This chapter will assess the historical exclusion and marginalisation of Africa and its diaspora from framing and engaging with global governance processes. The chapter utilises transitional justice as a prism through which to critique the undemocratic nature of the United Nations system, to establish World Parliament to redress this democratic deficit, and to suggest a restructuring and transformation of the United Nations Security Council (UNSC) to address geo-political insecurity, as well as Africa’s historical exclusion from the international system.

The chapter begins by proposing an understanding of global order predicated on maintaining peace and security, with an emphasis on the institution that has asserted its mandate to lead on this issue: the UNSC. The chapter argues that the international community has reached a democratic crisis point due to the historical and continuing geopolitics of exclusion. Consequently, the historical exclusion of a majority of the world in designing and upholding global order needs to be redressed. Concretely, from a transitional justice perspective, this means that it is necessary to rethink and remake the international system on the basis of global democratic inclusivity.

The Purpose of Transitional Justice

Transitional justice enables societies emerging from violent conflict or authoritarian rule to pursue redress and accountability for past human and civil rights violations in order to establish the healthy state-society relationships vital for peace and resilience. Transitional justice processes are crucial for maintaining civic trust in the aftermath of political tension or suppression. Dealing with the past includes establishing internationally recognised processes of justice and redress as a means
to promote peace and reconciliation. In 1997, the United Nations Commission on Human Rights (the predecessor to the present-day UN Human Rights Council) approved the Joinet Principles on Combating Impunity, which established the rights of victims and the obligations of states. The Joinet Principles identify four key parallel processes necessary to mitigate against impunity:

1. the right to know the truth about atrocities against victims;
2. the right to justice;
3. the right to reparation; and
4. the guarantee of non-recurrence.

These processes are premised on confronting the atrocities of the past and undertaking certain judicial and quasi-judicial measures to safeguard against the potential recurrence of similar abuses. Some of the processes for dealing with the past fall under the rubric of the still-contested term “transitional justice” (UNSC, 2004, 3). Transitional justice is meant as a vehicle to confront past exploitation and victimisation. In this context, transitional justice, therefore, does not seek to replace criminal justice; rather, it strives to promote “a deeper, richer and broader vision of justice which seeks to confront perpetrators, address the needs of victims, and start a process of reconciliation and transformation towards a more just and humane society” (Boraine, 2004, 67).

The ultimate purpose of transitional justice is to establish frameworks to disrupt the continuing effects of the past. At the heart of the democratic transitions in Gambia, Liberia, Kenya, Sierra Leone, and South Africa, during the 1990s, was the need to address the past through procedures accepted by those most affected. For example, in Sierra Leone, a violent civil war led to a range of mass atrocities, including killing, torture, rape, and the physical amputation of arms and legs by the armed militia groups engaging in conflict. Similarly, in South Africa, a brutal system of white supremacy, called apartheid (meaning “separate” in the Afrikaans language) established formally in 1948, deliberately excluded people of colour from accessing decent housing, healthcare, education, and employment, which created a massive under-class of poverty-stricken communities which continue to languish across the country. In addition, the trauma perpetrated during apartheid has been transmitted to subsequent generations of younger South Africans, who are not agitating for socio-economic redress and accountability for the past injustices perpetrated on their forebears. It is also necessary to remember that transitional justice is just that—a “transitional process”—not a permanent solution to addressing the atrocities of the past. The transient process will have to give way to the rule of law, the redesign of institutions, and the restoration of a constitutional order that will manage and resolve the social, political, and economic tensions within a society. Bodies such as truth and reconciliation commissions and special courts are temporary and time-bound institutions and should not be considered permanent solutions.
Created in 2000, the Institute for Justice and Reconciliation in Cape Town, South Africa, has compiled at least five components critical to dealing with the past through transitional justice processes:

- ensuring accountability in the fair administration of justice and restoring the rule of law;
- the use of non-judicial mechanisms to recover the truth, such as truth and reconciliation commissions;
- reconciliation in which a commonly agreed memory of past atrocities is acknowledged by those who created and implemented the unjust system as a prerequisite to promoting forgiveness and healing;
- the issuing of reparations to victims who had suffered human rights violations, including gender-based violence, as a way to remedy the harm suffered in the past through the provision of psycho-social support and the processing of trauma; and
- the reform of institutions including the executive, judiciary, and legislative branches of government as well as the security sector to ensure that a degree of trust is restored and bridges between members of society can be rebuilt.

