

# **A Four Powered World Demands a Four Chamber Governance System**

## **Abstract**

Governments, multinational corporations, international civil society organizations, and the world's people all have different foundations of power that justify their separate claims to participate in global governance. As a result, today's global governance space is incoherent and ineffective in managing contemporary global risks and challenges. Missing is an institutional arrangement that allows the conflicting and cooperating elements of these four centers of power to work out how to govern the planet within a democratic framework. This model proposes a four chamber parliamentary system with an associated international court system—one chamber will be for Governments based on the existing UN system's general assemblies; two chambers with similar structures, one for multinational corporations and one for international civil society organizations; and one chamber for direct involvement of individuals in global governance using the availability of an internet-connected world.

Each chamber and sub-chamber can autonomously decide public policy matters, implement those decisions and have a solid procedural route to engage the other power centers on that matter. This iterative inter-chamber decision-making system is designed to overcome key failures in contemporary global governance.

A decision-making path is initiated with a policy statement and/or an implementing action by one of the constituency chambers. At this point, the initiating chamber can elect to engage with the other chambers in three different ways – (1) the chamber can initially solicit advice from other chamber(s) on its proposal and use this guidance and advice to modify its own policy and action proposals; (2) after the initiating chamber and its secretariat take actions in the real world to address the issue, a chamber can invite co-endorsement from one or more other chambers; and (3) each chamber can initiate a process with another chamber when it considers other constituencies are taking action that is dangerously inconsistent with its goals and aspirations. The iterative process, including decision timetables, two inter-chamber reconciliation processes and a multi-source financing system, create a formal platform for joint cross-constituency dialogue and joint binding action.

A crucial feature of this decision-making process is that policy and action decisions by each of the four chambers are undertaken in an open political space. The interactive process provides a method to resolve intra-constituency and inter-constituency differences that does not result in

a frozen global response. Each chamber and sub-chamber can freely act to solve a global problem by using its own constituency's institutional, political, and economic resources. The over-all system can move forward with greatest impact when a multi-chamber global solution has the endorsement of two or more chambers and that in the remaining chambers at least a quarter of the membership support the policy or action plan.

The structure, the registration system, and the election process are straightforward. The Government chamber involves only a modification to the existing UN system structure. One modification is that a new intergovernmental coordination body of Presidents of the 'governing councils', now called 'Government sub-chambers', will enhance the coherence of the Government policy by UN system. Four other modifications strengthen the capacity of the Governments and the Government Chamber to meet their new global responsibilities.

The Multinational Corporate Chamber (MNCs) and International Civil Society Chamber (ICSOs) are isomorphic. Each hosts 30 sub-chambers for key constituencies which can develop meaningful policies and programs on their own. Two-thirds of these sub-constituency chambers will initially be based on a modification of the UN's Major Groups and the existing international sector boundaries; the remainder of the sub-chambers will, as in the current UN system, be built on solving specific global problems. In a similar manner to the Financial Stability Board's Legal Entity Identifier program, all MNCs and ICSOs will register to get a unique organizational identifier to clarify their organizational biographies and to designate their proposed sub-chamber membership. All chambers are the masters of their own procedural arrangements and election processes from their constituent sub-chambers to their full chamber, so long as they maintain gender-balance and co-equal sizes. The terms and scope of the sub-constituency bodies are subject to a review every six years, constrained only in that the sub-chambers must remain co-equal in their relative power within the chamber and the size of the full chamber itself needs to be appropriately equal to the size of the other co-equal chambers. Every fifteen years the inter-Chamber decision-making system, the functions of the Court, and the financial mechanism will be open to a cross-Chamber review.

The structure of the Popular Assembly will draw on the experience of high level governmental internet-based petition systems used by the UK and US governments. The Popular Assembly with representatives drawn from the top 70 petitions signed by individual ISP numbers. This Assembly functions on a six year rotating basis and forms the lead body to oversee the open petition system and to engage with the other Chambers. The Popular Assembly also has its own secretariat to implement individual-based projects endorsed by the top petitions and to support the portal to nurture ideas from the community of individuals who desire to participate in solving global problems.

The 4CGS Judicial Court will adjudicate sub-Chamber and Chamber differences that will arise from any perceived conflict between adopted policy statements and specific real world circumstances. Its interactive process with the Chambers will build internally binding decisions and external trust in the 4CGS. Judgeships, nominated by a Council of Presidents, will be elected by a majority of the combined membership of the four Councils of Presidents.

Any new global governance system will need to address the diverse power centers in the world today, as they will not relinquish what their perceived relative power without seeing clear benefits or without a degree of coercion. The Four Chamber Governance System (4CGS) is designed to grant co-equal status to all four major power centers while establishing significant financial and institutional incentives for non-participants to motivate them to engage with this new balanced, global governance system.

### **Description of the Model**

Global governance today is an odd mixture of governance arrangements. Governments, traditionally the lead actor in global governance, make fewer and fewer globally binding decisions. International civil society organizations (ICSOs), which de facto are part of the global governance system, coordinate their governance efforts only through ad hoc arrangements for each crisis or with each intergovernmental body. Meanwhile multinational corporations (MNCs) quietly – and sometimes not so quietly – actually dominate in making most decisions about the governance of globalization. And the people, which in a democratic system should be central to governance, have no direct popular participation in global governance.

Governments, ICSOs, and corporate advocacy groups have responded to the lack of effectiveness in global governance by developing innovative ad hoc arrangements to ‘fix’ institutional gaps-- one system for this crisis and another one for that crisis. For example, multistakeholderism, advanced as one fix for global governance, is unstable as it is based on voluntarism and undemocratic as its decision makers are self-selected or designated by their conveners. What is clear is that the roles of all four constituency groups are not properly reflected in the current institutionalized global governance system which precludes reducing risks and challenges for the overall economy, planet and people.

