

Rules of Order: Assessing the State of Global Governance

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The aim of this conference is to explore possibilities for rebuilding and bolstering the institutional foundations of an open, rules-based international order at a moment of profound international turbulence and great power confrontation. While the multilateral order that emerged after 1945 was always incomplete and uneven, it produced a dense and expanding network of international treaties, organizations, and frameworks that permitted an increasing degree of collective management, even governance, across multiple spheres.² That hopeful era appears to be over. Rising geopolitical and economic rivalry and normative contestation over principles and rules of state conduct have left the world “gridlocked in global dysfunction,” in UN Secretary-General Antonio Guterres’ words, undermining the supply of collective action when demand for it has never been greater. Nations are turning inward, the world economy is fragmenting, and commitment to multilateral institutions is eroding, complicating cooperation on transnational challenges ranging from nuclear proliferation to climate change to stability in outer space. Russia’s invasion of Ukraine, on the heels of the pandemic, has only deepened this sense of a world divided, disconnected, adrift, and ungoverned. Disturbingly, the fissures dividing our world run along not only East-West but also North-South lines. The inability of G20 foreign and finance ministers to cobble together even a bare-bones communique at their February-March 2023 meetings in New Delhi is a case in point. As India’s top diplomat lamented: “Multilateralism is in crisis.”

The current disorder has multiple causes, although their relative weight can be debated. They include intensifying strategic competition between the United States and China, two superpowers with dramatically different world order visions and clashing interests; Russia’s illegal assault against neighboring Ukraine, resulting in the most serious armed conflict in Europe since World War II; an ongoing diffusion of power from advanced market democracies to emerging nations with diverse preferences, combined with resistance from established powers and institutions to accommodate them; a widespread retreat from turbocharged globalization, as national governments seek to claw back autonomy from market forces to pursue social, industrial, and other policies and, in some cases, to weaponize interdependence; growing alienation between richer and poorer nations, exacerbated by accelerating climate change, economic and other inequities, and stalled development; a global democratic recession now in its seventeenth year that has left no democracy unscathed; and a resurgence of sovereignty-minded nationalism that calls on governments to “take back control” from outside forces blamed for undermining national security, prosperity, and identity. (The “America First” ethos of the Trump presidency, which rejected the tenets of post-1945 U.S. internationalism, is but the most prominent recent example). In sum, the crisis of cooperation is as much a function of the would-be global problem-solvers as it is a function of the problems themselves.

The very notion of a “rules-based” international order raises some obvious if tricky questions. What international rules, precisely, are we talking about, and where did they come from? What domains do they cover, and what is their scope and depth? Where are existing rules adequate and, where do they need to be updated, supplemented, jettisoned, or created *de novo*? Perhaps most importantly, where do the attitudes of major global players converge and diverge on such matters?

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² This paper focuses primarily on *intergovernmental* rather than multistakeholder dimensions of international cooperation, while acknowledging that the sinews of global governance, and the content and implementation of global norms and rules, are also indelibly shaped by transnational networks of private actors.

This conference aspires to identify principles of an open world order to which all major powers might adhere, at increasing scales of ambition: (1) rules to promote basic stability and peaceful coexistence, by reducing the specter of violence; (2) rules to facilitate cooperation in functional areas, particularly related to economic exchange; (3) rules to promote cooperation on transnational and even planetary challenges like climate change, pandemics, the global commons, and the regulation of cutting-edge technologies; and (4) rules that embed liberal values, including principles of democracy and human rights, in the international sphere.

As a contribution to these deliberations, this paper surveys areas of global convergence and divergence on principles and rules of state conduct across multiple issues (sorted, roughly, into the above categories). This stocktaking exercise reveals significant preference diversity and normative disagreement among nations in both emerging and long-established spheres of interdependence. Ideally, this brief survey will give us a better sense of what we collectively are up against—and perhaps even suggest ways to bridge existing differences.

A Few Words on World Order

The phrase “world order” implies a degree of predictability, or patterned regularity, in inter-state relations. Historically, all enduring international orders have relied not only on a stable power distribution but also on some basic consensus among nations, especially the most important, on principles of conduct. Such normative agreement helps to temper the structural anarchy inherent in a system of independent states, which might otherwise degenerate into a war of all against all. Thanks to such mutual expectations and self-restraint, sovereign states constitute not only an international “system” but a sort of international “society,” whose members share “a sense of common interest in the elementary goals of social life; rules proscribing behavior that sustains these goals; and institutions that help make these rules effective.”³ In sum, enduring order requires a degree of legitimacy.

Needless to say, the quality, depth, and scope of world order has varied dramatically over time and space. In Europe alone, one can contrast the classical balance of power, which saw a barebones set of rules and the frequent resort to war as an instrument of policy, with the more managed nineteenth century Concert system, which had more elaborate tenets to facilitate mutual adjustment and a balance of satisfactions among five great powers. A truly global order as we know it today, based on the principle of sovereign equality, began to emerge only after World War II (although it was long divided into separate capitalist-democratic and communist suborders, each vying for influence among a diverse set of postcolonial and developing nations). The postwar decades saw a profusion of international organizations, frameworks, and treaties across virtually every global sphere, a process that accelerated when the Cold War ended. This horizontal latticework of intergovernmental cooperation, complemented by transnational networks of non-governmental actors, has permitted an unprecedented, if incomplete, degree of governance in world politics.

Historically, there have been makers, takers, and breakers of world order. Great powers have been its principal architects, while the relatively weak have been takers. The most important would-be breakers have been revisionist powers intent on transforming existing rules to reflect their distinct world order visions and national preferences. Such challenges are most likely in moments of societal upheaval and rapid power transition (with Napoleon’s France, Lenin’s Soviet Union, Hitler’s Germany, and Maoist China being dramatic examples.) A much-debated question is whether today’s revisionists—most notably China—aspire to overhaul the existing international system or merely engineer incremental governance changes within it.

