NEW GLOBAL GOVERNANCE AND OVERARCHING FRAMEWORKS: REIMAGINING THE RULE OF LAW, AI AND ESG FOR THE BETTERMENT OF THE WORLD

Monica Maghami*

ABSTRACT

The advancement of digital technologies, particularly in Artificial Intelligence (AI), the geopolitical fragmentation of Environment, Social, and Governance (ESG) with a lack of mandatory international governance, calls for increased global cooperation and integration in overarching central conceptual and of action frameworks. As humanity faces critical environmental challenges—such as climate extremes and biodiversity loss and wars—the disparities between rich and poor become more evident and the planet displays its illness. Addressing these challenges requires collective social change, underpinned by shared operating systems, open-source models, and quality data. Humanity's fragmented relationship with nature highlights the need for a robust global governance system. As AI and ESG matters transcend national borders, there is a growing need for international frameworks, such as the involvement of the International Court of Justice (ICJ) to resolve disputes and the rule of law, both at national and international levels to be interconnected, ensuring that legal frameworks complement each other. A shift toward "sust-AI-nability," grounded in human reason, science- and fact-based, with values- and risk-based must coordinate cooperation, essential for managing global challenges, foster meaningful transformation, and advance the United Nations' Sustainable Development Goals (SDGs).
Keywords: Artificial Intelligence (AI), digital divide, Environment Social and Governance (ESG), global governance, Sustainable Development Goals (SDGs), Pact for the Future, UK policies, rule of law, oneness of humanity, overarching frameworks

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* LLB, LLM, an international regulatory and transactional lawyer working in leading global technology companies, Big 4 and major law firms, focusing on AI and ESG to tackle the global digital divide and triple planetary crisis for a just transition monica.maghami@gmail.com

FOREWORD

The world we live in today calls for greater degrees of integration and cooperation with the advancement of digital technologies. That seven of the nine planetary boundaries[1] have been exceeded, necessarily generates calls to assess the present-day conditions at national and international levels. Planetary health check show the Earth is ill, nearing many critical thresholds. Scientists have issued a red alert for the health of the planet report for the first time in history of this kind. The report's authors at the Potsdam Institute for Climate Impact Research[2] confirm that six of the planetary boundaries have crossed the threshold to a point where Earth cannot function properly, while the seventh has been declared to be reaching its boundary: ocean acidification. The other six planetary boundaries overstepped by humanity are: freshwater change (green and blue water), land system change, climate change (CO_2 concentration and radiative forcing), modification of biogeochemical flows (phosphorus cycle and nitrogen cycle), introduction of novel entities and change in biosphere integrity (genetic diversity).[3]

It then becomes clear that enormous disparities between the poor and the rich accompany critical environmental problems such as extremes of heat and cold, together with violence, unconventional population and biodiversity displacement, to name only some of the critical signs. This evidence can be observed in the realms of Artificial Intelligence (AI) and Environment, Social, and Governance (ESG), both of which are impacted by historical predispositions. However, possibilities are germinating at national and international levels for social change that redefines collective values and challenges existing assumptions. This includes creating partnership mechanisms, fostering collaborations through shared operating systems for open-source models, and emphasising quality data over quantity to generate new businesses, platforms, and ecosystems that address some of the world's most intricated problems.

Humanity has had an ongoing fragmented relationship internally – human to human - and with nature, yet humanity and nature are interdependent and interconnected. While elements of international law are covered by national law and vice-versa, for example, if a state intervenes in another state in self-defence, the most important legal rules, such as those in the UN Charter and international customary law, are infringed. Therefore, to resolve cases involving AI and ESG

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[1] Seven of nine planetary boundaries breached | World Economic Forum (weforum.org) accessed 2 October 2024.

[2] Potsdam Institute for Climate Impact Research (pik-potsdam.de) accessed 2 October 2024.

[3] Seven of the nine (n1).

matters, there is a need for a global governance framework. As cases of AI and ESG issues inevitably affect other countries, the International Court of Justice (ICJ) must have legitimate jurisdiction to address such matters. Similarly, if a dispute arises over AI or ESG issues confined at the municipal level, national law will apply, and national courts will review the case.

The rule of law is indispensable at the national and international levels. The interconnection between the two levels means that the law should be obeyed as they have the same characteristics: an independent and impartial judiciary, laws are adequately known, applied equally to all (including lawmakers), and are clear and accessible. However, if the rule of law at the international level is not connected and complementary with the rule of law at the national level, can the former benefit from the latter? Or can the rule of law at the national level be strengthened by the international rule of law? The rule of law at the national level is not fundamentally different from the international rule of law; thus, both cannot be viewed as separate, as they cross all fields of law and are interconnected. Hence, constitutional law overlaps with international human rights law, environment law and investment law. At present, there is no police force nor a unified system of sanctions at the international level, despite the growing number of treaties in various fields. Instead, enforcement typically occurs as a matter of self-help, meaning states decide whether or not to take action or seek assistance.[4]