The start of 2008/2009 financial crisis prompted G20 Governments to reform the financial stability system and Governments in the General Assembly to pass the first ever ‘global governance’ resolutions. Some MNCs and some leading international business associations publically acknowledged the limitations of their go-it-alone isolationist approach to global

governance and the powerful risks for themselves from unregulated competition and uncontrolled climate change. Some ICSOs too have concluded that the multilateral system cannot meaningfully address global crises or control the dominant role of multinationals. They have opted to bypass Governments and develop projects directly with major MNCs.

These four constituent groups have asymmetrical power and asymmetric access to resources. The proposed Four Chamber Global System (4CGS) with its co-equal chambers, public registration and disclosure requirements, popular assembly, and judicial accountability introduce a democratic counter-balance to these asymmetric power relations and a platform for formulating joint decisions.

### **Legitimacy**

All four constituent groups have different claims for legitimacy for their role in global governance.

Governments have 450 years of de jure rule making, formal treaties/conventions and de facto State practice as well as significant military/police power. Whether Governments are democratic or authoritarian is not actually relevant to their participation in multilateral organizations. Any government is welcomed to take part in multilateralism provided other governments 'approve' them.

ICSOs have the highest trust level of any international category of governance actor. ICSOs collectively define many of the issues that are central to the international economic, environmental, and social agendas. Leaders of ICSOs increasingly see their responsibilities as transcending national boundaries and attend inter-governmental meetings not as citizens of a country but as advocates for a particular global community or a particularly urgent global crisis.

MNC's legitimacy in global governance derives from their dominance in global economic affairs and their control of global financial assets and cutting edge technologies. As the military victors of WWII asserted their own special legitimacy to create a privileged position for themselves in the United Nations, MNC leaders know well that their central role in globalization and their relatively equivalent level of global power to the victors of WWII means that they have a special legitimacy in a future global governance system.

Interestingly there are structural governance similarities between these two non-state constituent governance groups. Both assert that Governments do not fully reflect their constituent views and, therefore, they need to speak independently as ICSOs or MNCs. Their common arguments include that their organizations are in so many lands no one

government can speak for them and their global goals and activities are only a minor concern of the Government where they are registered.

For individuals, their legitimacy in global governance is based on commonly accepted principles of human rights. Whatever the legal status of a citizen, whatever the formal status of a worker, a corporate executive, a member of an NGO, a refugee without papers or an indigenous person, individuals have a recognized human right to certain basic needs and the right to express their views on how they obtain these basic human rights.

The challenge then is to envisage an arrangement of new bodies that can institutionalize the global governance role of civil society, bring out of the shadows the governance role of MNCs, and provide a sense of direct democracy for people, while maintaining the well-recognized role of nation-states and the multilateral system.

### **A Multi-cameral system**

The new global governance system proposed here combines the three missing international governance communities with the existing 'old system' into a co-equal quad-cameral governance system. The historical precedent is well founded. As new constituencies gained prominence in Europe and North America in earlier centuries, new institutional bodies were created. The old order got one chamber (a Senate or a House of Lords) and a new chamber was created for the new order (the House of Commons or the House of Representatives). Multi-cameral governance systems already exist at the ILO, the IUCN, and the Marine Stewardship Council.

There are significant obstacles to institutionalize ICSOs, MNCs, and people in global governance. This proposal offers a way to overcome some of these obstacles. It starts from the unfortunate but realistic premise however that no Government with a significant military or nuclear capacity is willing to surrender these weapons to any other institution; that no MNC with a powerful position in the global market is willing to hand over its key assets and technologies to any other institution; and that no ICSO will rush to handover its membership lists and resources to another organization. This 4CGS is premised on the recognition that the four powers need to be accommodated inside a new global governance system.

### **The Government Chamber**

Governments already have their 'chamber' with thirty-one existing intergovernmental 'general assemblies', in the language of the 4CGS 'Government sub-chambers', to coordinate their activities. In the 4CGS, the recognition of other member states will be, as now, based on the cross-recognition of a new State by existing member States. States will

have their heads of state designate individuals to act on their behalf (e.g. the presentation of Ambassadors and delegations credentials to intergovernmental bodies will remain unchanged.). When these individual delegations meet in their chamber, they can, as now, establish rules for their own internal processes, address matters of conflict between Member States, formulate policy statements and legally binding agreements, design ways to assert control over rogue states and amoral actions, and establish organizational structures to implement their decisions.

For the Government Chamber, only five new features are needed - (1) the Basel-based institutions (e.g. the Financial Stability Board), an international association representing local authorities, and indigenous peoples will be considered as Government sub-chambers; (2) the UN General Assembly will have seniority over the currently autonomous Government general assemblies; (3) a new Council of Presidents of the Government sub-chambers, an intergovernmental analogue to the Chief Executives Board, will enhance cross ministerial and cross organizational decision-making; (4) Governments to recover from decades of under-funding the UN system will commit to operate the UN system at three times its current core budget<sup>1</sup>; and (5) the current unanimous 'consensus' decision-making system will become a super-majority system and the decisions on peace and security will transition away from the veto system.