Most world orders have been the product of multipolarity. The current one is at least a partial exception, bearing the strong imprint of the United States, initially within the Cold War context of strategic bipolarity and subsequently as the focal point for a unipolar world. The most distinctive aspect of America’s post-1945 hegemony was arguably less its dominant power, per se, than its commitment to building an open world

³ Hedley Bull, *The Anarchical Society: A Study of Order in World Politics* (London: MacMillan, 1977).

conducive to the spread of liberal ideals and its decision to embed its power within multilateral international institutions in which all nations could in principle cooperate to advance common purposes.

It was this vision that animated the administration of Franklin D. Roosevelt, to draft blueprints, beginning with the Anglo-American Atlantic Charter of 1941, for a managed, rule-bound international system. This original U.S. scheme had three main components. The first was a new universal organization for peace and security, the United Nations. Grounded in international law and guaranteed by the great powers, it would replace traditional secret alliances, balances of power, and spheres of influence. The second was a new multilateral system of trade and payments, governed by the Bretton Woods institutions and new trade regime, to replace economic nationalism, autarkic blocs, imperial preference, and beggar-thy-neighbor monetary policies. The third was the political self-determination of European colonial empires and their replacement by independent, self-governing, and ideally democratic nations. The onset of the Cold War led the United States to adjust this liberal internationalist vision to the imperatives of bipolarity and containment. Nevertheless, these principles of order continued to influence U.S. policy in important ways, outlasting even the Soviet Union.⁴

The question today is: What are the major rules of world order now, and how healthy are they?

I. STABILITY, COEXISTENCE, AND THE REDUCTION OF VIOLENCE

1. Sovereignty and Non-Intervention

The bedrock principle of world order remains mutual recognition of sovereignty, or the supreme political authority of a state to govern its own territory and to enjoy legal privileges as a full, equal, and independent member of international society. A corollary of sovereignty is the principle of non-intervention, as enshrined in Articles 2.4 and 2.7 of the UN Charter, which forbids other states (or indeed the UN itself) from violating or threatening to violate the territorial integrity or political independence of any state, or from intervening in matters within another's jurisdiction. To be sure, sovereignty has never been immutable or absolute. It was not until decolonization, for instance, that the entire terrestrial surface of the Earth (save Antarctica) was apportioned into independent territorial states. The obligations and prerogatives of sovereignty, moreover, have evolved and fluctuated in response to changing domestic and international expectations. As a practical matter, finally, all states struggle to exercise aspects of their sovereign authority in an interdependent world. Despite these caveats, sovereignty remains the most jealously guarded principle of world order.

The presumption of non-intervention has been weakened, however, by a growing insistence—particularly but not exclusively by Western nations—that external respect for sovereignty is not automatic but *contingent* on a state's fulfillment of fundamental obligations to the international community and to its own citizens. In this conception, states may place their sovereignty in jeopardy in at least two circumstances. The first is if they knowingly harbor or allow their territories to be used by transnational terrorists. Since 9/11, for example, the United States has repeatedly struck terrorist targets in multiple sovereign nations from Somalia to Iran, most famously in the 2011 killing of Osama bin Laden in Pakistan. The other circumstance is when states commit or are unable to prevent the commission of mass atrocities against their civilian populations. In the wake of the genocide and ethnic cleansing in Rwanda and the Balkans, UN member states in 2005 unanimously endorsed a new global norm, "the responsibility to protect" (R2P). When governments make war on their citizens or fail to protect them, they forfeit their right to non-intervention. In practice, implementing R2P has been fiendishly difficult, resulting in its selective application and, in the view of some, abuse. A case in point is the intervention against the Libyan leader Moammar Qaddafi in 2011. Although the UN Security Council authorized that step,

⁴ Stewart Patrick, *The Best Laid Plans: The Origins of American Multilateralism and the Dawn of the Cold War* (Lanham, MD: Rowman and Littlefield, 2009)

many African governments in particular quickly concluded that NATO had hijacked R2P to impose regime change. The chaotic aftermath of the intervention only added to the buyer's remorse, helping to explain the failure to apply R2P in Syria.

2. Respect for the Sanctity of Borders

More obviously, the sovereignty principle is also being tested by resurgent great power imperialism. The Russian invasion of Ukraine on February 24, 2022 contravenes a basic tenet of international law: no nation shall seek to alter another's borders by force. Vladimir Putin's effort to dismember Ukraine—presaged by the annexation of Crimea and the seizure of the Donbas by proxy forces in 2014—is the most brazen assault on another state's sovereignty since Saddam Hussein's 1990 seizure of Kuwait, and, because it involves a great power, has graver implications for global stability. This makes the reluctance of many countries to condemn Russia for its destabilizing behavior doubly concerning.

Russia's actions are motivated by a desire to restore as much of the old Soviet empire as possible and to secure at least tacit recognition of a sphere of influence within its "near abroad" (much as China seeks to turn the East and South China Seas into an exclusive zone). In defending his aggression, Putin has also argued that Ukraine is an artificial creation that cannot enjoy true sovereignty apart from Russia and that Russia has a right to defend its "compatriots," regardless of where they reside. This transnational application of the nationality principle—which elevates ethnicity over citizenship—is potentially explosive. By implying the right of irridentist powers to liberate minority populations in other countries, it runs athwart the international norm that national borders should only be changed through negotiated settlements.

