

A Second United Nations Charter: Modernizing the UN for a New Generation

The 1945 United Nations Charter was *the innovation of its time*. Its predecessor, the League of Nations, had collapsed under the strain of conflict in Europe in less than 20 years. But the new post-war Charter remarkably enshrined certain ideas, values and principles that would feed the growth of international co-operation for the next 80 years.

And it was successful. Despite recurring crises and the ever-present threat that local and regional conflicts will expand globally, the UN has thus far succeeded at its original purpose of saving “succeeding generations from the scourge of (a third world) war.” The Charter also enshrined the principle of the self-determination of peoples, and the UN quickly oversaw an enormous global decolonization process, starting with the 74 non-self-governing territories identified by the 1946 General Assembly. Membership almost tripled over the next 30 years and for the first time, the great majority of the world’s peoples were both independent and represented in one forum. The UN Charter set a new normative standard in Human Rights, explicitly calling for “universal respect for, and observance of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.” As the organization gained legitimacy, it became the world body for the management of global problems.

But it also struggled. Hand in hand with its successes, the Organization suffered several failures and fundamental challenges. Its peace and security work were riddled with double standards, selectivity, hypocrisy, and the whims of geopolitics. It took far too long to operationalize its own normative human rights standards meaningfully and at scale. Poverty reduction and development lagged, even as it failed to address climate change before it became a global emergency. And the Organization struggled to adapt and change despite bursts of innovation.

So, why change it? Because we must. After almost eighty years, the original Charter is no longer fit for purpose. The world of today is very different from that of 1945. Global inequality is widening and the balance of power is constantly shifting. New risks to the common well-being have emerged. Other older problems persist, seemingly now unresolvable

despite decades of effort. The world faces multiple crises and existential threats beyond those for which the Organization was conceived. While there are divergent views on the precise way forward, there is absolute clarity that business as usual will no longer suffice.

And why now? The Second Charter draft presented here responds to a multi-year reflection process that began in 2020 on the 75th anniversary of the UN and is offered as governments gather for the 2024 Summit of the Future, one year before the UN's 80th anniversary. It takes up the challenge and themes of Our Common Agenda (2021) and New Agenda for Peace (2023) reports, but it also builds on a rich tradition of thought about UN reform going back to the first decade of the organization and through notable more recent contributions, like the Agenda for Peace (1992) and In Larger Freedom (2005). Finally, it is informed by a wide range of serious and thoughtful reports, such as A Breakthrough for People and Planet (2024) and many others, some of whose proposals are echoed or adapted here.

A thought contribution at a critical time. This draft Second Charter is the work of a group of scholars, experts, lawyers, practitioners, and former government officials, ambassadors, and staff members with deep knowledge of the UN. It also benefited greatly from the comments and views of several former heads of government, ministers, and Under Secretaries-General, who gave generously of their time and experience. But this document is not the fruit of inter-governmental negotiations, and the drafters acknowledge that they are not fully representative of the world's population.

An invitation to dialogue. What the draft Second Charter does offer is an invitation to a much-needed conversation with all of the stakeholders in the global community, including civil society, especially youth, and within and between governments and parliaments. Many will disagree with some of the proposals made here, which is welcome. Others may dismiss the effort as utopian, too radical, or not radical enough. That also is healthy.

A path to action. The Second Charter is not meant to be definitive, but rather it is a work in progress. It reflects a constant tension between long-term goals and ideals on the one hand and immediate constraints and realities on the other. It asks a recurring pivotal question over and over: what is needed to move forward now? Substantively, it is more evolution than revolution, though the boundaries between the two are probed in places, as this dire and increasingly fragmented global moment surely requires.

Hope. The Second Charter offers hope through sober, careful, tempered, and timely proposals for the next stage of the management of urgent global problems. Others will surely find ways to improve and build on these quickly. Above all, what the exercise confirms is that the existing UN Charter can be improved to such a degree, drawing on decades of experience, as to amount to a full Second Charter. That in itself is surely an important insight given that, perhaps sooner than anticipated, action may become a pragmatic necessity.