The Council of Presidents of the Government Chamber will function to coordinate the activities of the sub-chamber general assemblies, work to resolve conflicting directions from the different intergovernmental organizations, select Government representatives to the other global power centers and chambers, elect members of the Judicial Court<sup>2</sup>, and establish Council committees as necessary. Five of the standing Council committees will manage inter-actions on all matters relating to (1) peace and security; (2) economic equity and financial stability; (3) global ecological security; (4) long-term risk identification; and (5) operational financial matters including the revision of the capacity to pay formula, the collection of 4CGS revenues<sup>3</sup>, the allocation of revenues to the Government sub-chambers and the disbursement of funds to operate the Government Chamber, its secretariat, and their implementation actions.

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<sup>1</sup> Developing countries may draw on a one time SDR to meet this obligation.

<sup>2</sup> See details below.

<sup>3</sup> See below for further details.

In the multi-chamber model, Governments could for the first time opt to engage formally with the other constituencies and their chambers in three different ways. The Government Chamber could (1) ask for their guidance and advice (G&A) on a preliminary Government policy statements (PS) or implementing action (IA); (2) seek to amplify their own PS and/or IAs by soliciting joint endorsements of their initiative from other chambers, or (3) could advise other Chambers that actions by their constituency or chamber is likely to have an adverse impact on the global community, global ecological, social, and economic stability and/or their constituency. All the exchanges between and within Chambers will be documented on publically accessible websites.

On receiving a request for A&G, the other chamber(s) are expected within six months, extendable for a second six months, to send their reactions to the Government Chamber including any proposed amendments and minority views. The Government Chamber then will have a second reading of the proposal and, with their Secretariat, operationalize their IAs. Whatever the response from other constituency chambers, the outcome of the Government Chamber remains the Governments' PS and its IAs. A parallel process for guidance and advice will operate between the Government sub-chambers in order to enhance further the policy coherence within the Government constituency and prepare decisions for action by the Government Chamber itself.

After it sets in motion its own IAs, the Government Chamber can engage with other chamber(s) to formulate a joint PS and/or IAs. The receiving chamber(s) again will have a six month extendable to one year to respond with their agreement or counter proposal to address the same issue, in each case providing the Government Chamber with the percent of support for each provision and for each proposed amendment. No reply from a chamber after the one year period will be assumed to be positive assent. If the Governments PS and/or IAs is adopted by the other chambers, the Government chamber and its secretariat will take the lead in organizing cross secretariat implementation of the agreement. When two or three chambers arrive at a common PS, these decisions will be considered, depending on the number of chambers involved, as second or third tier international law statements. If there is cross-chamber agreement<sup>4</sup>, the PS will be new international hard law. The 4CGS Court will only base their decisions on adopted PSs.

In the nature of things, there will be disagreements in the other chambers. In the European Union, a Trioka system assists the European Commission, the European Parliament and

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<sup>4</sup> See below for further details.

European Council to find common ground. Similarly, when a chamber wants to recommend a modification of a PS or an IAs advanced by another chamber, they will designate key negotiators, reflecting the majority and minority views of that chamber, to a cross-chamber Multistakeholder Reconciliation Group (MRG). The MRG will be empowered to create a consensus text, taking into account the views of all the chambers, and submit it for adoption under the 6 month protocol to all the Chambers.

To prevent dysfunction, the 4CGS will have a weighted voting formula between the Chambers. When a Government's PS or IAs or a MRG's consensus text has wide approval in two or three chambers, it could not be blocked as a global hard law position if a quarter of the participants in other chambers supported the proposed text. This version of a negative super-majority will mean that there is a strong positive incentive to use the MRG to fashion globally consistent multi-chamber decisions.

Every fifteen years the inter-chamber process regarding the fundamental aspects of the 4CGS flow of the decision-making, dispute resolution mechanisms, and the core principles for the funding system<sup>5</sup> will be open for review. In the interim, adaptations to the review and dispute resolution processes can be made at any time with the majority support for all four Councils of Presidents/Chairs<sup>6</sup>.

### **The MNC and ICSOs chambers and sub-chambers**

The MNC Chamber and ICSO Chamber share a number of institutional similarities. As with the self-recognition of Governments, MNCs and ICSOs seeking to participate as legitimate members of 4CGS will submit registration requests to a committee of their peers in their self-selected sub-chamber and Chamber. For the long-term stability and solvency of the 4CGS, MNCs and ICSOs applying to participate in the 4CGS need to document a minimum of six years of stable global operations in at least 10 countries. Each chamber for itself will establish the process to receive and approve authorized representatives (analogous to accepting credentials). The MNC and ICSO Chambers, like the co-equal Government Chamber, will have 30 sub-chambers, some of these sub-chambers, also like the Government Chamber, will reflect an economic sector or social groupings (e.g. the service sector, labor) and some will be defined by a specific global crisis (e.g. food insecurity, climate risks).

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<sup>5</sup> See below for further details.

<sup>6</sup> See below for further details.



For MNCs and ICSOs, the registration will provide a common repository of key information on each participating entity in these Chambers. The model for this registration is the Financial Stability Board's (FSB) current work on the definition of 'systemically important financial institutions' (SIFI) and the creation of Legal Entity Identifiers (LEI) for each part of a global financial institution and for each financial product traded by these entities. The purpose of the existing LEI is to better monitor global financial stability by knowing the interconnected nature of each financial house and the inter-connected risks derived from any group of international financial instruments. Similarly the LEI for MNCs and ICSOs will allow 4CGS to enhance unique participation by knowing the interconnectedness across boundaries of MNCs and ICSOs and will have a trackable identification number for all legal international transactions over a minimum threshold. In the 4CGS, a revamped Financial and Environmental Stability Board (including now the Minister of Environment) would also designate systemically important natural resource institutions (SINRI), manufacturing institutions (SIMI) and service institutions (SITI), as their activities or demise of any of these firms are a significant risk to global health and stability . To strengthen MNC Chamber, Government will have domestic regulations to insure that these systemically important MNCs are registered participants in the 4CGS.