3. No Using Force without Security Council Authorization

Given the continual risk of war in an anarchic international system, a stable world order depends on regulating the resort to violence. The UN Charter prohibits the resort to armed force in all but two circumstances: when authorized by the UN Security Council or in situations of self-defense. This rule has often been violated, with NATO's war in Kosovo in 1999, the U.S.-led invasion of Iraq in 2003, and the Russian invasions of Ukraine in 2014 and 2022 being prominent instances. To be sure, the attacking nations or coalitions have sought to justify their departures from the Charter, suggesting that international law continues to exert a normative pull. The George W. Bush administration, for instance, invoked Iraq's repeated violations of existing Council resolutions, while Putin has depicted intervention in Ukraine, however absurdly, as designed to protect its Russian-speaking minorities from a genocidal regime in Kyiv. Still, the repeated abuse of Charter provisions by permanent members has bred widespread global cynicism that threatens the Council's authority.

Equally alarming is the Council's growing paralysis. The wars in Syria and Ukraine show how easily it can be incapacitated when a permanent member (Russia in both these cases) either opposes enforcement action or is party to the conflict. Of course, such blockage is a feature rather than a bug of the UN Charter: the right of permanent members to veto Chapter VII resolutions deemed counter to their national interests was the price that the victor powers of World War II exacted in return for agreeing to jointly guarantee world order. What is more concerning today is the extent to which geopolitical tensions have undermined collective action among the P5, particularly between its authoritarian (China and Russia) and democratic (U.S., UK, and France) wings, increasing the temptation for great powers to seek to advance their goals outside its confines.

Finally, the Council's frozen composition poses a grave and potentially fatal threat to its long-term credibility and legitimacy. The distribution of world power has shifted markedly, with rising powers like India waiting in the wings, and yet the Council has expanded only once (in 1965), with the addition of four nonpermanent seats in 1965. Despite decades of intergovernmental diplomacy, progress has been stymied by irreconcilable

differences among three main blocs—comprising the main aspirants to permanent membership and their supporters, their regional rivals, and a unified Africa group with ambitious aspirations—as well as by P-5 disagreements over the desirability, format, and size of any expansion. In September 2022, U.S. President Joe Biden reaffirmed U.S. support for Council enlargement and (for the first time) for permanent seats for Africa and Latin America. Still, the diplomatic hurdles to any expansion remain very formidable.

4. Nonproliferation of Weapons of Mass Destruction

Preventing the spread and deterring the use of weapons of mass destruction (WMD) ranks among the top world order objectives. Historically, such efforts have enjoyed great success, thanks to overwhelming international adherence to major multilateral instruments—such as the Nuclear Nonproliferation Treaty (NPT) and its implementing arm, the International Atomic Energy Agency (IAEA); the Biological Weapons Convention (BWC); the Chemical Weapons Convention (CWC); and UN Security Council Resolution 1540 (prohibiting the transfer of WMD and related technologies)—as well as ad hoc arrangements like the Nuclear Suppliers Group and the Proliferation Security Initiative. The two main nuclear weapons states, Russia and the United States, have reduced their stockpiles, and no new state has gained such weapons in two decades.

Geopolitical rivalry and rapid technological change, however, portend a new nuclear age. In the wake of Ukraine, U.S.-Russia arms control efforts, already on life support, have expired, with Putin abandoning the New START Treaty and engaging in nuclear saber-rattling. The Kremlin's reckless behavior has elevated rather than dampened the salience of nuclear arms in world politics. Meanwhile, China continues to expand its arsenal, a nuclear arms race is quickening in South Asia, and North Korea and Iran's nuclear programs risk setting off dangerous regional cascades. Finally, dramatic advances in AI threaten to undermine strategic stability.

In this alarming context, the world faces several daunting challenges. The most important is restoring Russian and U.S. commitment to nuclear arms control and reductions, as a precondition to tripartite negotiations with China on global nuclear force postures. Beyond this urgent task, governments face a lengthy to-do list. They must push for universal adherence to the Additional Protocol to the IAEA, to give that agency the inspection and verification powers it needs to detect undeclared nuclear material and activities; amend the NPT to prevent withdrawal by any party to the treaty (to avoid a reprise of the North Korea experience); bring into force the Fissile Material Cutoff Treaty, which would prohibit the further production of highly enriched uranium or plutonium; negotiate an end to Iran and North Korea's nuclear weapons programs; bring India, Pakistan, and Israel into the NPT regime; secure the ratification and entry into force of the Comprehensive Test Ban Treaty, which would ban all nuclear explosions; and accelerate progress by nuclear weapons states on their disarmament obligations under Article 6 of the NPT, particularly in view of the entry into force of the Treaty on the Prohibition of Nuclear Weapons in January 2021.

II. PRINCIPLES FOR A FRAGMENTING WORLD ECONOMY

The global economic order has eroded even more dramatically, as countries turn inward, bringing a definitive end to the neoliberal era of hyper-globalization that began in the 1980s. Capital flows and trade-to-GDP ratios have declined from their pre-global financial crisis (2008) peak, and global supply chains have retreated in the wake of the pandemic and the war in Ukraine. Governments no longer regard the global market as an irresistible fact of life, and they are seeking to recast the terms of their integration into the world economy—much as the initial Bretton Woods settlement provided countries with leeway to pursue domestic purposes. States are determined to reassert policy autonomy to advance nationally determined goals—whether employment, social welfare, industrial policy, environmental concerns, or national security objectives—in ways that can run athwart the spirit (and at times the letter) of multilateral principles of non-discrimination and

reciprocity. (U.S. examples include the “buy-American” provisions of the Inflation Reduction Act, the protectionist CHIPS Act, and other U.S. efforts to “friend-shore” its supply chains).

