionable).

Of course, much of what is happening in this connection is the result of the almost immediate repudiation of the UN Charter's rules regulating peace and war. If the world had really set out on the path mapped out in Chapter VII of the Charter, it would have been far more difficult for Russia to attack Ukraine the way it did two years ago. And even if it had done so, the consequences would have been different. But it is precisely here, on the terrain of military conflict, that national sovereignty has proven stronger than the Charter and has pushed it almost entirely into the background. Here, then, we have the first black hole with which global law has been confronted from the outset: a black hole that had, in fact, been there for decades and that had been hampering the United Nations' action for decades, yet whose potential effects had been countered by the two-bloc balance guaranteed by nuclear deterrence. When that came to an end, we saw the outbreak of a spate of very diverse military conflicts, in connection with which – as we shall see – the United Nations initially played a far from marginal role, but then it began increasingly to chase after *faits accomplis* and to intervene in them primarily through *ex post*

humanitarian operations. The Courts themselves have in some cases succeeded in having their say (the International Court of Justice ordered Russia in March 2022 to suspend military operations in Ukraine, and more recently, in 2024, it declared that the Israeli occupation of the Territories was illegal and that it should therefore cease), but for all that, national sovereignty has increased the space it occupies without any inhibition and with high-handed arrogance.

We cannot understand what has happened, or effectively search for possible solutions, if we ignore the context of international politics, which has contributed significantly to this development. In the first few years after the end of the Cold War, multilateral institutions, with the UN heading the list, were able to function well enough because the opposing blocs that had been paralyzing their functioning had disappeared. Over time, however, we have witnessed the re-emergence of multiple blocs forming around the major powers and forging alliances in the most varied fields – stretching from economic competition, to military competition, and even to a competition of values –, thus creating protected areas sheltering their member governments even against the application of common rules. This is the case of the enlarged BRICS and the *Global South* which, in connection with many of the issues raised by the West, either adopts a low profile (often in the name of non-interference in another country's domestic affairs) or tends to follow China and Russia. The case of Israel does not fall into either of these categories, yet there can be no question but that its strong relationship with the West helps it, in no small measure, to alleviate the consequences of its breaches of international law.

One thing is certain: this uncooperative multipolarism has brought back into being a climate which – not unlike, in fact perhaps even more than, during the Cold War – greatly reduces the deliberative and decision-making effectiveness of the Security Council and of the General Assembly, and helps to make noncompliance with agreed rules and judicial decisions the actual rule. One cannot help but recall the many specific measures laid down by the Geneva Conventions regulating the treatment of prisoners of war and the treatment of civilians in theaters of operations. Ukraine and Gaza have experienced daily violations of those measures. The fact that there has been talk of war crimes in this regard, and that procedures have been initiated to prosecute them, has had absolutely no impact on the

conduct of the political or military players responsible for those events. In this case, the international order cannot even begin to chip away at a national sovereignty that had in fact never waned, even if it appeals to the conventional rules to which governments themselves have subscribed.

Nor is this the only black hole gobbling up increasingly large chunks of our global law. There is, without any doubt, also a second black hole into which the clauses of international charters and conventions regarding the rights of women and children, deprived as they are of effective safeguards, are fast disappearing: one has to but consider the national legal systems of, for example, Iran or Afghanistan, where those rights are totally ignored. Also at stake here is the Universal Declaration of Human Rights, which was approved by all the member states of the United Nations initially as a political document, but which began to acquire legal force over time. It, too, is suffering from the same fate. It guarantees the rights of Afghan and Iranian women no less than those of women in any other UN member state. But for them, those rights are nonexistent, and no norm or convention in the world can protect them unless it is accepted by their countries. National sovereignty wins the day against international political institutions, and even against external courts.

Finally, one cannot overlook the enduring ability of nation states, whenever they feel their own interests are being unjustly disregarded, to block the functioning of international regulatory institutions in one way or another, either by refusing to pay the annual contribution essential for their functioning, as the United States did with UNESCO after it had partially recognized the Palestinian Authority, or by failing to appoint an official to a post and thus crippling the body needing that official, as, once again, the United States did for the *appellate body* of the WTO, which has not functioned for years because of it. You may say that noncompliance of that kind does not cause a black hole of the same magnitude as the two discussed above, but it cannot be denied that this is yet another of the ways in which national sovereignty once again takes precedence over global law.