The disclosure application for registration will include the officer or internal organization that can designate the representative (analogous to knowing who can designate ambassadors) as well as appropriate income and asset data.

A MNC and an ICSO are within their own spheres of activities highly competitive institutions which on specific matters can reach cooperative understandings. Under the present system, the analysis of problems and the proposed solutions by one organization is politically diluted, as Governments and others can too easily point to contrary statements from other similarly situated organizations. However over time it is expected that the wisdom and self-interest of individual MNCs and individual ICSO working within an institutional platform can articulate common solutions to global programs and create institutions for what their constituency sees as the most appropriate solutions.

Initially twenty of the sub-chambers of ICSO Chamber will follow the social group classification used by the "Major Groups And Other Stakeholders" system and ten of the sub-chambers will be organized around contemporary crisis and challenges. The social group definitions of sub-chambers will provide a basis for under-represented communities, particularly those marginalized by age, gender, type of work, type of knowledge, mobility, ethnic, and religious views, to gather together with similar communities to provide a common platform for developing policies and programs that address their global constituency needs. When an ICSO sub-chambers find common ground on a policy area, it

will then be quite appropriate to say that this represents for example the Global Views for 'Women', 'Farmers', or 'Workers'.

As has been the case for UNCTAD and UNDP, the additional ten crisis-defined sub-chambers will provide a common platform to identify current and emerging risks and propose responses to these risks. The initial group of these sub-chambers will include climate change, other globally significant ecological challenges, de-militarization and reduction in causes of violence, fair trade, elimination of racism, elimination of sexism, economic inequality, natural resource misuse, enhancement of literacy and education, and delivery of quality health care.

Each ICSO sub-chamber will select an equal number of delegates (initially six individuals from each sub-chamber) for six year staggered terms to the full ICSO Chamber such that the final number will have approximately the same number of members as the Government Chamber<sup>7</sup>. Each ICSO sub-chamber will select its own chair and vice chair, who with the other ICSO sub-chamber chairs and vice chairs, serve as the Council of Chairs of the ICSO Chamber. The Council of Chairs will have the same responsibilities and standing committees as the Council of Presidents of the Government Chamber, except that it will also have a Registration Oversight Committee.

The ICSO Chamber will be the master of its own rules and practices, providing that each combination of chair/vice-chair and each group of ISCO delegates from a sub-chamber is gender balanced. In addition to gender-balance, the ISCO Chamber should also be geographically balanced and sensitive to other un- and under-represented communities. Following nominations by individual sub-chambers, all the ICSO sub-chambers would vote to select an additional 25 individuals to the ICSO Chamber to reflect geographic and un- and under-represented communities and regions, making the full ICSO Chamber one with 205 representatives and similar in size to the Government Chamber.

Each Chamber and sub-chamber however will have its own self-standing secretariats, giving each governing community the capacity to operate properly and to implement their approved PS and IAs with and without other chambers and sub-chambers.

On adoption of a common position by an ICSO sub-chamber, the proposal can be transferred to the agenda of all other ICSO sub-chambers for their advice, endorsement, or recommended improvements. In the end, the outcome of a majority of the voting members of the ICSO Chamber or two-thirds of ICSO sub-chambers and a minimum of one-quarter of

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<sup>7</sup> See below for further details

the remainder of the ICSO sub-chambers could then be said to reflect the views of the ICSOs.

As is the case with the governing bodies of the specialized agencies, each ISCO sub-chamber will be master of its own rules and practices, so that it can opt to schedule conferences, face-to-face meetings, electronic referenda, or standing groups to best meet its commitments, providing the full ICSO Chamber has no objection to their rules or practices.

Each ICSO sub-chamber will select its own chair and vice chair, who with the other ICSO sub-chamber chairs and vice chairs, serve as the Council of Chairs of the ICSO Chamber. The Council of Chairs will have the same responsibilities and standing committees as the Council of Presidents of the Government Chamber, except that it will also have a Registration Oversight Committee. Every six years, the Council of Chairs will convene a review of their Chambers operating rules including the definition of the scope and number of the constituent sub-chambers.

As with the ISCO Chamber, the MNC chamber will have sub-chambers for the twenty largest industrial sectors, giving each constituency an equal voice in defining issues that are appropriate for that sector and an equal voice in determining the direction of their particular sector. Much of what is now done quietly behind closed sector doors or through the exercise of market dominance would be moved into a formal and public global process involving all relevant market participants. As with ICSOs, any PS or IAs of a MNC sub-chamber could properly be said to represent the views of say ‘the service sector’ or ‘the finance sector’. Nothing will prevent an individual MNC from staking out its own competitive claim on a particular global or regional issue. But 4CGS will provide a basis for developing common standards and goals within a specific sector and within the wider MNC sphere with far greater transparency and consequently legitimacy than is now the case. As with the ICSO Chamber, the MNC Chamber will also have the same ten crisis-defined sub-chambers, making the internal structure of the MNC Chamber identical in structure and size to the ICSO Chamber.

In the MNC chamber, un- and under-represented business sectors can include women’s investment houses, international fair trade cooperatives, or African regional business associations, for example. The sector sub-chambers of the MNC will also elect a chair and vice chair to serve on their Council of Chairs, which will have the same responsibilities and standing committees as the analogous bodies in the Government and ICSOs Chambers. The MNC standing committee on Registration Oversight will be empowered to write rules allocating associated enterprises with multiple MNC partners, multiple supply contracts, or multiple technology licensing agreements to a specific MNC registration; and to determine the degree of disaggregation of income, assets, and liabilities required for a proper LIE

registration. As noted earlier, the scope, number and terms of reference of these sub-chambers will be reviewed on a six year timetable.