There is an urgent need for global governance and for international legal frameworks to regulate AI and ESG, ensuring humanity's safety and the protection of biodiversity. International cooperation is essential to mitigate risks such as cyberattacks and disinformation with data sharing[5], as well as effective implementation of renewable energy and associated matter. Both AI and ESG require the development of international legal frameworks to bridge societal gaps rather than widening inequalities. With no global overarching framework currently in place, there is a call for the UN Charter to be redrafted. In the absence of its timely review, carried out in consultation with all global stakeholders and duly ratified, alarming consequences may be anticipated. The doctrine of interdependence of the rule of law at the national and international levels demands the creation of a robust central system. Through shared principles and participatory collective methods that ensure segments of

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[4] Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Hague Institute for the Internationalisation of Law. Rule of Law: A guide for politicians. HiiL Innovating Justice. 2012, pp 8.
[5] BUYERS, John. Artificial Intelligence: The practical legal issues, 2nd edition, Law Brief Publishing, 2021, pp 40–41.

humanity are heard, key elements can be identified to form this overarching global framework for the betterment of the world.

INTRODUCTION

Our present system, founded on colonization, slavery, the erasure of indigenous knowledge, and viewing the planet merely as a resource, is a root cause of our global malaise. While the material aspects of the planetary crisis faced today are well understood (ranging from the triple planetary crisis, food insecurity, poverty and hunger), it is less understood why, with numerous policy instruments, technologies, and resources available, institutions, governments and humanity nevertheless fail to respond effectively to the cries for help at local, national and international levels. Could this be due to lack of cohesion and coordinated cooperation without a centralised common conception and actionable global framework? That systemic changes are required to change the inner dimensions of systems is another major aspect potentially inhibiting the will or perceived ability to respond. A shift of system change is essential for a new mindset to evolve beyond mere policy change. Even if fundamental principles for advancing human development exist and are humanity-centred, if competition, thirst for power, consumerism, prejudice, self-interest, and extremes of wealth and poverty prevail, often at the expense of the common good, national and international frameworks will not reach their potential or produce effective solutions for the progress of the 17 Sustainable Development Goals (SDGs).

Today's complex, multifaceted reality calls for a novel proposal, "sust-AI-na-bility" for the betterment of the world with a robust global government to manage climate change and the imminent fear of a potential 3rd world war. For both to be avoided, principles based on humanity's inner conditions, distinct from the contemporary challenges faced, are required to foster meaningful transformation for the planet and human life. By applying human reason to problems, rules and regulations of how to use resources and AI models can yield measurable results. Humanity can identify the right questions, collect the necessary data, and reason its way to explanations. Over time, knowledge and skills are acquired through this process, creating new possibilities for action, new questions to which reason can be applied and action can be implemented.[6]

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[6] KISSINGER, Henry, SCHMIDT, Eric, HUTTENLOCHER, Daniel. The age of AI and our human future. John Murray Publisher, pp 16.

DESIGNING FRAMEWORKS WITH A NEW MINDSET: UTILISING THE DOCTRINE OF INTERDEPENDENCE AND PRINCIPLE OF COMPLEMENTARITY WITH THE RULE OF LAW

Social and development issues are closely connected to sustainability and technology. Computers and phones have equipped individuals to access more data than ever before. Regardless of scale, we need to recognise when to limit the use of models and understand when global tipping points are reached, otherwise, history shows that there can be continuously negative impacts on the environment and human life.[7]

A new mindset for AI and ESG global governance can evolve with a common language, open source, interdisciplinary perspectives, a variety of unimaginable subjects now wired together in systems thinking, and participatory methods uniting efforts across various communities, including young generations, marginalised groups, industries and governments. This process can originate a common overarching conceptual framework, witnessed with shared stories that foster identity in an age of transition. This can generate shared paths, guided by principles such as justice, to reshape relationships between individuals, nations and the planet; shared responsibilities, where leadership transforms policies into implementation and action; and a shared framework, laying the foundation for transformation.[8]

Integration and coordination must extend beyond conventional methods, requiring a shift from global to local cooperation and vice-versa, enabling the identification of a variety of prototypes instead of repeatedly creating the same models without learning from past crises. Given the lack of evidence regarding the amount of quality data accumulated and the amount required, a new Global Stocktake is required to assess and coordinate existing quality data to determine how much more is needed to create and implement a coordinated system.

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[7] BUYERS, John. Artificial Intelligence: The practical legal issues, 2nd edition, Law Brief Publishing, 2021, pp 65. Turning to Human Rights, article 8 of the European Convention for Human Rights (ECHR) provides for a right to respect for one's private and family life, home and correspondence. The right is clearly designed to circumscribe and limit intrusive activity which could damage privacy.

[8] Embracing interdependence: Foundations for a world in transition. A statement of the Baha'i International Community at the United Nations Summit of the Future.

Doctrine of Interdependence

Without incorporating the doctrine of interdependence and the rule of law into legal frameworks and governance systems at both national and international levels, the shared vision of leaving no one behind, based on concepts of unity of humanity and justice, cannot be fulfilled. Nevertheless, the evolutionary advancements observed for the past 180 years indicate two parallel forces at play related to the doctrine of interdependence:

(i) the force of fragmentation, where outdated conditions and assumptions rooted in prejudice, which have proved to yield no fruit, continue to influence international, national and local settings. In digital technology and ESG, these widen gaps between and within nations, especially in developing countries, where populations and biodiversity face pressing development needs and limited resources[9]; and

(ii) the force of integration, which demonstrates that a new age is forming, with novel sets of assumptions connecting the two interdependent national and international levels. This leads to the foundation of global governance structures to accommodate the two processes, down-top and top-down, for a just transition.

