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Global Governance for a Sustainable World Order

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We have always known that the different countries in the world are interdependent and that we each rely upon each other. We rely upon each other for trade and also for peace. We know that what happens in one country may have an impact in another. We see that in so many different ways ranging from the impact of humanitarian crises to economic growth and prosperity. We can look at the globe today, as at any other time in history, certainly in recent history, to see how the events in one place has an impact in another. We see how social upheavals, or political turmoil, in one country may cause a refugee crisis in another which, in turn, may bring economic pressure in the other country as well as social pressure and racial tensions.

The interdependence of us all has been brought home to us forcefully in recent days by the global covid pandemic and the recent focus on global warming at COP26. Disease and possible global extinction are not the only areas in which we have seen the reality of global interdependence but they serve as graphic examples of the ubiquity of the interdependence. It extends well beyond those and the other examples I have mentioned of human displacement and economic interaction. But it is worth thinking about how broad that interdependence is and how insufficient individual nations are at dealing with it alone. The covid pandemic could not have been solved by any one country for itself without total isolation indefinitely. The impact upon the global environment does not respect geographical or political borders as the effects of emissions, smog and environmental destruction has an impact beyond the locus of activity.

It is often said that the Treaty of Westphalia in 1648 is the source of the general recognition of the exclusive sovereignty of each state over its own territory and people. The treaty ended a long war in Europe upon a basis that enabled different states to govern their land and people; and that principle is largely at play throughout the modern world today. It is a principle that has much practical utility but does not remove all aspects of potential dispute as we can see today and have seen in the past. It does, however, remind us about one important aspect of world governance that must not be forgotten as we search for a sustainable world order: namely, that there must be a place in that order for a degree of autonomy and self-determination, based, in the absence of a better factor, on geography, proximity, culture and shared history. It is not as palatable as it might seem to agree to that principle because much as each of us might agree that as a group we should be left alone, we are less eager to leave alone others when we think their conduct offends our basic values or has impact or effect on us. We need only think of the abhorrence, of which I share, of human rights abuses in many countries; or of the concern that some countries encourage or condone terrorist activities or acts to undermine the stability of other countries. And yet any sound governance for a sustainable world order must accommodate the fact that others will not act as we would wish or in our legitimate interests.

There has been put in place over time many structures designed to promote world order. The obvious ones we hear about today include the United Nations but also the World Health Organisation and the International Monetary Fund. There are many others including mechanisms to resolve trade and tariff disputes and tribunals and forums in which to present views and to seek impartial resolutions. It is unlikely that we will see in the near future any mechanism that will by itself guarantee world order. We are unlikely to see powerful, and emerging nations, relinquishing their independent autonomy in the interests of harmony. We may hope, however, for mutual areas of interest to emerge that will lead to some degree of cooperation, even if it be limited. We may not be able to expect a complete abdication of sovereignty to an international body but we can hope that there may be at least limited agreement in areas of overlap where there may be sufficient self-interest to allow compromise.

The theme of this conference this year focuses upon the governance for a sustainable world order. That focus draws attention to the structures that need to be put in place for the world order to be governed in a way which produces not just order but an order which is sustainable. Essential to those structures must be acceptance by those who are affected and there must be confidence that the structures are fair. What is put in place must therefore appear on its face to be necessary; the measures and their terms must be, to use the language of different jurisprudence, reasonably adapted to achieve their ends. Those affected should also feel to be active participants in the outcomes and not merely being those who are directed by others about what to do. Any decision-making forum will need to include representatives from each of those affected by the outcomes.

We live in times of acute awareness of the need for international co-operation. The need for a stable world order is not new to our times and we can see in history very many occasions when states have come together to establish an order for peaceful coexistence and mutual prosperity. What is new is the realisation that the what puts us all at risk is not only human rivalry but also the less visible threats we see through the spread of viruses and the consequential exploitation of the environment. An essential feature for the success of any governance will be forums such as this, and like international associations such as mine, the International Association of Judges, where active decision makers can meet to exchange views and deepen each other's understanding of the tasks and of each other. A stable world order needs the active participation of all affected through forums such as these. Forums such as these enable all to learn from each other and to appreciate the needs and possibilities which each player has in a common goal. We clearly need forums in which common goals can be identified and articulated, with measures put in place to achieve them equitably. At times that may require accommodation or compensation; it may require grants and subsidies for those we ask to make sacrifices for the common good.

A stable world order will also need confidence in the structures created and the measures adopted. Such confidence will require real and meaningful participation by all affected and not just the most powerful. It will also require transparency for the process leading to outcomes being seen by all. Without confidence in the processes there is risk of lack of commitment and adherence to what may be seen to further the interests of those most able to influence the outcomes. Open forums such as these will help to foster confidence but the structures and measures needed must themselves be seen to be transparent and meaningfully participatory. The governance needed must be one which is

accountable and beyond the interest of individual states. It must, of course, understand and accommodate those interests but the governance structures and measures must not be the means by which the interests of some are simply imposed upon others.

It has become trite to observe that whilst we talk of change the world continues to change beyond our ability to change for the good. Many of those at COP26 have warned that people are close to being incapable of undoing the damage we have caused to the planet. Change to our world is happening whether or not we choose to acknowledge it. Some change will be beyond our control but some is within our power. What is within our power is that change to what we do that has an impact upon us and the world. Some of those things may be difficult to change because interests are entrenched. Sometimes what needs to be done seems beyond the ability of anyone to change; but whilst we talk changes continue to be forced upon us. The governance that is needed for a sustainable world order will not be easy to achieve but its broad outlines can be sketched. It will need acceptance of difference, the impartial identification of common goals, and structures put in place to achieve those goals equitably. The alternative is that change will happen to us as we appear busy making other plans.

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