When individual MNC delegates or individual ICISO delegates meet in their chamber, they can address matters of conflict between corporations or associations, formulate common PS and IAs and legal agreements on matters of mutual interest, devise mechanisms to constrain rogue MNCs and ICISOs, as appropriate, and intervene to prevent amoral actions, and create organizational structures to implement their decisions. As with the Government Chamber, any Chamber- adopted policy statements will be considered as international soft law .

In a similar manner to the inter-governmental process, the MNC Chamber and ICISO Chamber will have additional decision-making options. Each Chamber will have their analog for the three forms of multi-chamber cooperation, conflict resolution systems and their own Secretariats as described for the Government Chamber.

### **The Popular Assembly Chamber**

The People's Assembly Chamber has a different organizational structure. While the democratic world endorses direct democracy in principle, there is little – or actually no – global practice in this area. The closest parallel is the election process for the European Parliament.

It is also the case that organizing a global election today is functionally a non-starter. To take just two specific elements, there is no body that could draw election district boundaries and a number of Governments now actively suppress any election process. But with singularly registered Internet Service Provider (ISP) address and a secured internet, one could envision a voting process for billions of people in the world<sup>8</sup>. The model for this form of internet based governance is the public petition system is used by the US White House and UK government to allow their citizens to submit and sign onto on-line petitions. Under these systems when the number of signatories reaches a given number, the Government will formally react to the petitions.

The Popular Assembly Chamber, supported by its own Secretariat, will have two key components, one virtual and one involving face-to-face representation. The Secretariat of virtual sub-chamber will monitor petitions from individuals around the globe contributing for the first time in formal global governance. These petitions, available in multiple

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<sup>8</sup> With the assistance of ICANN, a system would be constructed to exclude ISP addresses that are associated with the offices of commercial enterprises, government agencies, and civil society organizations.

languages via on-line translation services, will provide individuals everywhere in the world with a way to identify issues that need international attention, recommend proposals on how to organize as individuals to address these issues, and what actions should be taken by the other three constituencies and Chambers to resolve the identified issues.

The top 70 most endorsed petitions in each two year period will also be considered as first tier statements in international soft law. Two authors associated with these endorsed petitions will be considered as elected to a six year terms as members of the face-to-face Popular Assembly Chamber of 210 individuals. The responsibility of these rotating elected members will be to advocate with the other Chambers for the views of those petitions, to reply to proposals from the other Chambers, to oversee the Secretariat in reformatting proposals and modifications to build popular consensus, and to maintain over-all responsibility for the integrity of the first global electronic public decision-making platform. The Popular Assembly and its Secretariat will post for public comment any proposals for advice, modification or endorsement received from other Chambers and based on their replies formulate appropriate and timely responses to the other Chambers. The Popular Assembly will elect every two years 70 of their members to have the same responsibilities as the Council of Presidents of the Government.

### **Judicial Court System**

The 4CGS Judicial Court's function is to adjudicate sub-Chamber and Chamber differences, based on adopted PSs and specific circumstances, to build internally binding decisions, and to build external trust in the 4CGS.

A judicial petition can be initiated by a Sub-chamber based on their legal belief that another Chamber, Sub-chamber or its constituency acted not in accordance with a properly endorsed 4CGS policy statement. The Judicial Court will hear arguments and make a factual determination of a violation of a PS. On finding a violation, the Court submits a request to all relevant sub-chambers to propose an appropriate level of sanctions, given the number of Chambers that endorsed the PS and the severity of the breach. This direct dialogue between the Court and Chambers provides a way to enhance mutual respect for the subsequent binding decisions. The Court will have five ways to sanction rogue behaviors. It could recommend (a) that imposition of any of the sanctions currently used by the Security Council (e.g. restrictions on travel, asset seizures); (b) that national courts take punitive actions; (c) that a member of the FPCGS be restricted or stripped of membership in 4CGS and/or; (d) that a financial penalty is imposed that will be collected via the 4CGS financial system or via a Chamber which will then be obligated to collect the fine from its constituent body or constituency. All proceeds beyond the costs of a case will be dedicated to the 4CGS joint implementation accounts.

The Judicial Court will be the master of its own rules of procedure with one special feature - access to evidence and witnesses based on a 4CGS Court affidavit will be expeditiously provided by national prosecutorial and judicial services. Judgeships, nominated by a Council of Presidents, will be elected by a majority of the combined membership of the four Councils of Presidents.

### **Financial Realities**

Finances are needed both to operate 4CGS and to implement the action decisions of a sub-chamber, Chamber or combination of Chambers.

The Popular Assembly and its petition-based sub-assemblies are obviously the financially weakest component of the 4CGS. Conversely the MNC Chamber and its sector-based constituencies are obviously the financially strongest constituency. The Government Chamber has the ability to use its domestic taxing power to meet its international obligations, with the exception of a one-time issue of SDRs to overcome the un-funding of the UN system. The ICSOs have in their own way a de facto taxing power (i.e. membership fees and contributions) to fund their own activities.

The constituencies, with the exception of the Popular Assembly, can then be reasonably expected to underwrite the operation of their Chamber, their secretariat, and their own IAs. An equitable way to fund the operations and IAs of the Popular Assembly and 4CGS Court will be to add a supplemental overhead to the budgets of the other three Chambers.