Beyond the content of global rules, there is growing global dissatisfaction with the perceived mismatch between the outdated governance structures and agendas of the main multilateral economic institutions, which seem trapped in amber, and ongoing shifts in the distribution of economic power. Many emerging and developing economies perceive organizations like the World Bank, IMF, and WTO as stacked against them, insufficiently representative, and incapable of meeting their needs and advancing their priorities. There is also growing pressure to overhaul those same bodies to address new transnational challenges like pandemic disease and climate change. Preserving an open, rule-bound world economy in the face of these forces will require forging diplomatic agreement on updated multilateral institutions that can accommodate a diversity of preferences and circumstances and preserve the prerogatives of nations to chart their own economic course.

To be sure, the old order has hardly collapsed. The world’s main established and emerging economies remain members of the World Bank, IMF, and WTO and participate in the annual leaders’ summits of the G20 and regular meetings of its central bank governors, finance ministers, and other officials. And yet there is growing competition—particularly between the U.S. and China—to determine the rules of the global economy, divergences that manifest themselves in the trade, financial, development, and monetary spheres.

5. Preserving an Open Multilateral Trading System

In 1994, when the WTO was created, many observers took for granted that an open global trading system, based on principles nondiscrimination and reciprocity, would long endure. That assumption is now in doubt. More than twenty years after the launch of the ill-fated Doha Development round, the WTO remains deadlocked, having reached few significant agreements beyond accords on trade facilitation (2013) and fisheries subsidies (2022). Agricultural trade has not been liberalized. Hopes that WTO membership would impose disciplines on China’s protectionist trade policies, including subsidies for state-owned enterprises (SOEs), have similarly been dashed. The failure of the “single undertaking” approach has led advanced market democracies, in particular, to pursue plurilateral agreements within the WTO framework, with accords on public procurement and on information technology already realized. They have also motivated WTO members to pursue competing preferential and regional trade arrangements—including “mega-regional” trade agreements like the Regional Comprehensive Economic Partnership and the Comprehensive and Progressive Agreement for Trans-Pacific Partnership—raising questions of whose trade standards will prevail and concerns about the fragmentation of the global trading system into competing blocs. Meanwhile, the WTO dispute settlement function has collapsed, thanks to U.S. resistance to appointing judges to its Appellate Body (AB).

Reviving and updating the multilateral trade regime would require governments to narrow current divides and make progress on several fronts. They include ending the paralysis over the AB; concluding ongoing negotiations on plurilateral agreements for services, e-commerce, and trade in environmental goods; negotiating a blanket WTO waiver for carbon border adjustments; ensuring that the provisions of preferential trade agreements are broadly WTO compatible; curtailing the abuse of “national security” waivers to WTO rules; introducing tangible WTO disciplines on Chinese SOEs and other protectionist and discriminatory practices; reducing agricultural protectionism, particularly in OECD countries; and resolving disputes over special and differentiated treatment for “developing” nations (as well as self-designation as such). In every case, reform efforts will confront serious nationalist headwinds.

6. Promoting Financial Stability and Sustainable Development

In parallel, governments face the challenge of updating the governance, mandate, operations, and resources of the Bretton Woods institutions to a new era in which the identity and economic weight of the major players has shifted dramatically, the neoliberal shibboleths of the “Washington Consensus” no longer persuade, and the challenges to prosperity and sustainability are different. To begin with, the boards of the World Bank and IMF, as well as the regional multilateral development banks, must be updated to reflect the new heft of emerging economies, reduce Europe’s overweighting, and amplify the voice of poorer nations so they are subjects not objects of development cooperation. The leadership of both institutions should also be open to most qualified candidates, regardless of nationality. These zero-sum negotiations will not be easy, nor will implementation of any decisions (it took the U.S. Congress five years to approve the last negotiated adjustment in 2010 to the Fund’s “chairs and shares.”) Persistent institutional inertia will only redouble the determination of major emerging economies like the BRICS countries to pursue alternative “mini-lateral” initiatives.

Second, IMF and World Bank shareholders must try to reach agreement on new rules of engagement that deliver more adequate social safety nets and more humane forms of conditionality. They should also seek to create a new international architecture for debt sustainability to replace the current, ad hoc one, which favors creditors. Third, they will need to agree on whether—and how—to expand the mandates of the IFIs to address transnational challenges barely anticipated at Bretton Woods and to provide global public goods in response, such as financing pandemic preparedness and climate change mitigation and adaptation efforts, such as those outlined in the Bank’s recent draft “evolution roadmap” and the Bridgetown Agenda for IMF reform.

Fourth, IFI shareholders will need to explore arrangements to augment financial resources available to developing countries. This could include an additional expansion of Special Drawing Rights (SDRs) *and* ensuring that major shareholders make these expanded SDRs available for development purposes. Fifth, major economies will need to navigate a world of competing international financial institutions, in which the Bretton Woods organizations share space with arrangements like the Asia Infrastructure and Investment bank (AIIB) and the New Development Bank. Sixth, Western donor nations must strive to persuade non-traditional donors like China, India, Brazil, and the Gulf Countries, to embrace principles of good development cooperation. This is especially important for China’s Belt and Road initiative, which gives short shrift to considerations of good governance, human rights, and the environment, while saddling some partner countries with high debt.

Finally, in the monetary sphere, countries remain divided over critical issues. They include the desirable scope of capital controls to dampen surging capital flows and exchange rate volatility; how to assess, much less adjudicate, accusations of currency manipulation; and whether the time has come to finally challenge the dollar’s privileged position as the world’s main reserve currency and create a new global reserve system less vulnerable to U.S. monetary policy.

