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Postnational Democracy: A Cultural Paradigm Shift in the Global Legal Order?

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ABSTRACT

Many global issues – from climate change to financial crises, from migration waves to management of pandemics, to name a few – have at their root a series of structural imbalances in our economic and cultural models. To move beyond the management of the emergency, the roots of the problems need to be addressed. A double paradigm shift is required: a paradigm shift in cultural models and awareness and a second one concerning global rules and institutions. As for the first one, there is a need to move from a state-centric cultural and educational model to the awareness of our belonging to mankind and our shared interest in the well-being of Planet Earth. The legal and political implications of such a new narrative would push humanity to manage their common heritage as global citizens through new democratic supranational and transnational models.

Keywords: humanity, global citizenship, post-national, supranational, democracy

"We can not solve our problems with the same level of thinking that created them"
A. Einstein

1. Global Governance: Why It Matters, Why It Scares

Most people usually react with suspicion and mistrust when they hear the two words *global governance* and even worse when they hear about *global laws* or *global constitutionalism*. They associate these concepts with the idea of dominant power, or a global directory, such as the G7, or the G20. Somebody even imagines a meeting of big corporates' CEOs influencing whatever this global authority will be.

It is not difficult to understand the fear of losing sovereignty, self-determination, even – in the worst scenario – the fear of losing cultural identity inside a global cultural soup where minorities would just dissolve. Global governance evokes centralization, management of the few, technocracy. It looks far and disconnected from citizens. Legitimacy and accountability are doubtful, to say the least.[1]

Paradoxically, this is what happens with globalization in the absence of a global rule of law, what happens right now, when the forces of market and the pressure to competitiveness are left alone to govern processes and outcomes.

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[1] As R.S. Deese, (2019), summarizes, this fear "goes as follows: Global democracy is a form of Global government. Any form of global government is bound to become a soul-crushing dystopia." The Author mentions many examples of this perspective from fiction authors (from Aldous Huxley on), to political leaders to thinkers, al of them had a great cultural influence. We add to the list, in the nowadays social media culture, the fear for the so-called New World Order which plays a leading rôle in many conspiracy theories.

Yet, people immediately understand that the most compelling issues are nowadays global: climate change, migration waves, rising inequalities, pollution of the oceans (to name a few).

How may it be possible that we understand the size and magnitude of problems and we are so reluctant to act accordingly? Why do we resist the idea that we need global solutions to global problems?

If understanding the resistance and the fears behind it is the first step, the second one is addressing it.

From the legal perspective, introducing democracy in the discourse about global governance would help. From the cultural perspective, addressing the emotional load connected to words and imagine new terminologies that do not carry the weight of the past is a must do. As we imagine new ways and tools for citizens to be connected to the governance of global commons and the management of global issues, for local communities to have their identity preserved and their role recognized, we need new words.

Earth governance cannot but be decentralized and – if we do not want it to be a step backwards in our legal and political culture, it must be democratic, with citizens and communities being building blocks of democratic governance. The cultural shift is maybe a pre-condition for the political shift to occur. Participatory democracy models, together with some kind of representative democracy could provide bridges among citizens, communities, and global organizations.

The postnational approach to democracy here suggested is an attempt to offer a first, tentative answer to this brain teaser. It is grounded on a constructivist method: first democracy is deconstructed in three basic components: legitimacy, accountability, and inclusiveness. Each of them is in turn analyzed in detail from the perspective of their possible strengthening at a global level. This model may be defined as supranational when we focus on the development of relationships between individuals and global organizations, which would provide them with legitimacy which is not derived by the states' conferral of powers as well as accountability which is not just

towards national governments, often proved inadequate. It is, instead, transnational, if we focus on the relationships among individuals and among communities beyond national borders.

The first step in the exploration of this new approach towards global democracy is the acknowledgment of the long road already traveled by scholars and philosophers, the awareness of the issues to be faced, and of the transformation underway in our society.

We live in interesting times, when scholars may give themselves permissions to think out of the box, to suggest new models to respond to the crisis of the old ones. There is no truth to offer, but the pleasure of participating in a creative effort. To do so, we will touch upon different topics and subjects which would deserve books and even libraries. Going deep into each of them is out of the scope of the present contribution which is, instead, drawing the big picture: a mosaic of many different tiles combining in new and original ways. For this same reason, citations will be limited to a few authors and contributions which fit the aim of this analysis, without any pretension to being exhaustive.

2. The Long Quest for a Global Order

Philosophers have long been speculating on the ideal structure of the global society, one that could allow all human beings to overcome war and division, which also means borders.

There is not a shared concept of democracy beyond the state and it is difficult to apply on the global scale models and principles conceived in the eighteenth century for the state. We also wonder if it is desirable as that model itself, at the national level, is being questioned, as we will see.

The idea of democratic global governance, based on a federal structure, made its appearance in the book "Perpetual Peace" by Immanuel Kant

(1903)[2] and resurfaced several times during the nineteenth century in the history of thought.[3] The same idea inspired activists and movements: the World Federalist Movement was established in 1947, but a "Campaign for World Government" had already been conducted between the two world wars. The idea of a global authority in charge of peace and security inspired the League of Nations after WWI, the United Nations after WWII and more recently the International Criminal Court. The two proposals by the ONG *Democracy without Borders* – an elected Parliamentary Assembly for the UN (UNPA) and the World Citizens' Initiative[4] – are inspired by the same vision.[5]

Several schools of thought in the field of philosophy and political science have proposed the paradigm of cosmopolitanism (Archibugi 2012) or that of transnational democracy (Scholte 2014), to emphasize the existence of so-cial bonds and collective actors which overcome the limits and borders of the nation-states. Yet, in the classical international law approach, only states and some international organizations (IOs) are subjects of international law: legal subjectivity of non-state actors is still much controversial. A similar perspective is widespread in the field of international relations: the international community is usually defined as state-centric. Even if few democratic elements are part of the picture, they are not so relevant in the legal doctrine, where the only focus to define the legitimacy of an international organization (IO) is the respect of the rule of law (von Bogdandy 2012)[6].

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[2] And, even before, in the essay *Idea for a Universal History with a Cosmopolitan Purpose* (Kant 1824) and specifically in the fifth thesis entitled "The greatest problem for the human race, to the solution of which Nature drives man, is the achievement of a universal civic society which administers law among men."

[3] We could also mention philosophers such as Karl-Heinz Krause and Bertrand Russell, disruptive thinkers such as Albert Einstein, political leaders such as Winston Churchill and Mahatma Gandhi.

[4] See: Campaign for a UN Parliamentary Assembly, http:/democracywithoutborders.org/ unpa-campaign/; Campaign for a UN World Citizens' Initiative, http:/democracywithout borders.org/unwci-campaign/

[5] For a beautiful history of the evolution of world federalism and globalism all along the Twentieth century, see Deese 2019.

[6] An International Organization (IO) respects the rule of law if it respects international law (external legitimacy) and its founding treaty and procedural rules (internal legitimacy).