Funding cross-chamber joint programs of action will be based on a new capacity to pay formula with three channels of funds. The updated capacity-to-pay formula, unlike the existing UN system based principally on GDP, will be based on available public and private assets, knowledge and technical capacities, available human resources, size of military and police forces, and relative levels of vulnerability to global challenges.

The time has passed when externalized costs and increased global systemic risks are involuntarily charged to other individuals, communities, firms, and Governments. MNCs, that opt not to participate in the 4CGS, but will nonetheless benefit from the 4CGS's increased capacity to manage complex global risks, will be charged a surtax on the value of their trade in goods and services and lose protection granted by bilateral and multilateral investment treaties. As all significant payments for international transactions pass through SWIFT, SWIFT will provide notices to their approximately 500 participating banking networks to withhold surtax payments and forward them monthly to the accounts of the 4CGS.

The second channel for resources will be MNCs which are participating in the 4CGS. They will be subject to a lower level fee system based on their registration documents and the scale of their international transactions in global commerce. The maximum level of the adjustable registration fee will be set at one-third the level of the surtax on trade in goods and services of the non-participating MNCs. Credit rating agencies will also be expected to provide a preferential reference for the security of assets controlled by a LEI registered organization or for LEI registered international loans and investments.

The third channel will be payments from the Government constituency and the ICSO constituency based on each Chambers' relative strength and the new multi-dimensional ability-to-pay formula.

Every two years the aggregate costs of all the cross chamber global programs of action and the operations of the Court System will be determined along with an announcement of the relevant adjustable fees for participating MNCs and the trade surtax for the non-registered MNCs. Registered MNC's unique LEI number will be provided to the SWIFT so that it member banks can exempt their international transactions from the surtax. As noted earlier, the collection and dispersal system will be overseen by a joint committee created by the four Councils of Presidents. Funds for an IAs will administered by the Secretariat whose parent Chamber initiated the proposal that became a joint IAs.

### **Balancing power with democracy**

As with the choices made to create the UN and the Bretton Woods Institutions, a proposal about global governance today needs to recognize the tensions between power and democracy. Today's reality is that there are four relatively autonomous sources of international power and that these groups have asymmetric and different forms of power. As the counter-weight to this imbalance, the proposed system introduces structural democratic equity with co-equal chambers of similar size, a method of voting that constrains the more powerful constituencies; parallel structures which emphasize equity rights within and between the constituencies; the ability of each Chamber to put items on the agenda of the other Chambers; and strict time tables and positive assent presumed from non-responsive Chamber(s). All these institutional democratic arrangements act to create a more politically balanced relationship between the constituencies.

The very concept of moving decisions out of the shadows, be it from globally monopolistic markets or Government sponsored military alliances, dramatically shifts the balance of power toward a more accountable global society. This increased transparency is multiplied by the introduction of the People's Assembly and the ICSO Chamber, bringing these constituencies for the first time directly into global governance.

Two realities challenge Governments and MNCs to re-evaluate their use of their existing powers and encourage them to engage in a 4CGS system. Leading MNC think tanks have concluded that the current autonomous management of globalization by corporations has inherent and highly risky limitations and that a forum for effective engagements with other constituencies may reduce long-term market, ecological, and resource instabilities. Leading Government leaders are recognizing that they have lost a significant management capacity over global financial, ecological, technological, market and migration demands and that the some new configuration of forces may be the only way to provide sufficient global stability that they can manage effectively national matters. A public multi-chamber structure, built around existing international institutional arrangements, will provide an effective and broad platform to seek buy-in to their sound ideas and a structural re-alignment able to implement tough new decisions.

### **3. Argumentation demonstrating how the model meets the assessment criteria**

#### **1. Core Values.**

The Popular Assembly and the ICSO Chambers, two co-equal branches of the 4CGS, provide a new international governance venue to articulate global policy values and action plans that are responsive to improving the good of all humankind, sensitive to global and local ecological demands, and respectful of the equality of human life. The MNC Chamber, while structurally driven by economic self-interest, is not excluded from developing proposals that are good for the global environment and/or striking new ground in international human rights matters. The potential role of the Government Chamber is unchanged in this regard.

The public petition process in the Popular Assembly will be a welcoming platform for individuals around the world to articulate new ethical, social, and environmental standards. Every two years the top 70 petitions endorsed by secure ISP signatures is determined and these consensus petition messages become additional elements of international law, upon which the 4CGS Judicial Court will base its decisions.

The Popular Assembly and the ICSO Chamber can place an item addressing major human, ecological, or economic concerns directly on the agenda of the other Chambers. It can ask the other Chambers for guidance and advice on their own potential PS and/or they can seek to establish a joint PS and IA. As with the top Popular Assembly petitions, PSs by the ICSO Chamber elevate the demands for human values above the calls from ICSO and create standards for decisions by the 4CGS Judicial Court.



In addition the ISCO sub-chambers, co-equal bodies within their Chamber, are also dynamic places for each constituency in the ICSO Chamber to formulate PSs and IAs on contemporary ethical, social justice, ecological justice, and human values that can also become agenda items in the other ICSO sub-chambers.

Further, any Chamber could warn other Chambers - and through them their constituencies - that their planned actions are likely to have an adverse impact on the global community, global ecological, social, and economic stability and/or their constituency.

The 4CGS Judicial Court that has the binding authority working with the sub-chambers and Chambers to enforce the Chamber's policy statements.

## 2. **Decision-Making Capacity**

Five built-in features of the 4CGS prevent one set of actors from exercising veto power or creating unreasonable delays.

First, and most important, the four Chamber system creates a dynamic, institutional capacity for the four now mostly autonomous power centers in global governance to identify areas of common interest and differences and work to develop globally crucial responses to today's and tomorrow's risks and challenges.