Now, it is not that all of this, with its black holes and so forth, causes that part of global law that does function, and continues to function, to seize up altogether. Global law continues to have its procedures, its certifications, its decisions, and the world therefore

continues to feel its presence and to make use of it. Yet the growing size and voracity of these black holes prevent us from reading them as warning signs of an unfinished process that is continuing to progress. They cause us to fear that at this rate, as military conflicts increase, the space of authoritarian regimes expands, the loyalties generated by today's group-based multilateralism strengthens, and the already limited functionality of international institutions consequently shrinks, we are going to find ourselves increasingly reliant on governments and on their good or ill will. So, do we risk seeing the demise of this incipient second season of international law on account of a turbulent multiplicity of governments that cannot succeed in forming a community?

3. I would here like to address that danger, the means we already have to counter it, and those we might realistically adopt, without hankering after unrealistic utopias.

We can take a first step in finding our way by looking at past experience. Let us start with the issue of peace and war. While it is true that the world has never conformed to the "UN-centric" rules enshrined in the UN Charter, it is also true that, with the Cold War over and with a Security Council in which decisions became possible because they were no longer prevented by the *a priori* exercise of the power of veto, we have witnessed events in which the Council itself and the entire Organization have played a far from marginal role. One has but to think of the war between the Balkan states in the former Yugoslavia in 1992, or the Kosovo affair in 1999.

The Security Council entered the war without delay, adopting a resolution in February 1992 establishing a military force of up to 39,000 men, the UNPROFOR, which was not to be merely a buffer force but was tasked with "creating conditions of peace and security in order to reach a comprehensive settlement." UNPROFOR was to have its problems, caused mainly by the Serbs, who even went as far as to take hundreds of the force's men hostage; or, for instance, the Srebrenica massacre, which took place almost before the paralyzed Dutch contingent's very eyes. Yet it fulfilled a role that remained central and consequently kept the United Nations center stage. It is no coincidence that, when it came to the end-of-war agreements, and in particular the 1995 Dayton Accords on the future of the most problematic of the former Yugoslav countries, namely Bosnia-Herzegovina, it was the interested parties themselves who asked the Security Council both to appoint a

High Representative to guide and coordinate the tricky establishment and initial activity of the Bosnian federal government on the UN's behalf; and to create a military force, the IFOR, formed by NATO but answering to the UN.

The affair in Kosovo was no different, in fact it was even more challenging for the UN. A Security Council resolution adopted on 10 June 1999 placed Kosovo under UN special administration through the UNMIK, while military responsibility for restoring and maintaining order was entrusted to the KFOR, a NATO force answering to the UN.

Of particular interest in our case is the civilian government formula, comprising a special UN administration divided into several sectors and also involving different institutions, with institutional reconstruction, for example, being entrusted to the OSCE, and economic reconstruction being entrusted to the European Union – all, however, under the authority of the UN Secretary-General's Special Representative. The Secretary General thus appears as the figure at the top of a complex pyramidal system, in which the United Nations is seen as player alongside others yet shouldering responsibility for the whole.

Twenty-five years have gone by since then. Why is something similar not happening, in fact not even being planned, in Gaza for example? Here the United Nations is present with its own humanitarian organization, UNRWA (*United Nations relief and works agency*), established specifically for Palestinian refugees when the state of Israel was founded. But with its UNRWA the UN certainly does not perform either military or governmental tasks, especially not after the controversy that arose following some of its employees' alleged participation in HAMAS's attack on October 7, 2023. And when the Security Council finally managed to pass a resolution on March 25, 2024 calling for an immediate ceasefire, no one paid it any heed.

This is not a time for multilateral organizations, we are told. We should count ourselves lucky if the countries on either side with the most to gain from an agreement actually succeed in forging one. And if and when they do, they – or some of them – would be well advised to shoulder responsibility for enforcing it. At least, people think, they have the authority to do that.