Their transparency, answerability, effectiveness – more popular in the field of international relations – are not codified as standards nor there is a shared appraisal about them.

The European Union, since its embryonic form as a European Coal and Steal Community (ECSC), is considered the most ancient form of supranational government, thanks to the presence of the European Parliament (which has fully become a legislative body only in this century), of the majority principle in the Council of the Union, of the Court of Justice and thanks to the production of rules and regulations binding and directly applicable – or with direct effect – for both states and citizens. Other examples are the European Court of Human Rights – since the Fifties like the ECSC – or more recently the dispute settlement mechanism in the WTO (Oates 2020).

3.   The Outdated Model of International Organizations

The limited institutionalization inside the field of international relations consists of IOs whose range of action is defined by geographical borders and/or sectoral competences. The key elements of this model are: (i) limitations – to a minimum extent – of the exclusive sovereignty of States when a common interest is assumed to have higher rank; (ii) to this aim – if deemed necessary – organized cooperation or even shared sovereignty through common rules and goals, agreed procedures and institutional frames. Examples of the first ones are the non-aggression principle in the Charter of the United Nations and the proliferation of international courts and pre-established procedures for conflict resolution. Examples of the second element are all the statutes, charters, or treaties establishing IOs.

So, IOs are the building blocks of an imperfect and incomplete frame of world governance. They are functionally responsible for the pursuit of specific goals, also perceived as global public goods, "issues that are broadly

conceived as important to the international community."[7] To accomplish their mission, international organizations were equipped with some competences and few tools. They rely on their member states for the enforcement of what they decide. Faced with a rapid acceleration of the events, they evolve slowly as they are built on rigid founding treaties, which cannot be easily amended.

Beyond the rule of law, there is no condition or ascertainment of the democratic nature of an IO. Nor democracy is a pre-condition for member states to join it, with few exceptions (e.g. in the EU, see Article 49 of the Treaty establishing the European Union).

The rule of law, whose relevance is undeniable as an essential element inside a legal order, is, unfortunately, nothing more than a formal condition, in the absence (often) of jurisdictional control.

This model of formal, intergovernmental/international relations was inherited by the generation who experienced Second World War. Even if it testifies a huge leap forward compared to the previous state of the world, in the end, it was not so effective nor so structured as the founding fathers were willing to it to be. Chapter VII of the UN Charter never entered into force, the International Trade Organization (ITO), planned in 1944, was only realized in 1995 as the World Trade Organization (WTO). Yet, that model responded to the aim to prevent global conflicts. Of course, it was impossible, then, to foresee many involutions in international relations as the cold war and the local and regional conflicts – and among them some neverending ones, as the Arab Israeli war or the Kashmir conflict – nor to imagine the UN Security Council blocked by crossed vetoes, nor the raise of the Groups of States (the Gs) as political coordination for filling that gap.

Nonetheless, that international legal order paved the way for a more interconnected world, which showed up after the end of the bipolar world, also thanks to the advancements in technology.

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[7] Final Report of the International Task Force on Global Public Goods 2006. See Kaul, Grunberg, and Stern (1999, XII).

- First of all, a major change has been the globalization itself, with all its implications: the lowering of customs duties and increase in trade, the use of the internet in peoples' daily life and the role acquired by the global social media, the easy and fast movement of capital flows through the borders, the low cost of traveling and increased circulation of people. This unprecedented interconnectedness of states, populations, markets, is increasingly contributing to generate global issues. The risk of contagion of financial crises, of diseases, but also social and political phenomena (as terrorism's apology or fake news) makes the world a global village.[8] Issues which fifty years ago would have been national become now easily global.

- Second, some global issues, as rising temperatures, water scarcity, deforestation, generate more issues, as extreme weather events, migrations, conflicts, extreme poverty. To respond to emergencies, the international community relies upon sectoral agencies and fora[9], yet there is a need to deal with the big picture as issues are often interconnected as well. There are a few coordination fora, such as the G20 or the UN (and namely the Assembly and the Economic and Social Committee)[10], yet the first lacks legitimacy being a group of self-selected states (just like all the Gs), the second lacks effectiveness. Even if the UN, has (some) legitimacy, it does not have legal tools for the enforcement of coordination.

- Third, there is an increasing demand for legitimacy and accountability.[11] We assist in a multiplication of participation tools in the global public sphere – petitions, transnational political movements, structured dialogues of international organizations with civil society. Debates about the im-

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[8] The prophetic term was coined by M. McLuhan (1962, 1964) who – already in the 60s – identified many risks stemming from the media and technology advancement. Even if the term has been used by other authors and it is now in current, some intuitions by McLuhan remain true.

[9] See, UNDP (United Nations Development Program), WFP (World Food Program), UNHCR (United Nations High Commissioner for Refugees), UNCCC (United Nations Climate Change Conference), and the list may go on, and on.

[10] See articles 58 and 60 in the UN Charter, but also the possibility for ECOSOC (United Nations Economic and Social Council) to request regular reports from specialized institutes (art.64) and the competence of the Assembly to examine their financial statements to make recommendations (art.17.2).

[11] On this point, see Cafaro 2017.

provement of international organizations or the creation of new ones cannot avoid taking in these democratic expectations to some extent.

Facing these issues, we easily realize that (i) international organizations were not created to manage the global village, but to coordinate states, i.e. compartmentalized national markets and national communities; (ii) they were created to manage sectoral issues; (iii) they rely on the national level of governance for political legitimacy and enforcement; (iv) they are technocratic, not responding (enough) to these recent expectations of democratic participation. The way forward could be the evolution towards more advanced forms of multilateralism, even "multi-stakeholderism."[12]

4. Identity and Citizenship

As we move towards more advanced models of democracy beyond the state, with the specific goal to imagine democratic multinational organizations we need to look again into the fear in accepting postnational governance: the loss of identity

Identity is often associated with nationality and the latter – because of a syllogism of history – with citizenship. Citizenship is one of the basic elements democratic States ground their sovereignty and legitimacy on – citizenship or, more emphatically, the will of the people (intended as the community of citizens). This need to look for (and to find) legitimacy in citizenship, is a peculiar expression of the constitutional state model we live in since the Nineteenth century.

Citizenship is a political concept, the status of a person under the law of a sovereign state. As the world is divided into states, humanity is divided into communities of citizens. Yet, while territories belong to a state or another – and borders are guaranteed by a *status quo* principle – people move. They may lose or gain citizenship, have more than one, or even none. What is worst, citizenships are not equal, as some attribute a better status than oth-

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[12] See the concept of *omnilateralism* as developed by Wolfgang Pape (2009, 289-299).

ers, they may be a vehicle for inclusion as well as a stigma for exclusion[13]. Some citizenships – as in the case of refugees – do not operate, leaving so individuals in legal limbo, out of the play of citizenship. Citizenship or not, fundamental rights are supposed to be a minimum standard, yet for the majority of the population of the world, they are not. For the two thirds of them, even their state denies – with the political citizenship rights – the most basic fundamental rights, even more so if they belong to disadvantaged groups (women, children, minorities, LGBT).