The reckoning with the past that is at the heart of transitional justice is particularly important as countries move on from war and often authoritarian rule to inclusive democratic societies. As this chapter will argue below, the UN system is undemocratic in its current design and, more specifically, the Permanent Five (P5) members of the UN Security Council wield a disproportionate degree of power, which undermines the peace and security of the rest of the world.

The Invention of the United Nations and the Promise of Global Order

Following the subjugation of the fascist and totalitarian powers at the end of the Second World War, the wartime allies constructed a new framework for the post-war world order. The United Nations organisation was the progeny of this endeavour and its primary purpose was to enable its members to “settle their international disputes by peaceful means in such a manner that the international peace and security, and justice are not endangered” (United Nations, 1945). The Security Council and the General Assembly provided the UN with the ability to oversee the peaceful settlement of disputes. Specifically, Article 33 of Chapter VI of the UN Charter (1945) states that “the parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement.” In order to operationalise these interventions, the broad range of institutions within the UN system could be utilised by governments and inter-governmental organisation to address the underlying sources of conflict.
On this basis, it is important to remember that the UN is composed of its Secretariat, the member states, and its numerous agencies. As the institution empowered by the Charter to promote peace and security, the Security Council is the most powerful of these institutions and it has a primary responsibility to create and establish the frameworks for other branches and institutions of the UN system, as well as regional organisations, to contribute towards peaceful dispute resolution and the maintenance of global order.

Historically, the UN system was designed to ensure the balance of power between the great powers; however, the institution has not been fundamentally reformed in its history. Given the organisation’s responsibility to ensure peace and security, sustain refugees (currently at over 70 million people), protect the environment, improve livelihoods for the socio-economically marginalised, and address the global public health challenges, including confronting vaccine apartheid, the lack of reformation is shocking. It does not make sense for a more than five billion people not to have a “permanent” representation on the UN Security Council, particularly when more than 80% of the Council’s work relates to crisis situations in Africa, the Middle East, and South-east Asia. Thus, in the eyes of many, the international system of governance has no legitimacy from a global south perspective. This argument can be made more forcefully by India, which has over a billion people, and Brazil, which is also one of the most populated countries in the world. The question for the more than five billion people excluded from UN decision-making is why or whether they should continue to support such an illegitimate system of global governance.


During the early decades after the end of the Second World War, the UN witnessed an asymmetrical partnership between the body, Africa, and the African diaspora. Newly independent African and Caribbean states were just beginning to establish their political, social, and economic footing. As a collective, African and Caribbean countries were not in a position to influence policy at the UN. In most instances, postcolonial African and Caribbean states were beholden, and still are, at least economically, to their former colonial powers. The decision by Barbados in November 2021, to dispense with the British Monarch as their formal head of state, is a manifestation of the desire to break from the cultural power that former colonial powers yield over their erstwhile colonies. This cultural power, which was also wielded by the US and the Soviet Union during the Cold War as both superpowers, extended their influences and acquired allies across the continent. The long legacy of this cultural influence further contributes towards the UN system’s “paternal” attitude towards Africa and its diaspora. Since then, Africa has been trying to challenge and dispense with paternalistic attitudes from and within the UN system, and more specifically within the UNSC.
Currently, the negotiation processes in the UN Security Council perpetuate and reproduce this paternalistic exclusion of the African continent. More than 60% of the issues discussed by the UN Security Council are focused on Africa, yet the continent does not have any representation among the Permanent Five members of the Council (De Coning, 2014). Given that the P5 can veto all decisions before the Council, it is a basic travesty of justice that African countries can only participate in key deliberations and decision-making processes as individual, non-permanent members of the Security Council. Furthermore, there is no guarantee that African non-permanent members of the Council will in fact articulate and advance positions that are in the interests of African citizens and communities. This is due to the fact that the current cultural diplomatic practices are biased towards their national interests rather than articulating the collective views of the regions. If achieving fairness in negotiations among states is the preferred route to global legitimation, then a fundamental transformation of the UN Security Council and the elimination of the veto provision are necessary. The P5 benefits from the status quo within the international system, reproducing in effect a form of diplomatic apartheid. Given that the asymmetrical distribution of global political, economic, and military power has remained relatively unchanged since the end of the Cold War, the potential beneficiaries of global democratic transformation would be societies in the so-called developing regions of the world—Africa, Asia, the Middle East, and Latin America.