And that is the whole point. As the years have gone by, while there has been no lack of recourse to the Security Council in the face of any new event endangering peace or security, the United Nations Organization has actually lost its authority; in comparative terms, it certainly has less authority than those governments that carry the greatest weight on the international scene, and that prefer today to play their own game rather than to work under the banner of multilateralism and its institutions. It is the return – people say – of national sovereignty and of a world order generated by those countries' major or minor agreements.

4. The comparison I have just made between the 1990s and today helps us to understand that, at least on this terrain (the terrain of peace and war), the greater or lesser relevance of the role that the United Nations can play does not depend on formal reasons, i.e. on whether or not its powers or prerogatives have changed over time. No, it depends on the climate that surrounds the institution, on the confidence that governments are willing to place in its action, on whether that action is to their advantage or otherwise. We may or may not like the fact, but it is going to be really difficult for multilateralism to regain its footing without a firm commitment from the countries that carry weight to make it happen.

Is it unrealistic to believe that this can happen? It may be realistic, if we assume as our initial premise that there are countries in the world, both large and small, that actually, whether for selfish or systemic reasons, have nothing to gain from going it alone or from aligning with the conflicting alliances of which they are part. This, to say nothing of the urgency of such issues as climate change, which push governments in the direction of a search for shared solutions, *primarily* through multilateral cooperation. Naturally, someone has to set the ball rolling, and in that connection the West has an enormous responsibility to shed its selfishness and its self-celebratory sense of superiority, as does India which is in fact unhappy with the world's current geopolitical setup, and as do the many African countries that seek greater control over their own development. But above and beyond these general considerations, the situation may also change according to the specific circumstances of each individual conflict, in which the now broadly accepted preference of the parties involved to manage a clash's present and future under their own

steam may come up against tension so strong that it pushes them willy-nilly into the arms of third-party institutions, with the United Nations heading the list.

In this connection, it is worth quoting the example, which is evolving as I write these lines, of the proposal that Israel allegedly made to HAMAS on August 23, 2024, to thrash out an accord over the Philadelphia corridor between Egypt and Gaza. It is common knowledge that Israel does not like the United Nations, and yet, having to reduce its military presence to zero in the corridor anyway and wanting to prevent HAMAS from making use of the corridor for military purposes, it has proposed that a United Nations mission should garrison it at several points (in addition to agreeing that the Rafah crossing should be entrusted to the Palestinian Authority, albeit alongside the European Union).

Whatever may eventually come of the proposal, this example endorses the hypothesis that we would like to present here. That hypothesis is as follows: In the event of a military conflict in which a given player is involved, that player – preferably not acting alone – should make the first move for that conflict not to remain purely on the intergovernmental table on which it certainly found itself at the outset, but to open up to a role for the United Nations (and not a purely humanitarian role, at that). It is easy to predict that such a role is unlikely to be the all-absorbing, decisive role envisioned by the Charter, but it may at least come close to the role played in Bosnia and Kosovo all those years ago.

How can this be achieved? It is common knowledge that, in order to prevent unjust treatment and violations of the rights of prisoners and civilians in wartime, the Geneva Conventions provide for the figure of a Protecting Power, a method that has been widely and effectively used in the past. It is abundantly clear that such a figure presupposes a system of relations, and also of obligations, built entirely on an intergovernmental fabric that is, in principle, incompatible with UN superiority. But the United Nations exists, so is it inconceivable that it should absorb the task assigned by the old Conventions to the Protecting Power into its own field mission, which is at once civil and military? After all, Article 11 in the 1949 Convention states that the duties of the Protecting Power may be assigned to "a body offering every guarantee of impartiality and effectiveness." By the same token, is it inconceivable that such a mission, by simply being in the field, might