Nationality, which often is confused with citizenship, is, instead, a cultural (and often geographical) belonging. Even if usually nationality is attached to citizenship, it may not be so (in case of naturalization). While nationality is an event outside people's control, citizenship may be a choice.

Nationality and cultural heritage are elements of identity, they cannot be denied or lost. When an organized power (a government, a majority, a terrorist organization) threatens the cultural identity of a community or even cuts the roots which connect a people to their cultural heritage, they perpetrate a crime, possibly to be qualified against humanity, for sure against civilization.

Citizenship without a state is possible, as European citizenship[14], as well as citizenship beyond the borders, as Estonian e-citizenship. A national identity without citizenship is possible as well. Identity without one or more nationalities, without personal history, is an empty shell.

Fundamental rights doctrine and the value at its core – human dignity – unveils the flaws of governance models and political systems whose legitimacy and accountability are grounded on citizenship. To overcome such a conundrum we could venture into the unexplored land of universal citizen-

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[13] This is a key point in the provocative and very convincing book by Kochenov (2019). The point is further (and unequivocally) proved true by the *Kälin and Kochenov's Quality of Nationality Index* (QNI) that objectively ranks the quality of nationalities worldwide. See https://www.nationalityindex.com/.

[14] A first attempt to overcome this biunivocal correspondence citizens ↔ state is offered by the supranational model of the European Union, yet the bridge between the community of individuals and the common institutions and rules they share is still provided by national citizenships. This conceptual gap is yet to be overcome.

ship – or any other label we choose to give a universal political status to humans – as a common heritage of every human being. It is a necessary step to imagine multinational postnational governance which would leave no one behind. How could we imagine a governance system legitimate by citizens, accountable towards citizens, and inclusive of all citizens if citizens don't have equal and full dignity, just as human beings?

So, it is maybe time to let go of the idea that identity can be defended and guaranteed only through the legal status of citizenship and move towards new ways to connect individuals to governance and sovereignty, respectful of human dignity and cultural identity as well as of an equality principle. Which best opportunity than the multilevel governance we are trying to configure beyond the state, which is intended to be in the interest of communities and of humanity and not of first, second or third-class citizens?

5. The Decline in Democracy

A second fear and assumption to dismantle is that democracy can be better guaranteed by national states and governments.

National democracy is in a deep crisis, in every region of the world, because of many reasons: the populist and nationalist leaders and groups threatening pluralism, minorities, and foreigners; the increasing number of authoritarian governments reducing democratic freedoms, and, what is even worse, a loss of attractiveness of the democratic model itself. [15]

Democracy is "in retreat" also according to the 2019 edition of the Democracy Index by The Economist Intelligence Unit (EIU)[16]. The global score is the lowest recorded since the index began in 2006. Only 22 countries classified are deemed "full democracies" by the EIU. More than a third of the world's population, meanwhile, still live under authoritarian

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[15] See the 25 Anniversary Issue of the *Journal of Democracy* (Plattner 2015).

[16] The index rates, through an annual survey, the state of democracy across 167 countries, based on five indicators: electoral process and pluralism, the functioning of government, political participation, democratic political culture, and civil liberties. See https://www.eiu.com/topic/democracy-index

rule. The COVID-19 crisis has accelerated this process offering a further alibi to limit freedoms and rights beyond the state of emergency.

In more general terms, this decline cannot be described simply in terms of regression to some form of totalitarianism, as it happened in some specific cases (Turkey, Hungary, Poland, several South American and Sub-Saharian Countries, Hong Kong). The disaffection of citizens towards active politics, the disconnect between individuals and institutions appear in the very countries regarded as bulwarks of democracy – Britain, France, US – the cradles of parliamentarism and the rule of law. The impressive rise of populism and nationalism, there too, is testing the democratic institutions as never before (Bergman 2020).

There are many different explanations – sociological, psychological, cultural – the solipsism and egotism of the modern liquid human society, the globalisation and rise of technology, the circulation of capitals, and the social dumping, but maybe this is just the background picture. One undeniable reason is in the dimension of the issues we face nowadays, as already pointed out. Many current issues cannot be faced by a country alone,[17] hardly by a group of countries acting through common institutions, like the European Union.

Citizens feel insecure, unsupported, and they expect answers from their political leaders, and their governments. After all, this is the reason why the modern state was created in the first place: to provide a sense of security. Unfortunately, no state can offer this anymore.

The promise of populist-nationalist politicians is the simplest one: shutting the world out of the door, raising walls, guarding borders, stopping people. The way out of such an impasse needs to be found in comprehensive global solutions, as, for instance, the creation of democratic structures or levels of governance whose dimension and competence match the magnitude of the issues to be faced. The vision of a league of democracies or of a supranational democracy as the most effective way to protect such an uni-

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[17] See the analysis of the destructive global competition in Bunzle, and Duffel (2018).

versal value spans the entire 20th century with different nuances (Huntley 1998, Davenport 2018).

6. The Growing Demand for Democracy beyond the State or How the Individuals Got in the Picture

The first ones to point out the inadequate democratic standards in international organizations have been the non-governmental organizations (NGOs) which animated mass demonstrations against the international financial institutions and the G7 in the Nineties. This demand for democracy became tangibly visible since the first World Social Forum in Porto Alegre (2001).

Some IOs reacted building bridges – maybe a little step, but real – to appear more legitimate, accountable and inclusive.[18] A few interesting success stories prove their effectiveness. This process is still, slowly, evolving towards more significant tools of accountability as well as of participatory democracy. Some IOs are – more than others – adjusting to this new climate.[19] The non-governmental organizations (NGOs) interacting with the UN Economic and Social Committee grew exponentially in the last decade both in number and participation: in 1946 member NGOs were 41; in 1992 more than 700, today more than 5,000.[20] Some international organizations grasped better than others the possibilities offered by this cooperation with NGOs and are now delegating to them the task of implementing their deci-

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[18] See, for example, since 2008, the civil society policy forums that accompany the annual and spring meetings of the IMF (International Monetary Fund) and the World Bank or the Civil 20 which is, since 2010, the gathering organized as a side event during the G20, or the dialogue between the International Organization for Migration and civil society, since 2001.

[19] To meet these needs of interaction, in many IOs specific guidelines have been introduced to discipline the relationships with civil society. See the Guidelines adopted by WTO, WT/L/162 on July 23th 1996, or the IMF Guide for Staff Relations with Civil Society Organizations of 2003, http://www.imf.org/external/np/cso/eng/2003/101003.htm. In some international organizations, like UNDP, the role played by NGOs became even part of the institutional framework through ad hoc bodies and procedures: the UNDP Civil Society Advisory Committee was created in 2000 as a formal mechanism for dialogue between civil society representatives and UNDP's senior management on key issues of policy and strategy.

[20] This consultation mechanism dates back to art.71 of the UN Charter and is now regulated by Res. 1996/31 ECOSOC.

sions in important areas such as cooperation to development (Karns and Mingst 2010, 219).