Complementarity Principle

The Rome Statute of the International Criminal Court (ICC) outlines the principle of complementarity, which means that states themselves have jurisdiction over international crimes, provided they meet the necessary conditions for judiciary competency. In other words, if the international rule of law were to rely solely on international courts and tribunals, these institutions would not be able to manage caseload effectively, leading to excessive delays and denial of justice. National courts must uphold the rule of law with independence and impartiality, free from corruption. Values based in the principle of transparency are equally essential to gain trust of citizens so as to contribute substantively to the future of internation law.

The 75th anniversary of the United Nations recognised that rapid global reality shifts serve as a reminder of the deeper appreciation humanity must have with interconnection and interdependence. History has presented a variety of opportunities for the redefinition of collective values and historical unchanged

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[9] Pact for the Future, annex of Chapter 3, Global Digital Compact, September 2024.

assumptions underlying them. However, humanity has never had a greater chorus of voices calling for decisive steps forward in a collective journey toward enduring universal peace than today.[10]

Precautionary Principle

This is a legal approach to innovations with potential of causing harm when extensive scientific knowledge is lacking. The precautionary principle emphasises caution, pausing and reviewing before initiating innovations that may prove disastrous. In the engineering context, the principle manifests itself as the factor of safety. Historically applied in environmental law to address risks in the absence of scientific certainty, the precautionary principle has been extended to other fields, such as public health and technology. In a digital and ESG global governance framework, this principle helps manage uncertainties related to data privacy[11], cybersecurity, and the socio-economic impacts of digital technologies. It addresses, too, the profound implications of collective behaviour to advance a coordinated movement fostering higher levels of social and political unity, beyond partisanship divides. Incorporating the precautionary principle into legal frameworks ensures that potential risks associated with digital technologies are anticipated and managed proactively, thereby enhancing effectiveness and sustainability.

New and more pressing challenges are emerging, necessitating multilateral arrangements. However, the rejection of the very idea of a rules-based international order (RBIO) can no longer be denied and reform with systems thinking[12]: with new challenges come the need of new arrangements to address the demands of the time. Greater inclusivity, coherence and collaboration are required. Therefore, this principle, often used by policy makers in situations where there is a possibility of harm from a certain decision and conclusive evidence is not available, implies a social responsibility to protect the public from exposure of harm when scientific investigation has found a plausible risk.

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[10] A governance befitting: Humanity and the path toward a just global order. A statement of the Baha'i International Community at the 75th anniversary of the United Nations.

[11] BUYERS, John. Artificial Intelligence: The practical legal issues, 2nd edition, Law Brief Publishing, 2021, pp 39–64.

[12] The rules-based international order (RBIO) is often denied by certain actors. Countries such as the US and its allies advocate for the RBIO. Russia and China prefer a more multipolar system, where member-states have violated rules at risk of losing benefits. However, some argue that the RBIO may become an order of the strong or dictate by the majority. Hence, then need for a requirement advancing a reform with the consultation of all global stakeholders utilising systems thinking.

THE RULE OF LAW AT NATIONAL AND INTERNATIONAL LEVELS. WHAT IS THE RULE OF LAW?

The Rule of Law at the National Level – Why Does it Depend on International Law?

International law is crucial to the rule of law at the national level, as seen in international human rights law. National law limits the power of states over their citizens and residents by protecting rights such as free speech, assembly and worship, as outlined in articles 6-12 of the International Covenant on Civil and Political Rights (ICCPR)[13]. International human rights law also mandates the establishment of an independent and impartial judiciary at the national level, under ICCPR article 14. Most states have signed and ratified the majority of human rights treaties, including the ICCPR, and many of the rights under this and other international treaties have reached the status of customary international law. As a result, international human rights law significantly impacts and should continue to affect national legal systems.

Moreover, international law is superior to national law in that it requires the latter's conformity and accountability for breaches. Some of the key problems identified in this interdependence are:

(i) Certain limitations: States cannot use national law as a defence for violations of international law, in other words, international law cannot be overruled by national law. Limitations introduced by states when becoming parties to treaties, when aimed at modifying the legal effects of certain provisions, must not be in the interest of maintaining the rule of law at the national level. Reference can be made to the Vienna Convention Law Treaties[14], article 27, "Internal law and observance of treaties", meaning a "party may not invoke the provisions of its internal law as justification for its failure to perform a treaty". This rule is without prejudice to article 46.

(ii) Monist and dualist systems: Monist and dualist systems: The monist system binds states to international law upon ratification of treaties, incorporating them into national law. In dualist systems, international obligations must be transformed into national law to take effect. Monism can place a heavy burden on national courts, requiring judges to be well-versed in international law, potentially leading to inconsistent interpretations across states.

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[13] International Covenant on Civil and Political Rights | OHCHR accessed 1 October 2024.

[14] Vienna Convention Law Treaties (OAS) accessed 1 October 2024.

The Rule of Law at the International Level – Why does it Depend on National Law?