prevent violations, particularly those that target civilians (especially as such responsibilities have been part of UN military missions' rules of engagement in the past)? Is it inconceivable that the UN should also be vested with the task of acting in the courts of belligerent countries to prosecute crimes that their military may have committed or masterminded, thus making failure to comply with conventional rules governing such crimes less likely? Is it inconceivable that one of the tasks performed by the military component of such a mission would be to provide protection for humanitarian organizations, first and foremost the Red Cross which occupies pride of place in the Conventions, but also for the many others that have come into being and are increasingly working without any cover, thus endangering their staff members' lives? And finally, is it inconceivable that, unlike the old Protecting Power, the UN mission taking its place might one day enter the field of operations without even requiring a specific consensus if even only one of the belligerents is a member of the United Nations? This is certainly a bold assumption, given the strength that the pillar of national sovereignty enjoys in the UN. But it is also true that, according to Article 104 in the Charter, the Organization enjoys, in the territory of each of its members, the legal capability required for the exercise of its functions and the achievement of its ends.

Let us assume that a UN mission of this kind enters every military conflict (other than those of a purely domestic nature). Let us assume that it is entrusted with a range of tasks going far beyond the traditional rules of engagement of UN military missions (which are increasingly relegated to a humiliating position on the sidelines). Its work and the knowledge it builds up of the territory could form the basis for a UN role after cessation of hostilities, along the lines of the pluralist special administration that UNMIK built in Kosovo. This would considerably reduce the size of the black hole threatening global law and its representatives in the field of peace and war.

A process of this kind does not require turning the regulatory environment on its head. A Security Council resolution might suffice to initiate it in preventive and general terms. Thus, even if it is true that we are once again seeing differences of views that are likely to lead to recourse to the right of veto where individual conflicts are concerned, the groundwork might at least be prepared without any particular objections being raised. So

the first step would thus have been taken, and that step would be all the more effective for being shared and for it being agreed that, once a conflict has been ascertained, it is the Secretary General's responsibility to activate the mission (not an easy innovation, but it lies within the remit of the Security Council, which would have more than one way of implementing it, for example by permitting it as a general rule and only blocking it in individual cases for clearly-stated reasons and on explicit grounds).

5. The way to shrink the other black hole involving the violation, in multiple domestic legal systems, of rights guaranteed by international charters, with the Universal Declaration heading the list, may be less simple.

Apparently, though, a way does exist, and it even appears to be quite simple. All UN member states are obliged to contribute to the purposes of the Organization, which are not only peace and security, but also, according to Article 1, paragraph 3, in the Charter, to achieve international cooperation in promoting and encouraging respect for human rights and fundamental freedoms without distinction of race, gender, language, or religion. Are countries such as Iran and Afghanistan, which not only fail to cooperate but also fly in the face of Art. 1, para. 3 in the domestic context by violating women's fundamental rights and freedoms, not in breach of the Charter? And should Article 6 in the same Charter, which provides for the expulsion of a member state that has persistently violated it, not then be applied against it?

Expulsion is a prerogative of the General Assembly, which requires a two-thirds majority of those voting in order to implement the decision, acting on a proposal from the Security Council. It is easy to see the potential hurdles here. The first is a veto in the Security Council by a permanent member friendly with the reprobate state: today, for example, that might be Russia, which is being supplied with arms by Iran, or China, which is buying oil currently under Western sanctions. The second is the solidarity shown in the Assembly by many *Global South* member states with other member states exposed to criticism chiefly from the West. The problem, then, is not to make such solidarity impossible, but to see if actions are possible that would paralyze their effect, or even persuade those who have been party to that solidarity to change their minds. And here again, we might posit a role, hitherto inadequately played, for the Secretary General, involving promoting

inspections and actions to protect the Charter – something along the lines of what the European Commission does to protect the rule of law when it is endangered by individual states.

The European Commission cannot only collect and produce documentation to back up its criticism, it can go directly to the European Court of Justice to obtain a verdict condemning the member state that has violated the Treaties. The UN Secretary General cannot do the same before the International Court of Justice. Only governments can appeal to that body, while only players "authorized to do so under the Charter" are allowed to request the ICJ's opinion in an advisory capacity. The Secretary General has been denied permission in the past precisely on the grounds that he is independent of governments, which clearly intend to exercise their authority over access to the Court. But at least that handicap could easily be removed, giving the Secretary General the power to have the Court give its advise in any case and thus to upbraid the reprobate country. As things stand today, he can only "draw the attention" of the Security Council to human rights violations in one or the other country, on the strength of what is hardly an expansive interpretation of Article 104, whereby the Secretary General can draw the attention of the Council to any matter which, in his view, "may threaten peace and security."