When internet access became the norm in many areas of the world – in the last decades – an increasing number of individuals started to feel global citizens and to experience the awareness of being part of a global community, as consumers, as economic players, as producers and users of services and information. Active global citizenship started being born bottom-up.

The Arab Spring (2010) and the global financial crisis (started in 2008 and followed in 2010 by the European debt crisis) emphasized in different ways this process. The first was a powerful example of cross-border contagion of grassroots movements, the second a litmus test for the erosion of state sovereignty in key areas of typical citizen-state relationships such as welfare systems or labor markets.

The relationship between international organizations and NGOs does not exhaust the relationship between the IOs and all those subjects to their policies: civil society cannot, in any way, be considered as a spokesman or as an interpreter of a global population or, more precisely a global "demos," whose very existence is extremely controversial in doctrine.

It is so because of a series of objective difficulties in the relationship between international organizations and individuals, both legal – as their dubious legal capacity in international law – and simply factual, as the distances and the deep cultural and linguistic gaps. However, an undeniable rapid evolution is taking place in the social fabric, which every year brings a growing number of citizens to get involved in global issues as global citizens. Thanks to the internet and social networks, we could hazard to affirm that there is an embryonic global demos in the making: discussing, seeking answers, and proposing solutions, drafting, and signing petitions.

Still, as some legal scholars believe – concerning the more limited context of the European Union – the consolidation of a collective dimension is a necessary step in the evolution towards forms of a mature democracy. There is a long-standing debate on the so-called "demos problem," in the Europe-

an Union and – even more – in the much wider and diverse global dimension. We can summarize it as follows: is a demos a precondition (or an essential ingredient) for building a governance system or, instead, it is the result of it, some sort of byproduct? Which comes first: the people with its collective identity, or the governance system which encourages individuals to regard themselves as a community of destiny?[21] History does prove that both options may be equally true.

7. Ingredients for a Postnational Democracy

The elements proposed for the construction of a theory for supranational and/or transnational democratic organizations are the typical values of a democratic model: legitimacy, responsibility or accountability, and inclusiveness. However, these values should not just be ascertained as existent or non-existent, as democracy itself is not an absolute and final status, but more an evolutive goal.

The legitimacy of an institution stems from the fact that it has the right to exercise authority; its accountability is the duty to account for its activities and to take responsibility for them; its inclusiveness is its ability to encompass and involve the largest number of interests and stakeholders.

In the traditional approaches to international law and international relations, the relationships relevant to define the degree of legitimacy, accountability, and inclusiveness of an international organization are those between the member states and the organizations. But, if the visual angle assumed is the relationship between organizations and individuals, legitimacy, account-

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[21] For a more complete analysis on this point, we invite to read Morini (2020, 76, my translation), even if referred specifically to European Union: "The *demos*, therefore, could rightly be posed not as a *preliminary condition* for speaking of democracy but, rather, as one of the *results of democracy itself*, from which the juridical order that emanates from it would then draw, in a virtuous circle, its legitimacy and its effectiveness. Indeed, it is precisely through democratic *governance* that it is possible to strengthen the role of the *media*, for example, by making them more dynamic, independent and plural, or to stimulate the participation of civil society and promote greater social cohesion."

ability, and inclusiveness acquire a different meaning, which brings us much closer to our idea and experience of democracy.

This different perspective is in the postnational approach: as far as IOs' legitimacy and accountability do not derive from states, but from individuals: they become original features of the international organization itself, attributing an authority and a voice which can resonate even over (supra) the states: supranational. Or, it can resonate among (trans) authorities in a network, such as it happens more and more among cities[22], or supervision authorities[23] or non-governmental (private) organizations in charge of public functions, as the International Federation of Red Cross or the International Olympic Committee.

Undoubtedly, embryonic forms of legitimacy from and accountability towards individuals and inclusiveness of them already exist in sevral IOs, but each of these structural elements of democracy can be improved, dramatically or gradually, over time.

These three core values – legitimacy, accountability, and inclusiveness – are the very texture of democracy as they reflect, in different ways, the grundnorm of democracy which is the respect of human dignity and the equality of individuals. They may, in turn, be declined in different legal tools, institutions, and procedures.

7.1 Legitimacy

National legal orders are perceived as legitimate if they are the result of a democratic constituent process and if parliaments (and governments) are periodically renewed through free elections. Global and regional organizations – which are now mostly inter-national – are legitimate if there is a conferral

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[22] At the moment there are 99 global cities networks, among these, 61% with a specific or very narrow focus and 39% with a broad agenda. See Foster (2020).

[23] As it is the case for the Financial Stability Board (FSB), a forum for cooperation among national authorities, standard-setting bodies and international financial institutions, established by the G20 in 2009. As the two examples show, transnational cooperation among national institutions can be established bottom-up – as for the cities – or top-down, as in the FSB case.

of powers from an international treaty, so their legitimacy stems from member states.

The substantial legitimacy of an international organization, however, can be fully verified only through a prismatic factorization of the term in its multiple meanings. This analysis is a precondition if we imagine the possibility for them to evolve towards democratic models, be them supranational or transnational.

An international organization is legitimate, first, if it is respectful of its genetic rules laid down by international law: if there is a valid founding treaty and the member states have voluntarily chosen to join, and if the special law thus created establishes a sub-order respectful of statutes and internal rules. Besides this legitimacy descending from the respect of the rule of law, there is (or could be) another, values-based: an organization is perceived as legitimate if it pursues the objectives assigned to it and reflects the common values shared by its members. A paradigmatic example is the recurrent crisis of legitimacy of the EU when specific political choices do not reflect properly its stated values.[24]

The third element of legitimacy is representativeness: an organization is considered legitimate if its decisional bodies are perceived as representative of its members. The representation may be direct or indirect: it is direct if all of its members are represented, it is indirect, in case of a restricted body, for example as a consequence of an election. The decision-making bodies enjoy, moreover, a greater or lesser degree of representation depending on the way they reflect directly or indirectly the membership as mediated by the voting powers. In the case of weighted voting, possibly some states do not feel adequately reflected in the number of votes they express and ask for a

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[24] See the management of the Greek financial crisis or the externalization to Turkey of the control of migration waves coming from Syria. See also the commitment to restore this value-based legitimacy launching the Conference on the Future of Europe, in the Political Guidelines presented by the European Commission's newly elected President Ursula von der Leyen, on July 16, 2019, where we find the aim of bringing "together citizens, including a significant role for young people, civil society, and European institutions as equal partners."

different weighting. A recent example is the evolution in the IMF (International Monetary Fund) voting rights after an endless debate over "voice and representation," which produced the 2008 and 2010 revisions of quotas and to the 2010 amendments.

Of course, we refer to the representativeness of the Member States. A particular way of reasoning pertains to the fact that we are describing a community of states, not of individuals.

There is, first, the impossibility of applying the principle of equality, which is a cornerstone of democracy in the modern state. The states are sovereign and therefore formally all equal in the international community, but this principle can only be a fiction: states are far from equal. Too many elements mark the difference: size, population, gross domestic product (GDP), availability of natural resources, control of mass destruction weapons. As a result, it is accepted in most international organizations the principle that the Member States are represented differently as they reflect different realities.