Second, the notion of independent actions by each Chamber builds, the practice of 'local governmental experimentation', is inherent in the design of the 4CGS. Each Chamber must try its own approach to solve a self-recognized problem before they ask the other Chamber(s) to undertake a joint response. If the MNC Chamber identified a problem (e.g. climate change threats to coastal infrastructure) and they want Governments through the Government Chamber to join them in acting, they first have to find ways within the resources of their Chamber to start to address the issue.

Third, the strongest global response is for two, three, or four Chambers representing their separate power constituencies to fashion a mutually shared PS and IA. There are two distinct methods of reconciliation for the presumed conflicts between the Chambers on important PSs and IAs. The Multistakeholder Reconciliation Group between the chambers and the Council of Presidents within the chambers are institutions where differences in approaches can be addressed. However, one or two Chambers alone cannot block a joint 4CGS decision. When an issue has wide approval in two or three chambers, it could not be blocked as a formal global 4GCS position if a quarter of participants in other Chambers supported the action. Similarly the sub-chambers of the MNC and ICSOs Chambers could adopt parallel procedures for reconciliation.

The fourth mechanism is the strict timetables and rules governing a non-response from a Chamber. The six month timetable with its possible extension for an additional six months effectively requires each Chamber to create a time-sensitive calendar to respond to the priorities of the other Chambers. As even a negative response needs to include the proportion supporting each provision and amendment, the Chamber cannot simply vote 'no'. Were a Chamber to choose to ignore a request for endorsement, as frequently occurs in national parliaments, by not entering a proposal for a legislative body for a vote, then in the 4CGS it would be considered as endorsed.

Fifth each Chamber sets its own internal operating rules and define and redefine its own intra-constituent sub-chambers procedures. Such procedural matters cannot be blocked by the other Chambers.

### 3. **Effectiveness.**

Currently non-Government constituencies tend to meet on the margins of intergovernmental conferences (e.g. the Paris climate conference) and are forced to make ad hoc practical decisions. The multi-chamber system institutionalizes engagements between and within constituencies making the likelihood of effective decision making considerably stronger and with a greater stability over time. Any single constituency can no longer, as is often the case with the current intergovernmental system, formulate a policy and then wait for other constituencies to provide the financial and human resources for implementation while asserting to its constituency that the problem is 'solved'.

The 4CGS has multiple new and innovative ways to confront global challenges and risks. It has at its core four key operating principles: (1) Currently only the constituency of power of the nation-state has an institutional way of working with other members of its constituency. In the 4CGS, there are now three new institutional structures which can independently work within their constituency of global power to grapple with a major issue. With the exception of the Popular Assembly, each can provide its own financial and human capacities to implement their plan. (2) A combination of two or more Chambers can pool their distinct advantages, human capacities, and financial resources to confront a global challenge with a mutually agreed cross-chamber PS or IAs. (3) Each sub-chamber (whether it represents an industrial sector, global social community, or currently recognized global risk) now has a standing structure to respond to a global challenge using its own wisdom and resources. In addition to the existing 31 specialized agencies in the UN system, an additional 60 sub-chamber bodies can take a lead in addressing a specific global challenge. And (4) each Council of Presidents have a set of standing committees for high-level coordination of actions within their Chamber and between Chambers on then contemporary challenges and risks.

As an example of how 4CGS can shift the political debate, consider the issue of peace and security. Armies, air forces, navies and police forces are and will remain under the control of nation-states. The three non-State Chambers can exercise constraints on the use of military and domestic armed forces by individual nation-states or by the Security Council in an innovative fashion.

Currently the UN General Assembly is often does not act under its United for Peace resolution as a counter-weight to the action or inactions of the Security Council in part because key Governments sit in both bodies. In the 4CGS, the MNC, ICSO, or the Popular Assembly can independently open debates on risks to global peace and security and their Chamber can forward a PS directly to the Security Council, the Government Chamber and/or an individual Government. This ability to host open debates and to conclude resolutions from the separate Chambers provides a new form of constraint on the use or misuse of military force. On the operational and humanitarian side, the 4CGS also opens a formal channel for the Security Council and the Peacebuilding Council to engage directly with the MNCs and ICSOs to rebuild the economics and social fabric of areas recovering from armed conflict and for Chambers to coordinate their emergency and human resources in a systemic, rather than ad hoc, fashion.

In the 4CGS, the cross-disciplinary, cross-constituency, and cross-sources of power can enhance effectiveness, compared to the relative effectiveness of only one source of international power.

#### **4. Resources and Financing.**

Each Chamber's operation and IAs will be funded from human capacities and financial resources internal to that constituency and Chamber, except for the Popular Assembly. The Popular Assembly and the Judicial Court system will have its operating expenses supported by a fixed surcharge on the budgets of the other three constituencies and Chambers. Financial sanctions and settlements in the Judicial Court system can be used to offset expenses of a particular case and contribute to the funding of cross-chamber IAs. Further, the Government constituency be expected to reverse its multi-decade underfunding of the UN system by raising the overall budget level by a factor of three, drawing if necessary on a one-time issue of SDRs.

The financial needs for jointly agreed PS and IAs will be calculated and published every two years. The relative share of contributions to joint PSs and IAs will be based on an updated capacity-to-pay formula, which unlike the existing UN system, will be based on available public and private assets, knowledge and technical capacities, available human resources, size of military and police forces, and relative levels of vulnerability to global challenges.

