

Yehezkel Dror: sección del capítulo 2 (*Circumscribed Global Leviathan*, págs. 39-42, de *Avant-Garde Politician – Leaders for a New Epoch*, Westphalia Press, 2014. La sección está extraída del “reporte ejecutivo” de un *think tank* ficticio, que en verdad está compuesto únicamente por el asombroso cerebro del Prof. Dror.

The Global Authority needs the legal right to promulgate global laws and issue directives which all states, organizations and individuals are obliged to follow. It will maintain a global surveillance system and engage in inspections relevant to its tasks. The Global Authority needs the power to enforce its laws and directives, including effective and overwhelming instruments of force, to be used when necessary to compel states and other actors to comply with its directives or to enforce them directly. Also required is the authority to impose taxes and other payments on states, corporations and individuals as needed for its activities. Essential are top quality staffs and suitable central as well as dispersed physical facilities.

The Global Authority will also deal with major global or regional crises endangering humanity or large parts of it, in cooperation with states or other actors or on its own if other cannot do so adequately. Accordingly, it needs the right to declare a “global state of humanity emergency,” which abrogates usual legal norms and enables it to use all instruments and resources necessary for reducing damage and providing emergency help.

Relevant is the definition of Carl Schmitt that “sovereign is whoever decides on emergencies,” in the double sense of declaring a state of emergency and deciding on what to do about the emergency. Having the authority to declare a state of emergency, on a global or local scale, with all that is involved, constitutes a transfer of crucial parts of sovereignty from states to the Global Authority. All the more so, rules for imposing “emergency regimes” by the Global Authority have to be subjected to strict safeguards, set down in the Humanity Constitution.

The composition of the new global institutions raises difficult and controversial issues. Global democracy, in one sense or another, is not feasible in the foreseeable future and the fiction of state equality cannot serve as a basis for the required global regime and the Global Authority. Instead, the following preliminary proposals serve to indicate major issues and possibilities: the Global Authority should include three main organs. The first is the Directorate which has the main legislative, decision-making and executive powers. It should be composed on the basis of three principles: (1) reflecting the majority of humanity, though in the foreseeable future not by universal global elections; (2) outstanding personal quality; and (3) complete independence. The number of proposed members is 16, appointed for a period of six years, with eight being selected by the most important or populated countries reflecting also different civilizations, such as (in alphabetic order) Brazil, China, European Union, India, Indonesia, Republic of South Africa, Russia and the United States. Eight more members should be appointed by other countries to be selected periodically by lot from all members of the United Nations, subject to veto by a majority of two-thirds of the member states. Selection of the directorate members of the countries can be by special elections, a decision by the

legislature, or appointment by the government, as each country may decide. The Secretary-General of the United Nations, before perhaps being amalgamated with the global authority, will be an additional *ex officio* non-voting member of the Directorate.

Once appointed, the members of the directorate must detach themselves from their countries, acting according to their best personal judgment in the interest of humanity as a whole. Members can be reselected once. After finishing their term of office they should receive a generous pension, but are not eligible for any other payments or other material benefits for a cooling-off period to be decided upon.

The Directorship legislates and makes decisions by a majority vote, with the exception of some extraordinary decisions as mentioned below and stipulated in its statutes, which require a two-thirds vote.

The second main body of the Global Authority is a Council serving also as checks and balances. Composed of outstanding thinkers and scientists, it functions in part as a scientific court, in charge of evaluating the dangers posed by science and technology developments. Its opinions on such issues have to be accepted by the Directorate and serve as a basis for its measures, unless rejected by a two-thirds majority vote.

A two-thirds majority of the Council has veto power over decisions by the Global Authority to use force to impose its decisions. However, the Global Authority can override such a veto by a special majority of 12 of its members.

We suggest that the Council should be composed of 16 members, half of them recipients of the Nobel Prize, one each in physics, chemistry, physiology or medicine, and economics; and two each in literature and peace, to be selected for 10 years by lot from the living recipients of those prizes below the age of 60. The other 8 members should include outstanding philosophers, theologians, social scientists, and jurists selected by the higher bodies of 8 universities located in countries with different civilizations to be chosen by the 8 Nobel Prize members.

The third part is a Global Constitutional Court, deciding all cases brought before it concerning global laws, regulations and decisions by the Global Authority. It will also give binding opinion on the validity of proposed global laws if asked to do so by the Global Authority or Council. Only governments or states and heads of United Nations and related organizations can submit cases for consideration. Judgments will be based on interpretations of the Humanity Constitution supplement by principles of equity. Procedures will provide for appeals to a larger forum of judges and issuance of temporary orders, but assure rapid decisions.

All the more important is the composition of the Global Constitutional Court. We tentatively suggest the following principles: Appointments till retirement age of 65, after a probation period; judges to include top quality legal scholars, and persons with high level political experience. Candidates can be submitted by heads of governments and chief justices and presidents of universities worldwide. Appointment will be by a three-quarter majority of joint sessions of the Global Authority and the Council.

However all this is very tentative and needs further deliberation. It is too early to go into further details, such as adjustment of existing global governance and rules to the new ones. Indeed, we may well err in going so far in details as we did, but this is essential for clarifying our main rational and principle recommendations and to stimulate discussion on what are quite iconoclastic ideas compared to prevailing ones.

But we would like to emphasize four requirements concerning the Global Authority: (1) the quality of the advisory, implementation and supporting staffs and their complete independence from states and other actors are of paramount importance; (2) additional checks and balances should be set down in the Humanity Constitution, such as an Controllership; (3) consultation and seeking of broad global consensus are essential, but the Global Authority should be decisive also in the face of opposition; (4) as already mentioned, but requiring reemphasis, the Global Authority must have the means and the will to enforce its decisions, including severe coercive measures when lesser ones prove inadequate.