If the principle of equality of human beings were applied, it would lead us to focus on the population criterion to differentiate participation of states in IOs: a solution which would reduce to zero the presence of many small and micro-states and would increase exponentially that of the bigger ones, like China. The equal representation of the states and the equal representation of their citizens, therefore, conflict, and find a discretionary balance through special majorities, weighted vote, restricted decisional bodies as the Security Council in the UN.

Representativeness would appear quite different if we consider not states but citizens, not only regarding the principle of equality but also on the selection/electoral procedures. In this case, it would be necessary to pay specific attention to the main form of legitimacy: parliamentarism.

The role played by the European Parliament in the debate on the democratic deficit in Europe is well known. Today, 24 parliamentary assemblies are institutionally part of an international organization, the oldest one being the Parliamentary Assembly of the Council of Europe, established in 1946.

There is no doubt that representative democracy in Europe is democracy par excellence and the elections are its culminating point. The symbolic value of the electoral moment as a celebration of democracy is ambivalent, not only does it allow the selection of the sovereign body to which the highest political responsibility is conferred, but also the guarantee of control over and the replacement of the ruling class.

Even if this European model of international organization has been replicated by other regional organizations, it still applies to a minority of IOs and probably should not be considered as the only possible one, even if a campaign for a UN Parliament is running since 2007 with increasing success.

As far as IOs' legitimacy and accountability do not derive from states, but from individuals, they become original features of the international organization itself, attributing an authority and a voice which can resonate over the states.

Another perspective enlightens the legal phenomena belonging to the frame of transnational governance. They can vary in scale and distribution and involve in many ways, individuals, groups, communities, companies, national authorities; all of them establish networks across national borders. Already 15 years ago the most careful doctrine observed that "[o]rganizations, activities and individuals constantly span multiple levels, rendering obsolete older lines of demarcation" (Djelic and Sahlin-Andersson 2006).[25]

Both supranational and transnational phenomena may be more or less structured and institutionalized, and the two paradigms of legitimacy and accountability may more easily be detected when there are structured institutions to deal with. While international organizations may evolve towards

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[25] As pointed out in the introduction (Djelic and Sahlin-Andersson 2006). They add "[t]ransnational governance suggests that territorial grounds and national autonomy or sovereignty cannot be taken for granted. It also implies, however, that governance activity is embedded in particular geopolitical structures and hence enveloped in multiple and interacting institutional webs."

some kind of supranational governance, transnational networks and organizations – being them constructs among non-state actors – may complete and integrate their governance, as qualified interlocutors (advisors, enforcers) in specific areas.

A third strand for the development of legitimate processes, beyond the representation of states and the representation of individuals is in the so-called deliberative democracy, a model explored by Jürgen Habermas. At the core of this approach is political argumentation and justification before the decision making. Because these practices are inherently communicative ones, they require, space and time for stakeholders to listen to each other and be heard, pluralism and inclusion are features of such pragmatic political practice which in turn downsize the principle of authority. The theories developed by Habermas with reference to the state were then enlarged to integrate international and global relations. The model of global governance he suggests combines a *supranational* dimension with limited responsibilities (peace and human rights) with a *transnational* regime in which a global domestic policy would be negotiated and implemented. This multilayered system is not a blueprint for something entirely new as it is an upgrade of existing structures into a new global constitutional framework (Habermas 2012).

7.2 Accountability

A second key element of democracy intervenes once the choices are made, and can be inscribed in the notion of accountability. Accountability is the acknowledgment and assumption of responsibility for decisions and actions, answerability, blameworthiness, liability, and the expectation of account-giving. Technical and political bodies are held accountable for their choices when they assume full responsibility. Of course, the higher the degree of independence the more important it is to have well-defined ways of holding the organization accountable towards states and citizens.

The principle of accountability requires, first, the knowledge of "who does what." A second dimension relates to the need to know how things are

done, how the money is used, to which extent the goals have been achieved, and what expectations have been met. Finally, this also implies that those who mismanaged can be punished or removed.[26] Accountability is the opposite of the arbitrary decision which could be attributed even to a fully legitimate subject. Its goal is to avoid that after a democratic process (such as an election) whoever assumes a position of power could imprint an authoritarian turn and abuse it, a not so rare phenomenon that leads to downsizing the role of free elections as a sufficient democratic guarantee.

Accountability requires transparency; motivation of decisions; legal and political responsibility, reporting on the outcomes; audit by external, independent bodies; the possibility of claims, and even appeals to a judiciary authority.

An international organization is accountable if it puts those under its authority – States, but also citizens – in the position to comment and criticize. So, offices and bodies responsible for monitoring and evaluation should be able to receive claims and answer them.

Although we have seen many steps forward – ombudsmen, audit and evaluation offices, claiming procedures, and whistleblowing services being created[27] – progress can still be made in several ways. One is internal to the organization itself: in the event of mismanagement or failure of an action taken by the organizations' bodies how could these be held responsible? Or even removed? By whom?

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[26] See: ILA (International Law Association) Report on Accountability 2004, http://www.ila-hq.org/.2004; Peters (2011).

[27] We refer to the complaints mechanisms, monitoring bodies, opportunities for structured dialogue with civil society that are nowadays increasing in number and impact. In the World Bank for instance, the Inspection Panel was established in 1993, in the same year the Independent Evaluation Group started to release its assessments. In the United Nations in 1994, the General Assembly adopted the resolution 48/218B, establishing the Office of Internal Oversight Services, in 2002 the first Ombudsman's office was created and, since 2006, it serves UNDP, UNFPA (United Nations Population fund), UNOPS (United Nations Office for Project Services), and UNICEF; in 2008 the Independent Audit Advisory Committee (IAAC) was established to support the GA and the Secretary General. In the IMF an Independent Evaluation Office was established in 2001.

A second reform could be making the organizations more accountable towards citizens affected by decisions introducing jurisdictions. Finally, in some cases, there could and indeed must be a legal liability.

The imperfect representation of citizens, that we assumed to be inevitable, might be partly compensated by fully-realized accountability which can be the result of innovative formulas and experimental legal tools. Of course, civil society could raise a point of accountability, but not be able to impeach the IO decisional bodies – as it would lack an autonomous political legitimacy to do so. Eventually, the knowledge of the circumstances and reasons which have led to a decision could allow them to activate their national representatives and/or to communicate directly with the internal control bodies of the organization to submit a complaint whether of a legal or political nature. There are therefore many potential accountability actors: states, stakeholders, citizens, other bodies of the IO, or even the organization as a whole.

The most advanced model of public administration is today the "open government" model: transparency, openness of data and information, and sharing through digital technology. It is suitable for application in international organizations as it would contribute to bridging the gap between the international apparatus and the individuals. An interesting evolution of it, in the direction of decentralization, could come from the blockchain technology, whose employment is well known in the mining and exchange of cryptocurrencies (by the way a previously public- and state-controlled- function), less it is, yet, in the field of deliberative processes, authentication of documents, and validation of contracts.