III. TRANSNATIONAL AND PLANETARY CHALLENGES

7. Combating Climate Change and Biodiversity Loss

The crisis of climate change has exposed the disjunction between a global political order based on nearly 200 independent jurisdictions and a unitary Earth system that obeys no territorial boundaries. Thanks to still-rising greenhouse gas emissions, Earth is poised to warm well above the Paris Agreement target of limiting the increase in average global temperature no more than 2°C from pre-industrial times. Unfortunately, progress in confronting this existential threat continues to be hamstrung by burden-sharing disputes between advanced and developing economies that reflect not only in competing national interests but also distinct narratives of historical responsibility and redistributive justice—disputes which were front and center at the 27th Conference of Parties to the UN Framework Convention on Climate Change. Climate change cooperation has

also been hamstrung by deteriorating Sino-American relations, with Beijing linking its climate diplomacy to more tractable U.S. policies on other sensitive matters on the bilateral agenda like Taiwan, and by fallout from the war in Ukraine. To bring humanity and the planet into balance, states will need to accept new sovereign obligations and seek to insulate climate cooperation from wider diplomatic and geopolitical tensions.

At present, nations remain divided over multiple issues. They include the applicability of the principle of “common but differentiated responsibilities” to major emerging economies; the relative emphasis that countries should place on mitigation versus adaptation; the timetables nations should adopt for fulfilling their “net zero” pledges, and the nature of the monitoring and enforcement that should accompany them; the leeway that developing countries should retain to exploit their own fossil fuel resources; the merit of developing country demands for “loss and damage” (climate reparations) and the magnitude of any such compensation; the compatibility between WTO rules and “climate clubs,” border carbon adjustment mechanisms (such as those adopted by the EU), and other nationally imposed trade restrictions designed to hasten the green energy transition; whether national financial regulators should require institutional investors to disclose their exposure to climate risk; the desirability of a global carbon market; and whether nations should research and potentially deploy solar climate intervention (aka solar geoengineering) as a fourth strategy to manage climate risk, alongside emissions reductions, carbon dioxide removal, and adaptation.

Nations must also negotiate multilateral rules to address a parallel environmental emergency: a catastrophic loss of biological diversity. Across the planet, ecosystems and species are declining precipitously thanks not only to climate change but also to degradation of land and seascapes, unsustainable harvesting of living resources, rampant pollution, and the introduction of invasive species, threatening countless essential services upon which human prosperity and indeed survival depend. Changing this dire trajectory will require governments individually and collectively to elevate stewardship of the biosphere to the top of the global agenda, accept new sovereign obligations for planetary ecological stewardship, and safeguard and invest in Earth’s natural capital resources, including by expanding nature-based climate solutions, phasing out nature-destroying subsidies, protecting 30% of the planet’s land and ocean by 2030, and transforming global development policy to penalize destructive extractive industries and encourage environmental stewardship.

8. Promoting Global Health Security

The disjointed global response to the COVID-19 pandemic revealed critical weaknesses in national and international arrangements to anticipate, prevent, and respond to major infectious disease outbreaks, as well as the potential for geopolitical rivalry (not least between the U.S. and China) to bring multilateral health cooperation to a standstill. More generally, the sorry episode exposed important gaps in the norms and rules governing global public health, as well as resistance of member states of the World Health Organization (WHO)—most egregiously China—to comply fully with their legal obligations under the ostensibly binding International Health Regulations (IHR). Although the IHR require countries to develop baseline capabilities for pandemic preparedness and response, to inform WHO in a timely manner of any virus outbreaks as well as of travel and trade restrictions, and to share promptly virus samples and epidemiological information, many states failed to meet these responsibilities in 2020-2021. The pandemic underscored the need to strengthen the IHR, as well as bolster WHO’s authority to reinforce compliance with this treaty, including through the mechanism of a periodic review conference to improve member state accountability. It also revealed the urgency of new norms and rules governing the joint development, manufacturing, and equitable distribution of vaccines and therapeutics, as an antidote to shortsighted “vaccine nationalism,” in which nations (particularly wealth ones) hoard domestic supplies at the expense of the rest.

International health security is a global public good. It will continue to be elusive so long as WHO member states elevate the pursuit of absolute sovereignty over their binding international legal obligations. Improving

global health governance requires UN member states to temper their nationalist and unilateralist instincts, by granting the underpowered WHO greater authorities as well as resources to safeguard global health security, increasing the transparency of their pandemic preparedness and response efforts, and harmonizing national approaches during global public health emergencies. A slew of high-level reports have identified compelling reform priorities. These include establishing a new Global Health Council, backed by a new framework convention (or treaty), to fill gaps in the IHR; creating a high-level intergovernmental panel on pandemic prevention, analogous to the IPCC; expanding WHO's modest budget and imposing fewer earmarks on it; establishing a more nimble global surveillance and warning system to quickly identify dangerous pathogens and sudden outbreaks, based on a "One Health" approach that links human, animal, and environmental health; granting WHO of explicit authority to publish any relevant information and promptly investigate any outbreaks of pandemic potential without country approval; creating a permanent platform to speed the development, production, and equitable access to vaccines, therapeutics, and diagnostics, building on the Access to COVID-19 Tools Accelerator, accompanied by relaxed intellectual property and enhanced technology transfer provisions; and mobilizing massive new financing for pandemic preparedness and response. Making progress on this agenda will require bridging differences of values as well as interests among important powers and imply some voluntary delegation of sovereign prerogatives to international institutions.

9. Preserving Peace and Stability in Outer Space

The world must also adopt enhanced norms and rules to preserve stability in and access to the planetary commons—domains that lie beyond the sovereign jurisdiction of any single nation but on which all nations rely for security, prosperity, and welfare—as these become increasingly crowded and conflictual. The two most important commons are outer space and the oceans.