The rule of law at the international level is strengthened by its implementation at the national level. Governments and national legislators play a crucial role, as treaties must be concluded by the governments and ratified by parliaments in accordance with constitutional rules. Even permanent members of the UN Security Council have, at times, violated the UN Charter (for example the Iraq War in 2003 and the war against Ukraine in 2022). The rule of law must apply to all people at all times, not only to those in agreement, to ensure fairness and equity.

While the UN Security Council must set an example, national courts also play a key role in ensuring compliance with international law. However, national courts cannot apply all norms of international law to every dispute. Nevertheless, they can contribute by assuming jurisdiction over cases where individuals from other countries are held accountable for violations of fundamental human rights.

National courts can:[15]

(i)   fill gaps in the authority of international courts,
(ii) provide quicker, more affordable alternatives to international dispute resolution,
(iii) support international courts by upholding their authority, although states are generally reluctant to empower supranational courts fully,
(iv) better adapt international law to local circumstances, leveraging local knowledge and experience, and
(v)   protect international courts from being overburdened, which is why regional human rights conventions require the exhaustion of national remedies.

GLOBAL CHALLENGES

AI and Global Digital Divide

The global digital divide, both between and within states, underscores significant disparities in access to digital technologies and the internet. Digital technology poses gaps and new risks for humanity, especially when national governance focuses solely on state interests. However, digital technologies also offer benefits, such as to air quality and public health, reduced hospitalisations and deaths,

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[15] Rule of Law: A guide for politicians. HiiL Innovating Justice. Raoul Wallenberg Institute of Human Rights and Humanitarian Law and the Hague Institute for the Internationalisation of Law 2012, pp 39.

improvement of quality of life and alignment with local and national sustainability targets where public bodies, private actors, communities and individual stakeholders have spaces to contribute.

The digital divide remains a critical barrier to achieving the SDGs, particularly in marginalized and developing communities, for example, where the Global North is much further ahead than the Global South. AI technologies promise economic growth, innovation, and efficiency, but their potential has not been equally distributed, and those that are ahead are not walking together with those much behind. AI solutions can address longstanding social and environmental challenges through innovation and disruption, transform our planet and industries across sectors, driving core development such as future analysis, strategy and research for the betterment of the world.

Pros and Cons of AI – is AI Trustworthy as it Stands to Accelerate the SDGs?

While AI holds tremendous potential, it also raises ethical concerns, including bias[16], inequality, and the concentration of power in the hands of few, lacking equity. This means that individuals and societies should be given the opportunity, for example, with considerable incentive and funds to use technology to advance employability and seize AI opportunities, rather than passively allowing AI to replace jobs in marginalised areas. Humanity cannot allow all AI benefits and opportunities to be concentrated principally in the hands of those already way ahead and wish to continue to be prosperous. The digital divide directly impedes progress on many SDGs, including those related to education (SDG 4), gender equality (SDG 5), decent work (SDG 8), and reduced inequalities (SDG 10), amongst others.

Why is ESG Important?

Growing concerns about the main threat faced by humanity and the planet - the triple planetary crisis and the risk of nuclear war - have led economies and societies to expand the doctrine of interdependence with the principles of complementarity and precautionary. This is crucial for accelerating ESG reporting frameworks and identifying the global system's main concerns, including sustainable development. There are considerable alarms already identified at the heart of the United Nations

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[16] BUYERS, John. Artificial Intelligence: The practical legal issues, 2nd edition, Law Brief Publishing, 2021, pp 47.

2030 Agenda for Sustainable Development and the 2015 Paris Agreement on Climate Change.[17]

ESG Frameworks in the International, Regional and National Levels

ESG initiatives, while gaining traction globally, continue to face challenges in complexity and slow progress. Governments, companies, and communities may recognise the importance of integrating ESG principles, however, if those principles are not conducive to the unity of humanity and justice, they can be proven inefficient in tackling the climate crises, biodiversity loss and thereby impede progress of the SDGs. Given that ESG encompasses how an organisation approaches sustainability, measures success (which must be measured beyond GDP), care for its employees, and impacts the communities it serves, most organisations can understand the importance of incorporating ESG into their policies and operations.

However, states and industry sectors have found it difficult to determine where to start, especially because the various ESG frameworks and standards are applied on a voluntary basis. This challenge is compounded by the fact that values and strategies are not fully operationalised to include measures and indicators beyond GDP, due to push backs of companies and governments with self-interest in geopolitical areas and specific profitable fields of services and goods. Stakeholder capitalism has proved to be incompatible with company sustainability purposes, except when the company completely terminates old habits and instead looks into an alignment with modern habits to enable transformative social impact at local, national and international levels. This means acting not only for the benefit of its own policies and interests but the selfless care of the world, shifting leadership from self-centred to humanity centred.

SDGs Stagnation and Recession

The SDGs include 169 targets to be measured by 232 indicators. The SDGs were adopted by the UN in 2015 in the Paris Agreement, and provide a framework that, if the habits, mindsets, methods and tools are selflessly used, can offer a better and more sustainable future. Despite recurring crises and ongoing threats from regional conflicts and climate change, will the SDGs remain, with all 17 goals, aiming to end poverty, protect the planet, and ensure peace and prosperity by 2030? Addressing the global digital divide has multifaceted challenges ranging from lack of international and national governance, true cooperation, and a common global

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[17] The Paris Agreement | UNFCCC accessed 1 October 2024.

legal framework. This means that although cooperation gaps within and between states are identified, a robust process of accountability nevertheless must emerge inevitably within and between jurisdictions with the support of the rule of law, otherwise boundaries will continue to be overstepped.