The historical exclusion of a majority of the world in designing and upholding global order needs to be redressed in a redesigned international system. Given the historical exclusion, exploitation, and oppression of Africa, it is vital in terms of global transitional justice for Africa to assert its right to shape the future global order.

Pan-African Efforts to Reform the UN Security Council

Africa has tried to voice its concern about the need for a change within the existing UN system. Specifically, in March 2005, the African Union (AU) issued a declaration known as The Common African Position on the Proposed Reform of the United Nations: the Ezulwini Consensus (African Union, 2005), which was a statement in response to the United Nations’ December, 2004 Report of the High-Level Panel on Threats, Challenges and Change. The AU is the successor body to the Organisation of African Unity (OAU), which existed from 1963 to 2000. The AU was established by its Constitutive Act, which was adopted in 2000, and is a membership organisation composed of all 55 countries of the African continent. The AU’s purpose was to building upon the efforts to decolonise the African continent, which was led by the OAU, by promoting Pan-Africanism, or the pursuit of mutually reinforcing and supporting solidarity among African peoples, through advancing regional and continental integration. In addition, the AU has adopted its Agenda 2963 as a roadmap for achieving a peaceful and prosperous driven by the aspirations of its peoples, including descendants of Africans who are currently in the diaspora.
The AU noted that “in 1945, when the UN was formed, most of Africa was not represented and that in 1963, when the first reform took place, Africa was represented but was not in a particularly strong position” (African Union, 2005, 9). The AU went on to state that

Africa is now in a position to influence the proposed UN reforms by maintaining her unity of purpose”; furthermore, it notes that “Africa’s goal is to be fully represented in all the decision-making organs of the UN, particularly in the Security Council.

African Union, 2005, 9

The Common African Position enumerates what “full representation” of Africa in the Security Council means: “not less than two permanent seats with all the prerogatives and privileges of permanent membership including the right to veto” and “five non-permanent seats” (African Union, 2005, 9). This was the first continental initiative to articulate the African position on how to promote inclusion in global governance institutions, which had stagnated up to that point.

On 27 May 2010, the Chair of Inter-Governmental Negotiations on Security Council Reform, Ambassador Zahir Tanin of Afghanistan, issued the first-ever negotiating text on Security Council reform. In this document, Sierra Leone, then a non-permanent member of the UN Security Council, reiterated the AU position: “Africa seeks the abolition of the veto, but alternatively, so long as it continues to exist, its extension to all new permanent members in the Council as a matter of common justice.” As noted above, the virtual impossibility of eliminating the veto provision from P5 members due to their combined power to subvert any such initiative in the short or medium term weakens the argument that achieving fairness in negotiations among states is a potential route to global democratic legitimation.

The Fallacy of United Nations Reform

The attempt by the African continent to propose reform of the UNSC through the Ezulwini Consensus has largely been rebuffed by the self-interested powerful members of the UNSC, notably the P5, thereby exposing the fallacy of the United Nations reform process. Consequently, it is time for Africa to participate directly in the dismantling of the current global system and in replacing it with a more inclusive system of global democracy. It is incumbent for citizens and the leaders that they have chosen not to wait for ideas to come from elsewhere, because they will favour the self-interested minority elite, rather than the collective.