Humanity's exploration and exploitation of outer space has entered a new era at mind-boggling speed, but global rules have lagged, hampered in part by great power disagreements. More than a dozen new space-faring nations have emerged, and private corporations are launching mega-constellations of satellites and planning mining operations on asteroids and the moon. The main international legal instrument for the heavens remains the Outer Space Treaty (OST) of 1967. Although it contains useful provisions, including the prohibition of sovereignty claims, it has no dispute settlement mechanism, is silent on accumulating orbital debris and the rising risk of vehicle collisions, and lacks adequate provisions to govern satellites and mining. Most worrisome, it has done little to ameliorate an intensifying arms race pitting the U.S. and its Western allies against China and Russia, or to promote a positive agenda for outer space exploration.

Preserving outer space as an open, stable, and rule-bound domain requires new multilateral frameworks to allocate orbital slots, manage space traffic, mitigate space junk, govern mineral riches, and improve arms control to prevent the militarization of outer space. Rather than try to negotiate a successor to the OST, the place to begin is with broad principles, building on the U.S.-sponsored Artemis Accords, a mini-lateral agreement among like-minded governments to pursue peaceful purposes, share data, and avoid interference with others' lunar operations, among other provisions. Governments can also use the UN and other multilateral settings to advance space sustainability and security, including by adopting transparency and confidence-building measures, endorsing codes of conduct, and promoting universal adherence to voluntary guidelines on space congestion and orbital debris. Nations will also need to harmonize regulations governing private commercial space operators to ensure equal obligation and treatment and resolve disagreements over the legality of extractive activities and property claims on the moon and outer space.

By far the toughest negotiations will be on steps to prevent the growing space militarization in a context of deepening geopolitical mistrust and pervasive dual-use technologies. As great power adversaries seek to protect their space-based assets, the situation is ripe for miscalculation and catastrophic escalation. Unfortunately, the UN Disarmament Commission has failed over four decades to produce a legally binding

instrument to prevent an outer space arms race. A proposed treaty to prohibit the placement of weapons there, sponsored by China and Russia, went nowhere because it ignored the more immediate threat of anti-satellite weapons and did not address verification challenges. Collective security in outer space will require all countries to foreswear any ambition to “dominate” this domain (a goal the prior Trump administration articulated). Major players might increase mutual trust by adopting an inclusive approach to the next stage of human space exploration, building on the legacy of the International Space Station.

10. Maintaining an Open, Stable, and Sustainable Ocean Commons

The world must take similar steps to preserve an open and stable maritime domain, consistent with international law, by reaffirming a commitment to freedom of navigation, innocent passage in and overflight above territorial seas, equitable utilization of marine and seabed resources beyond national jurisdiction, and the peaceful resolution of jurisdictional disputes. This must include reaffirming and building upon the UN Convention on the Law of the Sea (UNCLOS). The closest thing to a constitution for the world’s oceans, the treaty establishes the rights of littoral states within their territorial waters and exclusive economic zones (EEZs), as well as rules to govern the high seas that comprise 43 percent of the Earth’s surface.

Despite UNCLOS, the stability, openness, and sustainability of the maritime domain are all endangered, thanks to rising great power conflict, economic exploitation, and environmental degradation. China poses the most acute geopolitical threat, advancing on flimsy legal and historical grounds ambitious territorial and jurisdictional claims over virtually the entirety of the South China Sea. It has seized and fortified islets, including in other nations’ EEZs, to enforce its claims and has developed capabilities to deter and conceivably prevent innocent passage by U.S. and other naval vessels in disputed waters. Similar if less acute disputes are simmering in the fast-melting Arctic, as nations seek to open new, shorter shipping routes and wrangle over sovereignty claims and jurisdictional rights to exploit deposits of fossil fuels and minerals. Russia’s suspension from the Arctic Council in the wake of the Ukraine war has frozen diplomacy on this challenge. The United States, meanwhile, occupies an anomalous position. It is the leading defender of an open, governed maritime domain, including freedom of navigation, but its continued failure to ratify UNCLOS undermines its moral authority in ocean governance.

Amidst this geopolitical competition, one diplomatic bright spot merits note. In March 2023, UN member states finalized a landmark treaty to conserve and sustainably manage marine biological diversity on the high seas—a vast area encompassing 90 percent of the ocean’s volume and biomass. The convention is timely. The oceans are in crisis, thanks to warming and acidifying waters, rampant onshore pollution, rapacious exploitation of fisheries, and a looming “gold rush” to exploit seabed minerals. To reach agreement, nations had to bridge vast differences on rules governing the creation of marine protected areas, standards for the conduct of environmental impact assessments, mechanisms to ensure equitable sharing of marine genetic resources, and provisions for technology transfer and financial resources to poor nations.

11. Maintaining an Open and Stable Cyber Domain

Over the past three decades, the internet has transformed human existence, altering societal interactions, economic exchange, political debates, and geopolitical rivalries. With half of humanity already online, the fate of world order increasingly hinges on order in cyberspace. Since the advent of the digital era, the United States and other advanced market democracies have promoted the vision of an open, decentralized, and secure cyber domain that remains largely in private hands. Several trends have placed that future in peril. The first is a fundamental collision between two models of internet governance. One, popular in the West, is a multistakeholder approach that grants private corporations and civil society actors a seat at the table alongside national governments. The other, which enjoys support from authoritarian states as well as many developing countries, is an intergovernmental model premised on heavy sovereign state control, including

ensorship. The second trend is the growing risk of cyberconflict, as national governments augment their capabilities for offensive cyber-operations, without any consensus on the what rules (including laws of war) should constrain state-sponsored attacks or any agreement on the norms that should constrain (mis)information operations. A third worrisome trend is a surge in cybercrime by nefarious private and (often) state actors that imposes heavy costs on market participants and threatens to compromise global supply chains, a dilemma exacerbated by the absence of a multilateral framework to combat it.