AI AND ESG IMPACTING ON NATIONAL, REGIONAL AND INTERNATIONAL LEVELS – UNITED KINGDOM AS A CASE STUDY

AI

EU AI Act

In the context of Brexit, the United Kingdom's departure from the European Union has led to regulatory divergence, particularly concerning artificial intelligence. While the EU developed the AI Act[18], the first comprehensive legal framework on Artificial Intelligence (AI) in a regional scale and worldwide, the UK opted not to replicate or align itself with this regulation. After three years of negotiations, agreement on the AI Act's provisions was reached in December 2023, when the EU Parliament and Council finalised the key elements of the legislation for EU member states. However, the AI Act has extraterritorial effects, impacting not only EU member states, but also third-countries, including the UK. Specifically, third countries that develop or deploy AI systems considered "high risk" under the Act's definition must comply with its requirements when their AI systems are used within the EU. Therefore, despite Brexit, UK-based AI developers and users may still be subject to the EU AI Act if their activities intersect with the EU market.[19]

OECD and AI Principles

In May 2019, the Organization for Economic Cooperation and Development (OECD) promoted for the first time-in history principles signed up by governments for the use of AI which respects human rights and democratic values, values-based principles, including:

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[18] EU AI Act: first regulation on artificial intelligence | Topics | European Parliament (europa.eu) accessed 1 October 2024.
[19] Individual obligations for companies have been classified as: "low-risk systems" which only triggers transparency obligations ie providers must inform users of the use of AI in areas such as chatbots and AI supported video games, art 52; "medium-risk systems" in specific. .transparency obligation. This means that the EU AI Act also applies to "users" that are located in the UK, or in any other non-EU member state in the world.

i)   inclusive growth, sustainable development and well-being;
ii) human-centred values and fairness;
iii) transparency and explainability;
iv) robustness, security and safety; and accountability.

United Nations AI Advisory Body

In October 2023, ahead of the Summit of the Future[20], a newly created AI Advisory Body convened by the UN Secretary-General, Antonio Guterres, proposed an Interim Report on building multilateral stakeholder partnerships for multilateralism. The five core principles identified in the Interim Report guided the formation of a new global AI governance institution[21], incorporating policymaking. This was seen as essential in that AI development has been driven by a handful of CEOs and market actors from the Global North, avoiding voices of the Global South being heard. These value-based principles are:

i)   inclusivity: all citizens, including those in the Global South;
ii) public interest;
iii) centrality of data governance;
iv) universal, networked and multistakeholder; and
v)   international law.

Governing AI for Humanity Report

With the Summit of the Future 2024, in parallel to the agreed Pact for the Future[22], the UN Secretary General High Level Advisory Body on AI created a report outlining key recommendations for responsible AI governance. These were drafted by an exclusive group of 33 non-diplomatic members of states. Key recommendations ranged from:

(i) common understanding: establishing an International Scientific Panel on AI to bridge knowledge gaps and provide impartial insights to member states;

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[20] Summit of the Future 2024 - United Nations | United Nations accessed 1 October 2024.
[21] Governing AI for Humanity, AI Advisory Body, United Nations, September 2024, https://www.un.org/sites/un2.un.org/files/governing_ai_for_humanity_final_report_en.pdf accessed 2 October 2024.
[22] UN Pact for the Future, https://www.un.org/en/summit-of-the-future/pact-for-the-future accessed 1 October 2024.

(ii) common ground: encouraging global policy dialogue and regulatory interoperability to align AI governance with human rights values; and

(iii) common benefits: supporting a global AI capacity-building network to boost AI governance capabilities and foster local innovations that advance SDGs.

Pros and Cons of the Report

Contributions of the report are:

(i) global cooperation with AI benefits being shared globally;

(ii) ethical AI development that benefits of all humanity; and

(iii) actionable insights such as recommendations for industries, particularity in tech and life sciences, which are seen as crucial for guiding AI development responsibly.

Main challenges of the report:

(i) implementation gaps, the document outlines ambitious goals, however it lacks detailed plans for implementation, making challenging to translate recommendations into action;

(ii) representation issues: the advisory body does not represent the diversity of global perspectives, potentially overlooking the needs of smaller or less developed nations; and

(iii) regulatory concerns about the balance between advisory and regulatory roles, with some stakeholders expressing that more concrete regulatory frameworks are needed to address AI risks effectively. Although there is a general support for the idea of governing AI to ensure it serves humanity's best interests, there is also scepticism of the proposed measures.

Pact for the Future (the Pact), Chapter 3, and Global Digital Compact (GDC or Compact)

For the Summit of the Future 2024, a non-binding document was created by the UN nations called a "Pact for the Future" to transform global governance, challenging leaders to turn promises into actions. The document comprises of five chapters:

(i) sustainable development and financing for development;

(ii) international peace and security;

(iii) science, technology and innovation and digital cooperation;

(iv) youth and future generations; and

(v) transforming global governance, each of them intended to prioritise humanity and biodiversity, aligning the current urgent threats with human rights, equity and beyond.