There will be four sources of joint IA financing, beside the income from the Judicial Court's financial sanctions noted above. Those MNCs that are enjoying the benefits of enhanced global stability and governance from the 4CGS but which choose not to register to participate in 4CGS will see a surtax placed on their international transactions. This surtax will be collected via the 500 international banks working with SWIFT which will be provided the Legal Entity Identifiers of all participating MNCs who will not be so charged. The MNCs registered to participate in the 4CGS will make their contribution to financing of joint PS and IAS through their registration process, at a rate that is at least 1/3 lower than that charged to non-participating MNCs. The MNC Council of Presidents will have a standing committee to specify the degree of disaggregation of income, assets and liability data and the definition of these items as required in the registration papers for an individual MNC. The Government constituency and the ICSO constituency will each contribute according to a new global capacity-to-pay formula.

Overall responsibility for operationalizing the new financial system will rest with the standing committees of each Council of Presidents. The initiating Chamber for a jointly approved PS or IAs and its secretariat will have primary responsibility for management of an IA, including the disbursement of funds.

## **5. Trust and Insight.**

The 4CGS will enhance trust in global governance in five distinct ways – (1) more people and institutions will feel a greater involvement in the overall process of global governance with formal Chambers to reflect their views; (2) through the MNC Chamber, it will make transparent a large number of 'decisions' now taken through MNC's private channels; (3) it will create a public space for individuals to participate for the first time in global governance; (4) its transparent and co-equal Chamber structure means that the world's communities can readily understand the 4CGS; and (5) the public disclosure of the status of each PS and IAs and its place in the 6-12 month cross-chamber response time means wider knowledge and accountability for each piece of legislation and proposed amendments.

For those participating in the 4CGS, the inter-Chamber and intra-chamber engagement processes encourages trust in the other ways. Each chamber can request the guidance and advice from other constituencies and Chambers while enacting their own PS and IAs. In addition, each Chamber can initiate a process with another Chamber when they believe that actions by that constituency or chamber is likely to have an adverse impact on the global community, global ecological, social, and economic stability and/or their constituency.

The 4CGS Judicial System will also act to strengthen public respect and trust as its factual decisions are based on PSs adopted within the 4CGS and its sanctions are informed by recommendations from all relevant sub-chambers and Chambers.

## **6. Flexibility.**

Institutional flexibility is built into the 4CGS at both cross-Chamber level and the sub-chamber level.

Each Chamber is the master of its own rules and procedures. Sectoral economic MNC boundaries, organizational interests of civil society, and global risks and challenges vary over time. Every six years there is a pre-scheduled review within these Chambers of the scope and definition of their sub-chambers. The Popular Assembly's six year review can adapt the number of top petitions, the procedures for modifying for inter-actively negotiating the terms of petitions, and other relevant rules. The Government Chamber, as it the case now, can add or eliminate specialized agencies and programs.

These reviews are limited only in three ways - the relative power balance between the sub-chambers and genders must remain constant and the membership of the elected full Chamber itself needs to remain balanced with that of the other Chambers.

Every fifteen years, the procedures for fundamental aspects of the flow of the inter-chamber decision-making, the conflict mediating procedures and the fundamental financial principles have a pre-scheduled review process. Between these decade and half pre-scheduled reviews, modifications to these elements can also be made by a majority vote of all four Councils of Presidents.

## **7. Protection against the Abuse of Power.**

The 4CGS has three built-in protections against the abuse of power.

Each Chamber can forewarn another Chamber that actions by that Chamber and its constituency is likely to have an adverse impact on the global community, global ecological, social, and economic stability and/or their constituency.

The post WWII multilateral system was established in part to manage rogue states. As a new Government could only gain admission to the General Assembly by a vote of the existing Governments, the UN provided a way for Governments to block the recognition of a rogue state politically. Under the 4CGS, the MNC Chamber and ICSO Chamber can deny membership and benefits to rogue MNCs and deceptive ICSOs, respectively.

However the most potent protection against the abuse of power is the multi-chamber system itself and its co-equal chambers. Currently three of the world's powerful constituencies have only their ability to use the media, national courts, and direct lobbying efforts on Governments to bring to public attention any abuse of power. The creation of co-equal Chambers means that these constituencies and sub-constituencies can directly identify potential abuses of power within the other global power constituencies and notify the responsible Chamber and through the Chamber its constituency of abuses of power that threaten an adverse impact on the global community, global ecological, social, and economic stability and/or their constituency.

## **8. Accountability.**

Five levels of accountability are built in to the 4CGS. First is that the current hidden governance power of multinational corporations will move from one where multinational corporations collectively control global market mechanisms to one where some of these decisions are made in an open public platform. This will be the sub-chambers, including the MNC sub-chambers, to hold accountable the proposed positions taken by another sectors of the MNC world. In short the MNC Chamber provides for intra-sectorial policy debate and accountability.

Second, the 4CGS Court provides a platform for sub-chambers and Chambers to challenge the non-implementation of PS in a neutral, legal process and to have sanctions, developed with support of the Chambers, collected in part by through the appropriate Chamber.

Third level of enhanced accountability is that provided by the sub-chambers of the ICISO Chamber. For example, ICISOs working to combat global hunger will have an organized public platform to engage with others who may be recommending actions that may have a deleterious effect on farming or whose PSs on global agricultural investments may ignore the needs for agricultural credit.

The fourth level of accountability is provided by the inter-chamber procedures. In the current system, institutional pressures prevent meaningful accountability within the existing Government sphere and their general assemblies. These multiple Chambers serve as platforms to publicly call out economic misbehaviors, military adventurism, and various institutionalized forms of sexism and racism in other Chambers and constituencies.

The fifth level is that all agenda items and decision-calendars for intra-chamber and inter-chamber processes are public.