The fourth is disagreement, including among Western countries themselves, over appropriate standards and expectations of digital privacy, including the rights of individuals to be free not only from mass governance surveillance but also from “surveillance capitalism” at the hands of monopolistic technology platforms whose power and influence can rival and even outstrip those of public authorities with an ostensibly mandate to regulate them. Indeed, the United States, Europe, and China, the world’s three main digital markets, have radically different approaches to internet governance, privacy rights, and data localization, contributing to a fragmented global regulatory landscape. The United States, which hews to market fundamentalism, privileges data liberalization as essential for innovation and growth; the EU conditions data flows on personal data protection, as embodied in the General Data Protection Regulation; China, finally, insists on sovereign state control over the internet as well as data restrictions, as reflected in the so-called Great Firewall. Other nations pursue various mixtures of these approaches.

Extending the rules-based order into cyberspace will require first of all agreeing on basic norms of state behavior. Two stand out. The first is an obligation of all governments to refrain from undermining the critical infrastructure that constitutes the public core of the internet, including systems involved in packet routing, naming and numbering, and protection of security and identity. The second is a commitment to avoid tampering with any nation’s electoral infrastructure, consistent with the principles of sovereignty and non-intervention. More generally, the world must develop norms to hold national governments accountable for criminal actors operating with impunity from within their territory. This is a tricky proposition, particularly given the challenges of attribution, the often-blurry definition of state-authorized attacks, and the difficulties even strong states encounter in policing such conduct. One could however envision a FATF-like arrangement that usefully distinguishes between cooperating and non-cooperating jurisdictions. In a welcome development, the United States in April 2022, persuaded sixty-odd nations to endorse a Declaration for the Future of the Internet, committing themselves to preserve an open and global internet, support a multistakeholder model of cyber-governance, defend human rights and fundamental freedoms, protect trust and privacy, and promote inclusive and affordable access to cyberspace.

12. Regulating Transformative Technologies, Especially Artificial Intelligence and Synthetic Biology

If necessity is the mother of invention, invention often begets governance, as humans seek to regulate their novel creations. The world today is in the throes of “technological tsunami” (Richard Danzig), inundated by dazzling breakthroughs in artificial intelligence (AI), quantum computing, biotechnology, additive manufacturing, nanotechnology, space technologies, distributed ledger technology, human enhancement, lethal autonomous weapons systems, the internet of things, advanced energy storage, and myriad other achievements. As it has throughout history, such technological disruption will drive both national and global demand for new norms and legal rules that enable humanity to secure the tangible benefits and manage the many risks of our new promethean age.

The necessity of shared principles and rules may be most glaring in the realms of AI and genomics, where the blistering pace of innovation has far outpaced domestic and international efforts to regulate technologies that are inherently dual use, vulnerable to exploitation for malevolent as well as benevolent purposes, and susceptible to the law of unintended consequences. The speed of recent breakthroughs compounds these

governance dilemmas. The rapid emergence of Open AI's ChatGPT-4, Google's Bard, and similar platforms has placed unprecedented computing power in human hands—capabilities that even their engineers cannot fully comprehend. Indeed, the latter express growing anxiety about the potentially disruptive implications of these technologies for employment, human rights, governance, and security, particularly as the threshold of artificial general intelligence arrives decades sooner than anticipated. It remains unclear, however, whether any such qualms can stop the headlong rush to develop such technologies, given the financial incentives of Silicon Valley companies and the deepening tech arms race between the United States and China.

Similar dynamics are at play in biotechnology, where the revolutionary application of CRISPR/Cas9 to gene editing opens new frontiers not only for personalized medicine but also for the creation of gene drives that affect the genes within natural populations, and where advances in synthetic biology permit scientists to design artificial biological systems and create novel forms of life. While these innovations promise great therapeutic and other public health benefits, they could also undermine biosafety and biosecurity either through negligence or by placing deadly capabilities in the hands of malicious state and non-state actors. These risks have only risen as the barriers to entry have fallen. In less than twenty years, the cost of sequencing an entire human genome has fallen from \$1 billion to less than \$100 dollars—a pace far faster than Moore's law.

At a global level, the dilemma for policymakers is how to overcome barriers to collective action in a world of sovereign states. On the one hand, all governments have a general interest in cooperating to manage the risk of innovations that quickly spread across national borders as well as to limit the fallout from regulatory arbitrage. On the other hand, strategic rivals, particularly the United States and China, are competing to dominate such new technologies. Given the immaturity of normative, much less legal development in both fields, the initial focus of multilateral diplomacy should be on the development of codes of conduct and common standards both for private actors (researchers and corporations) and for national governments.

IV. ADVANCING A LIBERAL ORDER

13. Promoting Democracy and Human Rights

Finally, in its most liberal conception, an open, rule-based international order would have a domestic as well as global dimension, implying a universal commitment to human rights and to the principle that all governments derive their legitimate authority from the consent of the governed. In practice, the question of whether national governments should be held accountable for how they treat their citizens remains one of the most contested issues in world politics. On the one hand, since 1945, a raft of multilateral instruments and conventions—such as the Universal Declaration of Human Rights (1948), which turns 75 this year, the International Convention on Civil and Political Rights (1976), and the Convention on the Rights of the Child (1989)—have recognized that individuals, and not just states, have fundamental rights under international law. On the other hand, the UN Charter principles of sovereignty and non-intervention provide cover for authoritarian states that insist that the nature of any governing regime and its behavior towards its citizens are matters of purely domestic concern. More generally, non-democracies enjoy full membership and privileges in the United Nations, and that body rarely condemns governments, including permanent members like China and Russia, for egregious human rights violations. Indeed, major abusers are routinely elected to the UN Human Rights Council. To make matters worse, the world is in the throes of an ongoing democratic recession, with some of the biggest recent declines coming in established democracies like India, Brazil, and of course the United States itself.