Highlighting Key Features and Major Changes

The Second Charter broadly encapsulates three kinds of changes: some much-needed ‘legacy language’ updates and deletions, several normative advances, and a set of major structural changes. Each of the existing chapters has been updated and modified, but some of the most significant features include:

Legacy Updates. The Second Charter effectively deletes three obsolete chapters on the Trusteeship system and cleans up 1945 ‘legacy language’ such as references to ‘enemy states.’

Normative Advances. The draft incorporates the ‘missing pillar’ of environmental and planetary health into the Charter for the first time. It elevates the level of protection and advancement of human rights and raises the previous standard on the participation of women in all aspects of the work of the Organization. The Second Charter also fosters enhanced ownership and more direct participation in the United Nations.

A Set of Major Structural Changes

1. **A coherent institutional design.** The draft proposes an overall design in which four councils – Security, Economic and Social, Human Rights, and a new Earth System Council – each carry primary responsibility in their respective areas under the supervision of a strengthened General Assembly and a new Parliamentary Assembly to be phased in gradually.

2. **A Parliamentary Assembly.** While the General Assembly would continue to represent executive governments on a one-country-one-vote basis, the Second Charter proposes a nascent Parliamentary Assembly. Any objective reflection on the considerable experience of the last half-century with regional level parliaments, as in the European Union, is sure to conclude that this is beyond doubt the broad future direction for global governance.

Representation, democratization, and the legitimacy, broader participation and inclusion they confer, are the next horizon. At the same time, to build up such institutional capacity is the work of time.

3. A new Earth System Council. This new 54-member Council bridges a critical gap in environmental governance and seeks to remedy the very significant fragmentation in this domain to provide overall direction for this immensely important area of governance and problem solving for the future of the planet.

4. An expanded and more representative Security Council. Beyond its five current permanent members, the Security Council expands to include a new category of five additional renewable 'long-term' regionally selected seats as well as fifteen more non-renewable seats that redress various current representational imbalances (for a total of 25 seats).

5. A General Assembly and Parliamentary Assembly concurrent override to Security Council vetoes and narrowly tailored authority to create resolutions that are binding on states. At the same time, drawing on decades of experience, the draft expands upon the powers of the General Assembly to be shared with the new Parliamentary Assembly. It formalizes and expands on the already accepted Uniting for Peace procedure and the more recent Liechtenstein initiative to give the two bodies concurrent power to override a veto by a permanent member of the Security Council in exceptional situations. In addition, in very limited exigent circumstances, it gives the two bodies collectively the power to promulgate resolutions that would be binding on states.

6. A Standing Peace Force and disarmament. The original Charter's UN Peace Force, though never used, is retained and updated in light of 70 years of peacekeeping and peace-making experience. Parallel to the resulting strengthening of the collective security mechanisms, the Second Charter envisages the preparation of a Protocol, bringing into being a robust system of arms control and disarmament.

7. Reducing inequalities. The new ECOSOC proposed in the Second Charter will be empowered with the instruments for supervising and monitoring the implementation of the economic and social agendas, focused on reducing inequalities and leaving no one behind. The new ECOSOC is also strengthened to better coordinate the work of specialized agencies and subsidiary bodies and upgrade its engagement with NGOs, civil society, and other stakeholders.

8. **Limited Compulsory Jurisdiction for the ICJ.** The International Court of Justice is given compulsory jurisdiction, including a review function (akin to that of a constitutional court) for the UN itself.

9. **A new way to select the Secretary-General.** Included among other provisions for the Secretariat is a new process for the selection of the Secretary-General to ensure greater independence, gender balance and participation.

10. **Embedding further revisions.** Part of the reason for the current paralysis is the lack of a viable institutional change pathway. This needs to be a recurring process, as with most constitutions and many treaty-based systems. Any future Charter needs to be subject to regular review and revision.

Funding the Future

Any changes will certainly entail costs. However, the costs of effectively governing global challenges will be orders of magnitude less than the cost of the consequences of failing to do so. Given not only the difficult economic times, but also the urgent needs of SDGs and climate finance, it is clear that a new approach and mechanism are required with respect to funding the work of the UN system. Having identified what is needed, the international community can then work out how to pay for it. Here again, some initial creative proposals are outlined.

Moving Forward

The *Second Charter* as currently drafted is a work in progress. We look forward to the improvements that will come through further consultation, especially benefitting from the wisdom of diverse constituencies around the world. In the meantime, we submit the present iteration for consideration by all interested parties.