So, it is clear that things are not easy on this front either; that what is needed is not simply the good will of governments favorable to the paths mapped out here, or the courage and determination of a Secretary General aware that the role he must be able to play in his post should not be merely bureaucratic or declamatory; what is needed is the determination to start tackling the contradiction that has marked the Organization since its inception, namely the contradiction between the aspiration for the Organization to have a will of its own capable of overriding that of the member states and the recognized and respected strength of national sovereignties, starting with that of the five permanent members of the Security Council.

6. This contradiction runs through the entire UN Charter, from the very first paragraph (art. 1 c.1: "The Organization is founded on the principle of the sovereign equality of all its members"), which is, of course, open to more than one interpretation, down to the tricky balance between the right to the self-determination of peoples and respect for each

member state's domestic affairs, and to the internal structure and thus the role of the Secretary General. To realize this, one has but to look at the size and the many facets of the Secretariat, the enormous potential implicit in the fields in which it operates and, by contrast, the paltry nature of the results it produces, precisely because of the narrow funnel into which everything, or almost everything, ends up being poured: i.e. the briefing to the Security Council, and the countless reports submitted to the General Assembly

The Secretariat has offices for disarmament, drug control and development coordination; it has departments for peacekeeping operations and for safety and security; it has separate special representatives for children and for sexual violence in armed conflicts. Let us just take a look at the latter areas, which are directly related to the issues we are addressing today.

The incumbent Special Representatives' latest reports paint a bleak picture of the violations taking place in current conflicts. According to Virginia Gamba, who works with children, the figures for 2024 show that we are seeing a "shocking increase" in denial of humanitarian access; and that "blatant disregard for international humanitarian law continues to increase"

Once the Security Council has been informed of this, what can happen? At best, the adoption of a resolution such as No. 1960 in 2010, a famous resolution on violence against women and children, which went as far as to highlight the responsibility of UN peacekeeping missions themselves in preempting and preventing violence (no mean feat), while reiterating governments' responsibility to prosecute crimes resulting from such violence, and tailoring the inspections conducted – albeit not singlehandedly – by the Secretariat's organizations in the field to the Secretary General's fairly narrow task, namely publication of the guilty parties' names, with explicit recourse to "naming and shaming", so as to induce governments to mete out punishment, and the UN itself to adopt sanctions in the event those governments fail to do so.

Two things are particularly striking in a resolution of this kind: the first is that the Secretary General's role is in any case limited; the second is what Virginia Gamba reports fully fourteen years later. Clearly, the good intentions of 2010 have remained a dead letter.

So, turning the post of Secretary General into a less subservient institution than it is today means making better and more extensive use of the potential inherent in the Secretariat's considerable structure, restoring to the Organization an authority which the Security Council, with its resolutions, is no longer sufficient to impart, and reducing national sovereignties' ascendancy in an area in which the common Organization must not just make its voice heard, it must impose its will.

We have listed a few examples, above, of perfectly appropriate tasks for a strengthened Secretary/Secretariat General, ranging from dispatching civilian and military missions to conflict theaters together on the basis of a general authorization from the Council, to the right and duty to report belligerents' crimes in their countries' own courts, and the power to seek opinions from the International Court of Justice with particular regard to the violation of human rights in a domestic legal context. All these innovations either rest on the existing framework or can be implemented with minor alterations. More could certainly be done by modifying certain clauses (including those with statutory status), for example the clause reserving the right of governments alone to bring cases before the Court of Justice. But can a consensus to do that be drummed up without opening the Pandora's Box of a more sweeping reform of the Charter?