The media bombards people with ways of thinking that discourage people from questioning the existing order. Contemporary broadcast media makes reference to the world’s nation-states as though they were not constructed by human beings and as though they cannot be deconstructed or remoulded. Global mainstream media also tends to adopt a state-centric approach to addressing global problems such as climate change, environmental destruction, and illegal transnational trade
in weapons and narcotics. Specifically, rather than questioning the existing United Nations system, the mainstream media tends to regurgitate the rhetoric coming from the dominant states and by so doing reinforces the status quo which is inherently undemocratic. Africa has to put forward its own proposals for remaking the global order along more democratic lines. The popular consensus emerging from the African Union Annual Assembly of Heads of State and Government in January 2016 was that African countries should “pull out” of the UN system (Azikiwe, 2016). This in fact might be a necessary stepping stone towards dismantling the current system and replacing it with a system that deepens global democracy. While exiting the dysfunctional UN system may seem appealing to dissatisfied member states across the global south, there are a number of challenges to consider. For example, it is impractical to withdraw from the international system, particularly if a country has to continue engaging and interacting with other actors around the world. Consequently, the case for global democracy needs to be made continuously by African countries, through utilising the prism of transitional justice and the need to redress the exclusionary posture and practices of the past.

**Transitional Justice and the Case for Global Democracy: Towards a World Parliament**

Transitional justice should serve to both entrench the rule of law and restore a global constitutional order that will manage and resolve the social, political, and economic tensions within world society. Practically, this requires the reform of institutions including the executive, judiciary, and legislative branches of global governance, as well as the security sector, to restore trust between members of global society. Therefore, when applied to the UN system, and the UN Security Council in particular, the demands of transitional justice require reforming the body’s decision-making process, as well as establishing a UN Parliamentary Assembly as an intermediate step towards a World Parliament. Article 109 of the UN Charter can be invoked to formally launch such a process. As targets of historical injustice, Africans continue to lead the promotion of fairness, equality, accountability and redress for the comprehensive economic and political harm done in the past, due to slavery and colonialism.

As noted above, transitional justice proactively addresses the exclusionary past in order to build an inclusive society. Global transitional justice is about enabling global society to make the transition from the authoritarian rule of a small self-selected global elite such as the P5 towards a global democratic order anchored by a World Parliament.

The challenge now is how to build a coalition of the marginalised and dispossessed drawing from the norms of transitional justice to mobilise for the establishment of a World Parliament, and thus to transform the ageing and ana-chronistic UN system, particularly the Security Council, and replace it with new institutions that seek to deepen global democracy, based on a renewal of principles of human freedom, solidarity, justice, and reconciliation, which we can draw from historical struggles from around the world.
It is time for a two-thirds majority of the countries within the UN General Assembly to build a coalition and to trigger Article 109—which cannot be vetoed by the permanent members of the UN Security Council—calling for a review of the UN Charter. Initiatives to revive multilateralism, through which countries cooperate and act in a collective manner to address global challenges, would require powerful countries to make a bold commitment to support the will of a two-thirds majority of the General Assembly, rather than play a divisive and nefarious role behind the scenes, which has been the common practice of the P5 for the UN’s more than 75-year history.

The activation of Article 109 is several decades-long overdue because the UN Charter calls for the periodic review of its relevance and effectiveness. In fact, the members of the General Assembly are in “legal” breach of the stipulations of the UN Charter, which specifically and explicitly calls for a Charter Review Conference ten years after the establishment of the UN, which was launched in 1945. In 1955, there were efforts to launch a Review Conference of the UN Charter, but this process became stalled, by the intransigence and non-engagement of the P5 members of the UNSC, and other prominent states. As evidenced by multiple campaigns currently underway to deepen global democracy, such as the efforts of the non-profit organisation called Democracy Without Borders (DWB), which is actively campaigning for the establishment of a World Parliament, there is a strong case to relaunch the campaign to convene a UN Charter Review Conference prior to the 80th anniversary of the UN in 2025.