Pros and Cons of Chapter 3 and the GDC or Compact

Chapter 3 of the Pact focuses on the responsible use of science, technology, and innovation. It emphasises the need for international cooperation to ensure that technological advancements benefit all of humanity, particularly in addressing global challenges like climate change and inequality. The Compact is a significant part of the chapter, aiming to bridge the divide to ensure that AI is used responsibly and ethically. Key positive takeaways of the Compact are:

(i)   inclusivity and equity, aiming to connect all people, schools and hospitals to the internet, leaving no one behind;

(ii) ethical AI, it addresses concerns about bias, privacy and security;

(iii) global cooperation, fostering international collaboration on digital governance, crucial for managing cross-border digital issues; and

(iv) sustainable development, the Compact supports the Sustainable Development Goals (SDGs), particularly in education, health and economic growth.

Gaps include:

(i)   implementation challenges, global compliance and cooperation can be difficult, especially without a central governing planetary system, especially with the variety of national interests and capabilities;

(ii) digital sovereignty, some countries are concerned about the implications for national sovereignty and the potential for external interference in national digital policies;

(iii) resource allocation, developing countries are likely to struggle with the financial and technical resources needed to implement the Compact's recommendations;

(iv) privacy concerns, while the Compact addresses privacy, new privacy issues may emerge faster than regulations can adapt due to the rapid pace of technological change; and

(v) lack of an AI taxonomy, see reference below to ESG taxonomy for comparison purposes. Areas of the Compact were watered down in the negotiations and the nexus of the Pact and diplomatic manoeuvres with AI and misinformation led to wide gaps in those areas.

Where do we go from here?

The Pact was a way consensus was created amongst civil society, academia and governments. However, it requires considering local realities, with their needs and aspirations addressed. UN member states adopted the Compact, the first holistic framework on digitalisation, aiming to move beyond silos to foster an integrated approach. There were coordinated efforts, for example to align technology with the SDGs, attempting to generate international policies for digital cooperation, aligning international law, the UN Charter, international human rights law, and the 2030 Agenda for Sustainable Development[23], all in one place.

Technology possibilities allowed civil society to interact in a way never seen in the past, in other words local realities were considered alongside, with common agenda reports. However, there is a lack of quality data and a requirement for a Global Stakeholder forum to take place as there is no information of even how much data is needed for the implementation phase.

Some of the groundbreaking areas of the Compact, terms of security and defence, were:

(i) the necessity of transnational levels to be addressed; and
(ii) the nexus of the Pact and diplomatic manoeuvres with AI and misinformation which led to gaps.

Many different levels of arms-length work remain to address the planetary emergency and its risks to work systematically with levels of participation, for example, the interdependence of the Pact for the Future with the work with local authorities, communities and industries to ensure there is cooperation.

ESG

ESG Taxonomy Regulation

The Taxonomy Regulation entered into force on 12 July 2020. It essentially created a classification system for sustainable economic activities, and most of its operative provisions took effect on 1 January 2022. This regulation establishes the concept of a "taxonomy-aligned investment", which is an investment that contributes substantially to certain specified environmental objectives, does not significantly harm those objectives, and complies with minimum safeguards and technical criteria.

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[23] Agenda for Sustainable Development web.pdf (un.org), accessed 1 October 2024.

Sustainable Finance Disclosure Regulation (SFDR)

The SFDR came into effect on 10 March 2021 and was subsequently amended by the Taxonomy Regulation. It aims to provide:

(i) a harmonized understanding of what constitutes a "sustainable investment"; and

(ii) a uniform, mandatory set of disclosure and reporting obligations relating to sustainability issues, including in offering documentation and annual accounts for investment products.

The EU views it as a tool to trigger behavioural changes in the financial sector, discouraging greenwashing and promoting responsible and sustainable investments.

The European Sustainability Reporting Standards (ESRS) and European Corporate Sustainability Reporting Directive (CSRD)

The ESRS have been in force since July 2023. This requires companies of a certain size operating in the EU to report sustainability information which, for the first time, is specified through ESRS. CSRD has been in force since January 2023. Under it, companies are required to disclose information on the social and environmental risks they face and how their activities impact people and the environment, when these risks and impacts are considered material. That is referred to as the double materiality perspective, in which the risks to the undertaking and the impacts of the undertaking each represent one materiality perspective. Companies subject to it are required to report according to ESRS.

Together, the CSRD and ESRS create detailed sustainability reporting requirements that will apply to a significant number of EU and non-EU companies, beyond those covered by the CS3D, substantially increasing the scope of their sustainability reporting compared to the predecessor, Non-Financial Reporting Directive (NFRD), which it replaces.