If it can be done, then the parallel between the UN Secretariat and the European Commission drawn above would become relevant. It is a parallel with objective limitations if we consider the substantial differences between the two organizations, the UN and the EU. Yet in both cases there are, in principle, national sovereignties that wish to build common wills. In the case of the UN, however, those wills are, in every instance, the result of decisions shared by governments; while in the case of the EU, a principle of conferral operates, whereby the representative body not of governments but of the organization itself is given greater decision-making powers. Is it conceivable that the principle of conferral might also be adopted in the United Nations? And in what areas, if the aim is to bolster the organization's authority, to improve the speed of its decision-making process and to subordinate its member states to its rules? Some might point out that in the European Union, the principle of conferral operates in favor of a Commission that is accountable to Parliament for its actions. But the UN Secretary General would still

be accountable to the Assembly which elected him and which, in the hypothesis we are airing here, would have member states within it favorable to a strengthening of the Secretary General's role.

Let us leave this an open question for now, simply noting that the contradiction between the primacy of national sovereignties and that of the will expressed by "their" international organizations may never be eliminated. It is no mere coincidence that the best we have been able to achieve in reducing national sovereignty's clout to date is to be found in regional organizations, particularly in the European Union. The reason for this success is clear: the more neighboring countries share similar cultures, values and principles, the more their common organizations are marked by those factors and are thus able to reflect them back onto those same countries, thus strengthening their shared fabric. It has rightly been said that we will be able to achieve a genuine international community more easily – if indeed we ever succeed in doing so – by building regional organizations throughout the world along EU lines, capable of cultivating and strengthening the above-mentioned similarities as shared by the countries in each region.

We cannot, however, await the outcome of this process in order to have a United Nations capable, at the very least, of putting an end to the current disruptive trends lying at the origin of our black holes. In view of the excessive number of conflicts spinning out of control and of the Damocles' sword of climate change, we need to do something to reverse the trend. Therein lies the usefulness of paths designed to pursue that end – paths that are easy to activate, and that are not necessarily of a nature such as to thoroughly cleanse the foundations of current multilateralism.

What we urgently need to do today is to salvage that multilateralism and to put it back on its feet, endowing it with the minimum amount of authority required to make compliance with it appear justified. Here we have been able to point to only a few of those paths, certainly not to offer what is most needed, i.e. the will of more countries, and not just Western countries, that put greater trust for the good of the world's future in international institutions than they do in the blocs and alliances in which today's – sometimes close, but often distant – national cultures are united by economic or military interests, and which the stronger countries use to devise the conditions needed to block the

international institutions before they can make a decision, or to ignore those decisions that the institutions do manage to make.

Whether or not we can rely on such a will is something we may find out sooner than expected. As I write this paper, a draft is circulating in the UN for a "Pact for the Future" which a special Summit is due to approve at the UN General Assembly on 22-23 September (the draft is available on the UN website). The text embraces every possible goal from sustainable development and the eradication of poverty to women's rights, health for everyone, the broadest possible dissemination of the benefits of science, and the peaceful governance of outer space. The draft entrusts a better future for the whole of mankind to the achievement of those goals, which it translates into 60 different actions. It contains most of the pledges and commitments we are accustomed to seeing, and even where who does what in the United Nations is concerned, the Security Council still takes pride of place, followed by the General Assembly, while many passages continue to badger the Secretary General for the customary studies and reports.

There is, however, also something more, and it has a new ring to it. Action 16 f) urges the Secretary General to actively use his/her "good offices and ensure the United Nations is adequately equipped to lead and support mediation and preventive diplomacy". Action 22 b) asks the Secretary General "to undertake a review of the future platforms of peace operations, providing strategic and action-oriented recommendations on how the UN tool box can be adapted to meet evolving needs". Action 57 upholds the Secretary's General role "to convene Member States, promote coordination of the whole multilateral system and engage with relevant stakeholders" in response to global shocks. Moreover, in several passages of the text, "concrete and practical measures" are promised in order to protect civilians in military conflicts and to protect human (specifically women's) rights wherever they are violated. A pledge for the Member States is also worth highlighting: namely, that they pledge to comply unreservedly with the decisions of the International Court of Justice.

If the draft I have summarized here really does become the UN Pact for the Future, then the analysis and the proposals contained in this paper may well stand a chance of being

something more fruitful than just another lament over a world of which we are no longer enamored.