Drawing upon the principles of human freedom, solidarity, justice, and reconciliation for which many people and communities around the world have fought and continue to fight, humanity needs a new global system designed around a World Parliament with legislative powers and Portfolio Committees on peace, security, gender equality, climate change, environment, refugees, and other matters. The operations of such a new global democratic system would be financed by the taxation of global transactions. The resources generated are needed to address transnational challenges and are beyond the ability of any single country. Specifically, the World Parliament would be able to utilise global taxation of international financial flows, as well as apply minimal taxes to international flights and shipping, to generate the funding resources which its Portfolio Committees, which are composed of a smaller number of countries and are dedicated to focusing on and addressing a specific issue, can appropriate to intergovernmental institutions to address global challenges. It is estimated that a minimal tax of 0.5% on international financial flows could generate an annual budget in excess of 250 billion US dollars, which is significant to the miniscule budget of around seven billion dollars the UN currently incurs through assessed contributions (Spahn, 1995).

A World Parliament could be constituted by the principle of proportional representation based on the population size of countries, across all 193 member states of the UN. It could also include other countries and territories that are not members of the UN, irrespective of religious or ideological orientation, to create a global legislative chamber. The possibility that such a World Parliament
could include both democratic and authoritarian states is not an anathema nor a reason not to establish such a body. National parliaments are currently occupied and increasingly populated by individuals who harbour fascist orientations. This suggests that it is not always possible to exclude anti-democratic proponents within an inclusive governance framework; the key challenge is to establish checks and balances to ensure that they do not overwhelm the democratic system. This would require establishing fail-safe institutional mechanisms that will prevent anti-democratic forces from altering or amending constitutions to reverse the rule of law, heavily monitored by an independent citizen-led oversight body.

Even as some countries retreat into cocoons of partisan nationalism, globalisation is here to stay. The challenge is to create institutions that can respond to international issues before they threaten the survival of humanity. The UN’s refusal to complete a Charter Review Conference in its 76-year existence is staggering, given the pace at which technology has evolved. The geo-political evolution of democratic institutions of global governance has not kept up with the pace of globalisation or the demands of the fourth industrial age. Consequently, think tanks, civil society, and scholars need to actively identify, lobby, and mobilise the support of influential member states within the General Assembly who can build a coalition of countries to chart a new course for humanity by convening a Review Conference of the UN Charter.

**World Federation of Nations**

In the absence of the political will within the UN to convene a Charter Review Conference, an alternate strategy would be to establish a new organisation such as the World Federation of Nations (WFN), which is based on the work of the World Federalist Movement. That organisation could establish a new and separate treaty to formally constitute and launch a new global body, which could be approved and adopted by “which ever internationally progressive countries were willing to be pioneers” (Strauss, 2005, 9). In fact, the UN itself was established by a pioneering group of countries so it has already provided an example of how to successfully achieve the establishment of the WFN.

In terms of the treaty establishing a World Parliament, “even twenty to thirty economically and geographically diverse countries would be enough to found the parliament” and “the treaty agreed to by these countries would establish the legal structure for elections to be held within their territories including a voting system and electoral districts” (Strauss, 2005, 9). There is no reason why these pioneering countries would have to give up their membership in the UN whilst forming the WFN, since almost all countries belong to more than one international organisation simultaneously. In fact, the pioneer members of the WFN could retain their UN membership and actively use their positions to advocate for the new global democratic architecture and convince other countries to join them in the new formation.

The constitution of the WFN could be framed in such a way that any country willing to meet its obligations under the WFN treaty could join. A WFN body
would include a range of representative bodies, including a Supranational Council composed of continents of the world, a Committee of Subnational Regions, an International Security Force, a World Court of Justice which could incorporate the International Criminal Court, a Forum of Unions, Civil Society Actors and Social Movements, and an International Taxation Organisation (Murithi, 2003). The establishment of these constituent bodies would represent the practical deepening of global democracy and expand the range of actors who are involved in deliberating and addressing global challenges.