Closely related to the needs of legitimacy and accountability – but also necessary to inclusiveness – is the topic of transparency: transparency implies permeability, the ability to communicate to express needs or grievances. It regards the procedural patterns, the access to documents, and people in the organizational chart. Not surprisingly, civil society is at the forefront in this claim for transparency (Lombardi 2009).

Undoubtedly, progress has been made over the last few decades and the contribution offered by the internet is of utmost value. It is not sufficient, however, making documents available on a website or a database if explanatory keys are not offered for finding and understanding them.

7.3 Inclusiveness

Transparency and accessibility acquire a special value and significance if they allow civil society to interact and be integrated into the debate, or even more when they permit a direct dialogue with citizens and stakeholders through dedicated channels.

Inclusiveness is the specific target to involve the greatest number of citizens through the activation of tools of participatory democracy or to help them access the accountability channels (Scholte 2011). The involvement of civil society beyond the obvious barriers that stem from cultural, linguistic, or digital gaps to reach minorities and disadvantaged groups is the ingredient that prevents that the processes described above remain mostly the privilege of a white, English-speaking elite, with high academic qualifications (Scholte 2005, 80). Nonetheless, important networks of NGOs are growing in the emerging and developing countries[28], with yet a very different representation of states according to the levels of national democracies, of internet literacy, of participation. The hope is to see in the medium/ long run a more diverse, multicultural civil society, really representative of world pluralism.

A substantial and not merely formal democracy requires specific tools for inclusiveness aimed at stimulating the widest possible participation, overcoming cultural (especially linguistic) as well as digital gaps. The digital divide is still a big obstacle both in cultural as well as in infrastructural terms.

The possibility – widely tested in the European Union – to conduct open consultations online – before the adoption of regulatory acts – paves the way for the growth of dialogue with civil society and with stakeholders in

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[28] See, for instance, the CIVICUS network, https://www.civicus.org/.

specific areas, encouraging the consolidation of thematic communities in-side a global demos[29] (dealing with the environment, civil rights, health, and so on). The list of sustainable development goals (SDGs) was adopted after an online poll involving about 8 millions. It is a small number compared to the global population, yet a big one for a consultative process online. Major groups and stakeholders are invited to participate in an e-consultation on the follow-up and review of the UN 2030 Agenda implementation on a dedicat-ed platform.[30]

Yet, these are little experiments in front of the big challenges ahead. We agree with Dahl that among the major challenges for the future of democra-cy are cultural diversity and education of citizens (Dahl 2000). In a global, diverse world, pluralism is a word which needs to be filled with meaning: it is not enough accepting or tolerating diversity, the future paradigm is about comprehension, compassion and solidarity.

7.4 From the Deconstruction to the Reconstruction

The democratic formula applicable to a specific international organization is the result of the way we choose to strengthen and combine the aforemen-tioned basic elements in its founding treaty, and even before that, it is in the definition of democracy we chose, the one which works better in a given field and to the specific aims of the organization itself.

To realize the aim of building new kinds of postnational democratic legal orders, it is necessary that the international treaties establishing the IOs foresee a clear and accessible revision procedure and that they are not con-sidered as written in stone. In this sense, the experience of the EU is exem-plary, as it is the best example of "democracy in the making," a work in

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[29] See the art.11 of the Treaty establishing the European Union: "1. The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action. 2. The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society. 3. The European Commission shall carry out broad consultations with parties concerned in order to ensure that the Union's actions are coherent and transparent."
[30] See: https://sustainabledevelopment.un.org/hlpf/2019/econsultation

progress that has attained higher levels of legitimacy, accountability, and in-clusiveness over the years, one reform after the other.

Cultural and structural differences among the organizations prevent from finding solutions and formulas universally applicable. What is necessary is rather to find a method and agree on the values/objective to be pursued, which can be attained gradually, creatively, reflecting the differences in cul-ture and context and depending on the stage of evolution. As it was the case with the process of European integration, then, other international organiza-tions could experience institutional formulas that give rise to *sui generis* so-lutions[31], new kinds of legal orders, never seen before.

What is proposed here is a progressive evolution towards shared values. This approach allows us to read in a teleological frame a series of small changes already happening, and would give us a key for their interpretation.

The experience of the European Union has much to teach in this respect as it is an interesting hybridation of models: there is a supranational dimen-sion legitimated by both representative of states (Council and European Council) and of individuals (European Parliament), open deliberative pro-cesses with online consutations, technocratic initiative and management (European Commission), independent jurisdiction.

We know that the European experience can hardly be transferred to re-gional integration organizations originated in different "cultural climates," as appears quite proven by the existence of similar, but not at all identical, regional organizations in Africa and South America, clearly inspired by the primeval model of the European Economic Community (the one before the Maastricht reform), but by far less supranational. It is even more difficult to

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[31] The European Court of Justice, ruling as far back as 1963 in the *Van Gend en Loos* case (1963) defined – for the first time – the Community as "a new legal order of international law for the benefit of which the states have limited their sovereign rights, albeit within lim-ited fields and *the subjects of which comprise not only member states but also their nation-als*" (emphasis added). In doing so it has done much more than underline the importance of citizens as recipients and beneficiaries of European standards, it actually included them in full right in the European formula for supranationality, which contributed itself to define.

transfer it on the global scale as "global federalism," which would reconcile deep economic integration and democratic policy.

Yet, a model applicable on a larger scale than Europe (escaping the charge of Eurocentrism) must necessarily hybridize cultures and accept diverse inputs and visions to get to some "syncretism" of democratic values. Innovative formulas have been tested in this regard and certainly they do not exhaust the (infinite) range of creative possibilities: the Global Fund to Fight AIDS, Tuberculosis and Malaria, the Kimberley Process, the Internet Governance Forum, the Global environmental facility, the UN Environmental Assembly (UNEA), the Committee on World Food Security. They all involve in original ways states, individuals, and other stakeholders. Another interesting trend in governance at all levels points to the private-public partnership (or PPP, see Tancredi 2015).

An autonomous legitimacy of an international organization, of course, requires some degree of independence by its member states: they have to be represented and participate actively in the decisional chain, but cannot keep the decisional process hostage to their own will. If this happens, any balance of interest among majorities and minorities and values and interests at stake is reduced to a mere negotiation among the most influential capitals – and ultimately to calculus of power – so undermining the added value of supranationality and multilateralism and reducing to zero the role of individuals. Real independence can be guaranteed only by specific statutory provisions, legal and jurisdictional guarantees, and by an adequate autonomous budget.

7.5 The Essential Ingredient: Individuals

The gene of supranationality has been crucial in influencing European integration and in any system, it could provide some propulsive capacity. It makes its appearance whenever to individuals – as members of advisory or decisional bodies – is assigned a role, even a limited one, in a governance system as this gives the organization a will and legitimacy of its own, which is not the summing up of the wills and legitimacies of its member states.