The governments of free nations face an acute dilemma: to what degree should they promote democracy and human rights in their pursuit of an open, rule-bound world, particularly when their efforts to manage global interdependence require cooperation with authoritarian states? President Biden has depicted the clash

between autocracies and democracies as the “defining struggle” of this era, framing the Russian invasion of Ukraine as a case in point. While this tactic has arguably helped to rally the West, it has been less persuasive in the “Global South,” even among democracies. Governments and citizens of developing countries are all too well aware of the selectivity of US democracy promotion (see: Saudi Arabia); of the obvious weaknesses of the U.S. democratic model (see: January 6, 2021); and of the often blurry distinction between democracies and non-democracies (see: guest list for the Summit for Democracy). More generally, there remains a voluble international debate over the relative importance that the world should accord to civil and political rights versus economic, social and cultural rights. America’s own tendency to endorse so-called “negative rights” (that is, removing limits on human freedom) while giving short shrift to positive rights (that is, providing capabilities that enable individuals to live in greater dignity), makes the United States an awkward global champion of human rights, particularly given the nation’s failure to ratify critical international instruments like the CRC or the Convention on the Elimination of Discrimination against Women..

Conclusion: From *What* to *How*

This brief survey suggests that contemporary gaps in global governance reflect not only clashing material interests but also diverging national preferences regarding fundamental world order principles and more specific rules to govern state conduct in important spheres of international relations. This normative pluralism complicates the ambition of “reconnecting the world” in the aftermath of the COVID-19 pandemic and the Russian invasion of Ukraine, much less of reviving, reforming, and reconsolidating an open, rule-bound international system that embodies and promotes liberal values. Rather than a unitary world order, a more likely prospect may be the simultaneous emergence of distinctive sub-orders nested within a more encompassing but normatively thinner global one, much as the Cold War featured competing democratic and socialist blocs within a universal UN framework (many of whose postcolonial members sought, with various degrees of success, to avoid alignment with either side).⁵

The pluralism of the contemporary international system has important implications for the future of multilateral cooperation and prospects for agreement on principles of state conduct. Given stubborn blockages in global institutional reform and the trade-offs among alternative arrangements, defenders of an open-rule-bound international order will need to consider how best to mix and match among at least four alternative approaches to intergovernmental cooperation, which I have elsewhere termed the “4Cs.”⁶ The first is a *charter* conception of multilateralism, focused on the UN’s model of universal membership. The second is a *club* approach, which seeks to rally established democracies as the foundation for world order. The third is a *concert* model, which seeks comity and joint action among the world’s major powers, based on a set of basic principles. The fourth is a *coalition* approach, which would tailor ad hoc frameworks to each global contingency. Each of the “4Cs,” as I term them, lays claim to a respective virtue: legitimacy, solidarity, capability, and flexibility (respectively).

Each model of multilateral cooperation rests on specific assumptions, makes distinct causal and normative claims, and poses trade-offs for the pursuit of principles of world order. The charter approach to multilateral cooperation gives pride of place to the UN and other encompassing, treaty-based organizations that embody sovereign equality. For all its shortcomings, the UN continues to enjoy unequalled global legitimacy by virtue of its universal membership, binding charter, and sole authority—under the auspices of the Security Council—to authorize the use of force. The second approach, that of a club, aims to revive and reconsolidate the Western

⁵ In the absence of a global catastrophe that wipes the institutional slate clean, the most likely scenario over the short and medium term may continue to be muddling through. Stewart Patrick, “The Unruled World: The Case for ‘Good Enough’ Global Governance,” *Foreign Affairs* (January/February 2014), <https://www.foreignaffairs.com/world/unruled-world>

⁶ This paragraph and the following draw on Stewart Patrick, “Four Contending U.S. Approaches to Multilateralism,” Carnegie Endowment for International Peace, January 23, 2023, <https://carnegieendowment.org/2023/01/23/four-contending-u.s.-approaches-to-multilateralism-pub-88852>.

community of advanced market democracies as the core of an open, rules-based international system. Consistent with the tenets of liberal internationalism, such a strategy focuses above all on strengthening the existing multilateral institutions that unite the world's free societies, and the principles that undergird them. A third approach would vest responsibility for world order in an updated, global version of the nineteenth-century Concert of Europe. The members of such a directorate would encompass both liberal and illiberal states. They would agree under this scheme to moderate their ideological competition and tolerate each other's political differences in the interest of jointly managing global and regional crises and cooperating on shared threats such as climate change, pandemics, nuclear proliferation, and terrorism. Finally, the coalition model envisions a flexible, à la carte approach to cooperation. In contrast to the charter, club, and concert, no set configuration of states takes center stage in collective action. Rather, the identity and number of parties at the multilateral table in any given instance depends on the nature of the global challenge, the degree of interest among potential participants, and the relevant competencies each actor can bring to bear in resolving it.

Given the complexity of contemporary global challenges and the normative diversity of major powers, no single multilateral structure can possibly serve as the sole foundation for world order or the only platform for international cooperation in the twenty-first century. Western nations seeking to promote an open, rule-bound international system must thus adopt an all-of-the-above approach. They must simultaneously promote universal principles and global collective security under the UN Charter; nurture solidarity among advanced democracies committed to the defense of an open world and principles of liberalism; reach basic understandings with other great powers on baseline rules of peaceful coexistence; and retain the ability to form fleeting and issue-specific coalitions to complement, supplement, and encourage the reform of standing multilateral organizations.