If the WFN treaty gains momentum, then “other less proactive countries would have an incentive to take part rather than be side-lined in the creation of an important new international organization” (Strauss, 2005, 10). When membership of the WFN reaches an optimal number of countries, one might see the withering away of the UN’s relevance until it undergoes the same demise as the League of Nations.

To pave the way for the establishment of the WFN, a group of progressive states need to begin drafting a General Assembly resolution to put the UN Charter Review Conference on the agenda, as well as drafting the treaty and constitutional framework of the WFN.

Interrogating the Possibility of Change

The era of global disorder will persist, given that a radical shift in thinking utilising a transitional justice perspective does not, and cannot happen, overnight. A draw-out transition period is particularly apt when referring to international relations in which the parochial prejudices and biases of politicians inform decision-making. This situation will not change until those attitudes are transformed through a global transitional justice programme of “unlearning” the self-defeating and self-destructive world views premised on aggression, dominion, and control. The contestation and jostling for global supremacy will continue in this intervening period. After all, powerful countries have acquired a voracious appetite for preventing contestation of their global hegemonic power. They also directly engage each other, as exemplified by the People’s Republic of China’s ongoing confrontation with the US over the sovereignty of the South China seas and NATO’s eastward enlargement in the direction of Russia, evident in Montenegro’s 2017 inclusion in the western military alliance.

It would be naïve to think that the beneficiaries of the current system will allow change to happen simply because the African continent demands it. Consequently, this transitional justice transformation will not happen any time soon. Instead, Africa may have to utilise a strategy of disruption, undermining global systems and institutions that continue to perpetuate injustice and its subordinate status. Africa will also need to continue leading in the design and creation of new global institutions, as well as withdraw from international institutions dominated by the global geo-political powerbrokers.

Africa has already pushed for the reform of the UN system through the Ezulwini Consensus, but it was comprehensively marginalised and cast aside. A decade after
the initial Ezulwini Consensus initiative, the global system of governance and the UN Security Council remains intact and unaffected, as well as incapable of addressing contemporary security threats. The UN does do good work in some places; however, the next version of the UN should achieve even more for the war-affected, subjugated, and downtrodden. In addition, a new system of global democracy should have its own predictable source of funding from taxing financial capital flows or issuing a levy on imports, which the AU has recently adopted as a policy for funding its own operations.

Africa and the diaspora play a leading role in the global promotion of practices and norms of transitional justice and institutional reform. In particular, Africa and the diaspora have and will continue to challenge the artificial normative strictures of the global discourse of transitional justice and advance its own home-grown norms to deal with the violations of the past. Africa and the diaspora should lead together with a coalition of the willing states and actors to trigger Article 109 and chart a pathway to a World Parliament.

Africa’s experience with fighting for justice, equality, and self-determination through solidarity is the continent’s lesson to the world and the basis upon which it should assert its right to contribute towards remaking a global democratic system. The principle of equality, as stipulated in the norms of transitional justice, demands that the UNSC be permanently dismantled and replaced with a more inclusive platform for decision-making on vital issues of global peace and security. The principle of justice demands that all people are represented in a World Parliament, despite their ideological or religious orientations. The principle of solidarity demands that global challenges facing the environment, economy, and societies be addressed through the collective effort of continents, countries, communities, and people working in tandem, and not for self-centred agendas.

A new global order is now under construction. Its self-appointed would-be framers, in the east and west, believe that their economic and military power entitles them to mould it in their own image and to suit their own interests. There is a strong case from a transitional justice perspective for Africans and the diaspora to build coalitions with the rest of humanity to stop the illusionary and exclusionary agendas of the global elite, and contribute towards the remaking of a global democratic system. Ultimately, the redesign of the global order will advance the notion of common humanity.

References