Corporate Sustainability Due Diligence Directive (CSDDD, or CS3D)

The CS3D entered into force in July 2024. This EU law is the first cross-sectoral legislation requiring large companies operating in the EU market to identify, prevent and address actual and potential adverse impacts on human rights and the environment, including their own operations, subsidiaries and those of their business partners in their value chains. It requires companies to implement a transition

plan for climate change mitigation that aims to ensure compatibility of the company's business model and strategy with the transition to a sustainable economy and the goal of limiting global warming to 1.5 degrees Celsius. Companies will also communicate relevant information externally on their due diligence policies, processes and activities to identify and address actual or potential adverse impacts, including the findings and outcomes of those activities.[24]

OBSTACLES WHICH REQUIRE MOVING AI AND ESG FROM POLICIES TO THE IMPLEMENTATIONAL LEGAL FRAMEWORKS LEVEL

A New Call for a Second UN Charter

Recognition that the UN's constitution and foundation are outdated is considered to be universal. The UN Charter, written nearly 80 years ago, was designed for the management of national sovereign states in the post-World War II era and to prevent another global war. Although successful at the time of its agreement and publication, the UN Charter is no longer equipped to support current world challenges. After years of success, the continued failure to address issues of peace, security and climate change, has proven that there are existing levels of "double standards, selectivity, hypocrisy, and the whims of geopolitics"[25] in use of the UN Charter by permanent members of the Security Council. Often, the permanent members disagree with each other when operating within the UN Charter structure. In the context of contemporary geopolitics, the lack of international governance structures as well as environmental, public health, and women's participation frameworks, combined with outdated processes, calls for a modernization of the Charter.

Absence of a Global Governance, a Federalist Central System

A global governance system is urgently required to centralise international legal frameworks and treaties, ensuring cohesion under the rule of law. Once humanity's interdependence is acknowledged, complementary and precautionary

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[24] Corporate Environmental Due Diligence and Reporting in the EU: Legal analysis of the EU Directive on Corporate Sustainability Due Diligence and policy recommendations for transposition into national law. ClientEarth and Frank bold, September 2024, pp 12.

[25] Global Governance Forum, www.globalgovernanceforum.org accessed 10 October 2024.

principles are in place, a significant movement at both international and national levels will occur, paving the way for prosperity and peace this century. Existing concentrations of technological capacity and market power are unfairly distributed within and between states, exacerbating existing inequalities, deepening divides, and hindering the world's systems and its populations. Economies have been operating in isolation, influenced not only by geopolitical competition but also by a values crisis, where nation's interests, growth, and profitability remain the central focus of their economy.

The Immutable Principle of State Sovereignty

The immutable principle of state sovereignty is a key assumption which has endured for centuries. It theorizes that national identities are immutable, resulting in fierce competition between local, national and global agendas, often accompanied by the notion that one population or segment of society can thrive at the expense of another. This creates critical barriers to achieving the SDGs, especially in areas where marginalized populations live and in developing countries with limited natural resources essential for humanitarian and biodiversity survival. The principle of state sovereignty has, for centuries, perpetuated fierce competition across local, national, and global levels. The digital divide and lack of global governance for ESG continue to present obstacles to achieving the SDGs, particularly for vulnerable groups, namely women and girls, children and youth, older persons, people with disabilities, migrants, refugees, indigenous communities, the internally displaced, those in vulnerable situation, and rural and remote populations within and between countries.

Lack of Strategies to Close the Digital and ESG Divides

At the national level, for instance in the UK, rural and underserved communities lack adequate digital resources, and globally the divide is even more pronounced in developing countries. AI methods such as machine learning are capable of modelling climate and weather, identifying patterns, making accurate predictions about global temperatures, improving agriculture, and reducing environmental impact. They can also map deforestation, recycle more waste, clean oceans, reduce poverty, and develop new technologies that support enhanced education, a cornerstone of sustainable development. These methodologies offer a compelling strategy to close the global digital gap by ensuring that technological advances benefit all humanity. However, a systems thinking process with identified AI models and platforms has not been utilised for the common benefit of those nations and peoples behind with AI and ESG strategies.

REIMAGINING THE WORLD

A Bedrock of Strategies

Released in 1985, the statement "The Prosperity of Humankind" notes that there is a need for a "bedrock of a strategy that can engage the world's population in assuming responsibility for its collective destiny". The strategy "must be the consciousness of the oneness of humanity". Therefore, "the concept that humanity constitutes a single people" challenges the way most contemporary institution's function.

Further: "Whether it's the adversarial structure of civil government, the advocacy principle informing much of civil law, the glorification of struggles between classes and social groups, or the competitive spirit dominating modern life, conflict has been widely accepted as the driving force of human interaction. It is yet another expression of social organisation rooted in the materialistic interpretation of life that has consolidated over the past two centuries."[26]

Systems Thinking

Many principles of responsible AI such as fairness and equity, accountability, safety, privacy, security and robustness are common areas of application and have extensive policy implementation in countries like the UK. Both AI and ESG are high on the agenda of active societal stakeholders. Simultaneously, there is significant international and domestic focus on sustainability reporting and disclosures. Contemporary generations have inherited educational systems where subjects such as Maths, Geography, History, Chemistry, and Physics are studied in silos, a tradition lasting at least 200 years. Current planetary challenges urgently require collaborative solutions to mitigate complex and critical issues, especially those tied to the SDGs. When interconnectivity is embraced, systems thinking integrates various factors from social to environmental, into a deeper approach to problem solving, rather than through isolated fixes, enabling much more to be achieved.