Even classically intergovernmental organizations may experience limited forms of supranationality whenever they establish a direct relationship with citizens, whether it is by creating advisory bodies of individuals as experts, or by opening up consultations of stakeholders or dialogue with civil society, or any channel that allows individuals directly concerned by decisions to submit complaints to the organization. The same driving force – individuals – even in the associated form of civil society and of local community, constitutes the essential ingredient of transnationality.

Yet, mot all global citizens will be interested in dialogue with all regional and global organizations in any given field, just as not all individuals are interested in casting their vote in political elections and to be active in the local communities. To engage the bigger number is a cultural challenge, individuals could interact through forms of differentiated participation according to their own interests and choices, respecting their free will.

Global participation rights are already evolving according to the model of the community. For example, a global community of individuals is committed to supporting policies to stop climate change (Stevenson and Dryzek 2013), it was visible, in 2015, during the COP21 negotiations and in the following interactions between civil society and the secretariat of the UN Climate Change Conference (UNCCC). In 2018, thanks to pressures from civil society and local governments, the Fiji Presidency of UNCCC launched the Talanoa Dialogue: Talanoa is a traditional word used in Fiji and the Pacific to reflect a process of inclusive, participatory and transparent dialogue; its purpose is to share stories and build empathy to make wise decisions for the collective good. The process involves the sharing of ideas, skills, and experience through storytelling. [32] It was a little step in the direction of legitimacy and inclusiveness and an interesting specific application of the Habermas' model of deliberative democracy mentioned above.

The "World We Want" web platform, co-hosted by civil society and the United Nations, is another significant example of this new community-

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[32] See: https://talanoadialogue.com

based approach, allowing civil society to take a stance for single sustainable development goals[33]. Multilateralism itself could be improved, as we see emerging actors such as companies having now a systemic impact on transnational public opinion and lifestyle, as the "Big Five" (Google, Amazon, Facebook, Apple, and Microsoft) or – even more – socially responsible companies and associations of companies[34]. So, multilateralism could now evolve towards multi-stakeholders' platforms, something we have already seen, for instance, in the internet governance, in some environmental bodies (as United Nations Environment Assembly – UNEA) or the Committee on World Food Security. Nothing would prevent to give a role to civil society. For instance, it could play an advisory role, by commenting and contributing to the first drafts of policy and strategy documents of IOs posted online. No big reforms are needed to spread many best practices already tested.

The multi-stakeholder model opens up even wider decisional platforms where all the actors can have a place in the negotiations, to contribute to win-win solutions working for all the stakeholders as well as for the collectivity.[35]

The multi-stakeholder approach could successfully combine with "minilateralism,"[36] the not-so-new idea of bringing to the table the minimum of States whose role is really significant in producing an impact – for instance, in the field of climate change, the dozen of main CO2 emitters – so privileging effectiveness over legitimacy, which could be possible if legitimacy had othere sources complementing that of states' participation.

Drawing legitimacy directly from individuals, also in their associated form, overcoming the limitations of citizenship, and even creating *ad hoc*

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[33] See: http://www.worldwewant2030.org/

[34] See platforms like *Business fights poverty*, https://businessfightspoverty.org/, or *Purpose Driven Innovation Ecosystem*, https://pdiegroup.com/.

[35] See the studies on "omnilateralism" by Pape (2009). See also the multi-stakeholders International Negotiation Platform promoted by Jerome Bellion-Jourdan, https://theglobal. blog/2020/04/24/democratizing-international-negotiations-towards-a-virtual-and-inclusive-negotiation-for-the-world-after-covid-19/

[36] On the topic, see Stevenson, and Dryzek (2013) and authors mentioned (Victor 2009, Wright 2009, Nain 2009).

ones (von Bogdandy 2012), the new global fora will be supranational *and* transnational. The national governance levels will interact in various levels with them, but won't be anymore the gate-keepers of legitimacy and enforcement. This would provide an answer to the insurmountable obstacle stemming from the participation in the organization of non-democratic states – and so their impossibility to be representative of their citizens, or from inadequate representation by democratic states. Global democracy is going to involve individuals or it is not democracy at all, as the concept of democracy itself is grounded, in its core, on civil and political rights.

A culture of accountability towards individuals is completely lacking at the level of global governance and so this is maybe the most urgent shift needed. National judges are on the frontline to make international law enforced also at the national and local levels, yet, IOs and governments appear often to be beyond any rule.

Inclusiveness needs to be cultivated through education, access to the internet, and easily usable tools for participation at all levels. The paradigm shift here sketched is – at a time – cultural and political. For treaties revisions and legal procedures to be written and enforced a bottom up-process is needed for what is not asked is not given. Awareness and claim by global citizens go hand in hand with desirable reforms.

The role of technologies in shaping the future of democracy cannot be stressed enough, as well as the importance of tools for prevention of the abuse of them, such as cyber-attacks and fake news.

8. The Lesson of COVID-19

As we stated in the opening, the unprecedented interconnectedness of states, populations, markets, is increasingly contributing to generate global crises. Most crises are, at a time, multifactorial, cross-sectoral, and interrelated among them.

Even if several global issues have been there for decades – as global warming – they are still waiting for a solution. The exposure to financial crises and the management of migration waves (with due respect for fundamental rights) are still challenging many states. All these issues could grow bigger over time, as environmental conditions worsen and inequalities rise.

In such a gloomy landscape came the tragic COVID-19 lesson, a global pause for reflection.

In the perspective of the study of international organizations, it has been a spotlight on the World Health Organization (WHO), on its intergovernmental, bureaucratic structure and limited scope and competence. Moreover, as the health crisis became quickly an economic and social crisis we had once again the difficulty to manage the cross-sectoral implications, which rested on more or less equipped states. Differences in the wealth of states are projected immediately, as usual, on their citizens.

Hence, there are some bright spots to reflect upon, and not little ones: (i) during lockdowns we assisted to the miracle of regeneration of nature, much quicker than we believed it to be possible; (ii) we saw how a rapid change in people's habits is possible when facing a real threat; (iii) a real (almost global) shared experience made the people feel closer. Finally – even if this is still to be proved – a significant economic crisis seems to be an occasion for a faster transition towards a greener economy, something we see in the plans of European Union.

It is an occasion to build a more solid and shared sense of belonging to the human family, to increase awareness of the interconnectedness not only between human beings but also between them and the Mother Earth, which reacts quickly to our choices with its own capacity for regeneration. As the Covid-19 wave is not over, a step in the right direction seems to be the Coronavirus Global Response, promoted by the European Commission, following the Pledging Summit in June 2020 and culminated in the decision to

participate in the COVAX Facility for equitable access to affordable vaccines for everyone.[37]

9. The Need to Manage Crises

At this point, we wonder whether every crisis should be a new challenge, a new departure for the goal of a shared response, or whether a permanent mechanism for emergency management could be created: a control room coordinating the efforts at all levels.

We suggested the revision of the existing system of IOs to increase legitimacy and accountability according to the proposed framework, to upgrade the political and democratic level of the existing bodies, and equip them with the necessary competences and tools. It is also necessary that they operate as an efficient network, where data collection and good practices already tested are shared in other organizations, with efficient transmission chains for information and coordination.