Expanded Concept of National Sovereignty

The redefinition of national sovereignty means prioritising the advantage of the part only when it serves the progress of the whole. Absolute sovereignty is

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[26] The Prosperity of Humankind: Statement prepared by the Bahá'í International Community Office of Public Information, Haifa, 1985, pp 5.

increasingly unattainable unless it benefits the entire global system. If AI and ESG principles were repurposed to reduce disparities within and between states, this expanded concept could support the rule of law and transnational cooperation. Without such an expanded approach, how can countries like the UK find solutions to global SDG challenges? A state cannot champion both the greater good of the world and its national interest if the latter consistently prevails over global well-being, which inevitably leads to divisive agendas. In the absence of global governance structures, countries like the UK have developed AI strategies and regulations and implemented ESG frameworks that primarily benefit their jurisdictions, as a way to self-help its own borders.

Commonalities of AI and ESG: Reconstructed Principles to Support Global Governance Frameworks

To generate an overarching global framework involving AI and ESG governance models, the same fundamental principles that shape humanity's shared consciousness must be employed:

(i)   the unity or **'oneness' of humanity**, underpinning the idea that all people and peoples, nations and nature are interconnected, aiming to bring together a diverse range of stakeholders to reflect on major concerns affecting local and national levels. This means recognising every human being as a potential agent of change;

(ii)   **justice**, going beyond protecting minorities, treating each individual as capable of contributing meaningfully;

(iii)   Effective **consultation**, allowing people from all backgrounds to contribute equally, with decisions free from prejudice, unified in vision, and based on a collective investigation of reality;

(iv)   **universal access to technology**, crucial for nurturing a future where AI benefits all[27];

(v)   a **sustainable economy**, operating for the good of all, balancing extremes of wealth and poverty;

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[27] The denial of the full equality of sexes perpetrates in injustices against half of the planet's population, in other words harmful attitudes, usually perpetuates from home to the workplace, to political life and international relations.

(vi) the **harmonisation of science** (including technology) **with spiritual** values, evident in principles like environmental care, indigenous and human rights, which must guide societal evolution; and

(vii) **universal education**, vital as ignorance perpetuates prejudice and societal decline.[28]

The Evolution of a New Educational Process with a Shift in Values

The technical, soft and specific skills developed in recent centuries necessitate re-evaluating these components with true values. Their absence has hindered "Trustworthy AI" and put into question its "trustworthiness" element. A new framework is required, based on concepts of a novel world order bringing humanity and nature together through the application of that new set of values. Despite forces of fragmentation, optimism prevails that humanity can communicate science effectively, with future generations demanding accountability and taking responsibility although the issues today caused by previous generations. Skills can be nurtured to transform identified local concerns into actionable solutions, impacting states and the world.

Capacity Building

Capacity building requires collaboration and the application of technical skills, where every human has a role beyond silos of communities, businesses, and governments, contributing to a sustainable present and future: learning to apply technical hard, where collaboration is critical; soft, by each human being having a role to play beyond their own circle of comfort; and specific skills, for a future to be created by employing technological scientific research to reach sustainability goals.

New Habits and Attitudes

Humanity has compartmentalised reality, often neglecting shared responsibility. Empowering individuals with space for dialogue, free of paternalism, enables all actors to emerge as protagonists within this new ecosystem.

Forbearance, Courageous Determination and Selflessness

Programmes must be adaptable, particularly regarding climate change, to respond promptly to current impacts and with adaptation, for example, to the adverse

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[28] Dahl, Arthur Lyon, Unless and Until "A Baha'i focus on the Environment". Baha'i Publishing Trust, 1990.

effects of climate change. Understanding historical patterns in specific regions can inform responses to recurring socio-economic and climate issues to prepare for future impacts.

CONCLUSION

A new overarching global governance framework, centred on human dignity and distinction, must prohibit harmful actions by holding accountable those violating human rights, environmental, and technological dimensions. Further to the Pact for the Future, AI systems should be trained, under that legal overarching framework, to be designed and monitored with genuine cooperation instead of envisaging profits and self-interests. The design here aims to foster humanity's skills and knowledge for the progress of our species, others, and the planet. Strengthening national and international rule of law is vital. AI must be equitable, accessible and accountable, addressing digital disparities in infrastructure across different populations and geographies. **Incorporating AI into sustainability practices is essential to accelerate the SDGs**, ensuring accountability both in the public and private sectors, including national governments and major dominant corporations, in the event of infringement by any minor or major stakeholder, indistinctively. Meaningful "**Sust-AI-nability**" principles should guide AI and ESG amalgamated purposes. Innovative solutions can then tackle the SDG's challenges with roadmaps and a common conceptual framework for sustainable development, addressing local communities' needs and aspirations.

States have historically relied on self-interested regulatory frameworks, driven by a limited selection of values-based principles often focused on national prosperity and progress, and not critical to the continuous development of major dominant stakeholders. However, high priority solutions must be sought for those affected locally and globally, not just within geopolitical national boundaries. Technologies and resources exist to meet humanity's basic needs and eliminate poverty, disease, inequality, insecurity and injustice. Strategic implementation is required to reverse the degradation of the seven planetary boundaries processes which are unstable and the speed of the last two final planetary boundaries: stratospheric ozone depletion and increase in atmospheric aerosol loading.[29] Equity in technology use will be achieved only when shared undertakings and commitments are recognised and implemented in action.

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[29] Seven of nine planetary boundaries breached | World Economic Forum (weforum.org) accessed 2 October 2024.