On this topic, many ideas have already been put forward. For instance, there is a long record of proposals to create a *UN Economic Security Council.* In this line, an interesting one – by Ocampo and Stiglitz – was, a few years ago, the proposal to establish a Global Economic Coordination Council (GECC) inside the UN.[38]

This proposal builds on the criticism about the existing top political fora (the Gs), lacking legitimacy and competence. Their fortune rests on the fact that eminently technocratic management of many IOs has proved often inadequate, when it gets necessary to move to politically sensitive decision-making so, the need for a political dimension in the global sphere appears

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[37] See: https://global-response.europa.eu/index/en.

[38] Even if this body, inside the UN institutional system would not be focused on crisis management, yet it would complement and complete the organization flanking the Security Council. It would meet at leaders' level (Heads of States) and its representation would be based on the constituencies mechanism (a restricted yet elected body). The option for multilateralism is clear as well as for a more legitimate and representative system. The new body would be in charge of coordinating all branches of the UN that operate in the economic, social, and environmental fields, including the Bretton Woods institutions, so encompassing the ECOSOC competence. See Ocampo and Stiglitz (2011).

evident. The two problems which need to be solved are the deficit of politics and the crisis of multilateralism (due also to its lack of effectiveness). Action can be taken on both fronts giving to a high-profile, adequately legitimized political body the competence to build strategies, inside a genuine, multilateral organization. For instance, as IMF and World Bank lack top political guidance (which is often provided by G7 or G20), it would be possible to entrust their (advisory) Ministerial Committees with a role of political guidance similar to the one currently played by the G20 and eventually foresee their possibility to meet (also) at head-of-state level.[39] There is no need to point out the significant difference between a self-referential group of leaders and an official body inside a multilateral organizations, where the few have to respond to the many, follow transparency rules and be held accountable.

Another possible solution is the creation of a dedicated new organization. The solution proposed by Bassan[40] builds on a set of organizing premises: (i) systemic crises are an opportunity for States to be seized in a situation of ruthless competition where market forces win over them; (ii) a balance is needed between minimizing the transfer of sovereignty and reduction of competition between legal systems and providing coordinated reaction to systemic crises. To do so, such IO should be equipped with tools for managing and early warning functions and with the role of coordination of States' efforts as well as that of existing IOs. The new organization would require a strong legitimacy, which brings us back to the reflections in para. 7.1. Another, already mentioned, long standing proposal is the creation of a League of Democracies: a new organization among democratic countries which, even if limited in participation, could enjoy significant support among its members, favouring their coordination in the most urgent and significant areas of intervention. Finally, the hypothess of a transnational network of national authorities responsible for civil protection, with purely operational

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[39] The proposal, in detail, is in Cafaro (2013).
[40] See Catà-Backer, Bassan, and Cafaro (2020).

characteristics and a specific mandate in emergency management, could be a proposal to be evaluated.

10. Concluding Remarks

This analysis may appear utopian or disconnected from reality, even imaginative.

There is maybe a temptation to dismiss the discourse about a democratic postnational governance as distant from the reality that we have before our eyes. And yet, the time factor is illusory since we are confronted with an acceleration of history.

We all suffer from this sort of myopia: we may have a very good close vision but it gets blurry when we look at distant objects. Partly, this is a fortune as the future is for us to envision and co-create, it cannot be well-defined right now. Partly, it is a curse, as we tend to live in denial of the problems whose solution we don't see yet. It may also happen that what is envisioned by the few does not scratch the wall of fears and anxieties of the many: nothing is as paralyzing as fear. So the temptation is to put another patch, to close another leak in the boat we are all on.

All the global issues already mentioned have at their root a series of well-known structural imbalances in our economic and cultural models. If the goal is to go beyond the management of the emergency – whose relevance we don't deny – we must attack the roots of the problems. Here are some of them: (i) the non-sustainable relationship between mankind and nature, based on exploitation; (ii) the rising inequalities, fostered by a destructive global competition among companies, states, and legal models (generating among other effects the unfair system of tax-avoidance by the biggest market actors and the collapse of welfare systems); (iii) the lack or inadequacy of policies implementing shared values, as the fundamental human rights or the SDGs.

Yet, a double paradigm shift is required: a paradigm shift in cultural models and awareness and a second one concerning global rules and institutions. The interrelation between the two is clear: only looking at the world with new eyes humanity could rethink models which led to the current situation. The leap required is, in our opinion, well described by the famous Einstein's quote in the opening. New technologies may help, but just as tools serving clear purpose-driven goals.

The human species could be able to live as part of an ecosystem where all other species equally thrive, in harmony with nature and as part of nature. Education may encourage the development of creative and critical thinking, contributing to preparing global citizens to take full responsibility for the planet and empowering them. The economy may serve the collective good while serving entrepreneurs and workers. The international community could take the incredible opportunity generated by the pandemic and the consequent economic crisis to move towards more sustainable standards in the relation between human species and the environment and towards more cooperative and supportive global governance.

So, the only line of defense of sovereignty – understood as both collective democratic sovereignty and as individual sovereignty in one's own area of freedom – cannot ignore the awareness that neither the market with its invisible hand, nor the algorithms[41] constitute a valid alternative to designing democratic processes to compose and balance interests within that desirable brotherhood constituted by the human community.

Factors that promote change may be exogenous or endogenous. Economic crises, natural disasters, threats to peace may act as catalysts for reforms, just like the pandemic. Similarly, increasing awareness and activism can determine the political climate in which change emerges.

The post-national and post-territorial democracy is a promising ground for research, attracting scholars from many different areas. Their work is

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[41] The danger of having algorithms taking over more and more of human discretion is well highlighted in Harari (2018). The author points out the need for global politics in the lesson 7.

split in different strands. There are scholars who study the characteristics of a possible democratic global governance, those who deepen the well-known hypothesis of a league of democracies and those who imagine a more fluid, transnational society, in which local communities dialogue with each other and with supranational authorities. The ideas provided here collect suggestions from all of the above and (hopefully) could be useful for any path going to combine democratic elements with universal values in a global polity.

This work in progress allows a creative process to overcome the experience of the sovereign territorial state. National democracy is not going to fade in the short/medium term, nor will it be substituted by global democracy all of a sudden, but, as Schuman pointed out "par des réalisations concrètes."[42] This process is already in front of our eyes if we want to see it[43].

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[42] "Europe will not be built all at once or as a whole. It will be achieved through concrete achievements, first of all creating de facto solidarity [L'Europe ne se fera pas d'un coup ni dans une construction d'ensemble. Elle se fera par des réalisations concrètes, créant d'abord une solidarité de fait]," so Robert Schumann in his famous speech on May 9, 1950.

[43] Deese (2019, 152): "The question that the human race faces nowadays is not whether we should or should not have global governance. The global governance that we already have insures the nearly frictionless flow of goods and services around the planet by maintaining and expanding a transport and communications infrastructure that dwarfs anything seen in all of human history. The real question is whether we can make the global governance that we already have fairer, more democratic, and more effective in protecting the lives and wellbeing of the living and the yet to be born."

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