

The Click-and-Commit World Order

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Abstract

This Article explores the rise of a new model of global governance: the “click-and-commit world order,” characterized by digitally mediated pledging platforms through which a wide array of actors—states, corporations, cities, NGOs, and individuals—publicly commit to addressing global problems through non-binding promises. In contrast to traditional treaty-making, these pledging platforms offer a decentralized, voluntary framework for international cooperation that relies on public declarations rather than negotiated obligations.

Within the U.N. system, this mode of governance developed within the United Nations Global Compact and the Paris Climate Agreement, where bottom-up pledges were institutionalized within formal and informal international structures. The internet now amplifies and democratizes this model, enabling coordination and norm diffusion without requiring state action or legal enforcement. Examples such as the Net Zero Space Initiative and a range of climate-related platforms illustrate how the pledging order bypasses formal treaty regimes in favor of reputational incentives, public transparency, and symbolic participation.

The Article evaluates the values, risks, and institutional dynamics of this emergent order, including its emphasis on pluralism, voluntarism, and functional over status-based participation. Ultimately, the pledging order reflects a shift from constitutional, rule-restraining global law toward a voluntarist, productivity-oriented attempt to address 21st-century transnational challenges—particularly where formal multilateralism has stalled.

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I. INTRODUCTION

One corner of the internet houses the “Net Zero Space” initiative. There is a URL, where anyone on Earth with an unrestricted internet connection may access the project.¹ The initiative describes itself as “a multi-stakeholder platform calling to achieve sustainable use of outer space by 2030 by taking concrete actions to mitigate the generation of new orbital debris and remediate existing ones.”² Orbital debris threaten the utility of orbital bands that satellites inhabit and that rockets and astronauts must cross to reach outer space. Like several other significant global problems, international law has not (yet) managed to offer a rules-based solution.

What exactly is the Net Zero Space initiative? Curiously, it uses frameworks familiar to international lawyers. Navigate to the Frequently Asked Questions (FAQs) page to learn that there is a “Declaration.”³ This “is a soft law instrument and, as such, supporting it bears no implication under national or international law: it’s merely a political signal in favor of the larger political goal.”⁴ The initiative is not “legally binding,” a question that is only relevant if one is thinking in terms of law.⁵ Dig deeper to learn that the host of the initiative is an organization called the Paris Peace Forum, which is “a platform open to all,” though it adopts the language and trappings of late twentieth-century inter-state organizations.⁶ The Forum “work[s] to improve global governance through multistakeholder cooperation” and serves as the “secretariat” to the Net Zero Space initiative.⁷

The initiative functions by soliciting and publicizing “concrete actions,” which it elsewhere characterized as pledges.⁸ Participants in the initiative must provide a “concrete announcement,” that is, a pledge to do something relevant to the initiative’s agenda.⁹ Amazon’s Project Kuiper, for example, pledges to “[d]eploy their satellites at altitudes that support reliable deorbiting at the end of mission life, using active propulsion to enable deorbit in less than one year[.]”¹⁰ The FAQs continue: “Is there a monitoring mechanism to assess compliance with

¹ *Sustainable Use of Outer Space by 2030*, NET ZERO SPACE, <https://perma.cc/VAW9-5R66> (last accessed Mar. 30, 2025).

² *Frequently Asked Questions*, NET ZERO SPACE, <https://perma.cc/FYT6-BMPS> (last accessed Mar. 30, 2025).

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *About Us*, [PARIS PEACE FORUM](https://perma.cc/35NF-ENNM), <https://perma.cc/35NF-ENNM> (last accessed Apr. 29, 2025).

⁷ *Frequently Asked Questions*, *supra* note 2.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Amazon: Project Kuiper*, NET ZERO SPACE, <https://perma.cc/Y49P-VKRG> (last accessed Mar. 30, 2025).

the pledges?”¹¹ This question once again recalls late 20th century international law, which relied heavily on such mechanisms to facilitate the effectiveness of its rules. Net Zero Space disavows these techniques. No monitoring. And joining is simple! “Support can be formalized by a simple confirmation via e-mail of your willingness to join. You can reach us at netzerospace@parispeaceforum.org.”¹²

Welcome to the Click-and-Commit World Order. In an era of geopolitical challenges, a retreat from robust multilateralism, and a growing list of issues demanding international coordination, public and private actors of many kinds have begun to innovate around the modalities of cooperation. Technology, specifically the easy communication of the internet, facilitates this.

Key to the click-and-commit order is the idea of “pledging.” Elsewhere I have defined pledging as individual promises actors make in a way that is not formally reciprocal, or part of a bargained-for exchange.¹³ These are often made within a pledging platform, which is the framework of cooperation in which the pledge is made. The Net Zero Space initiative, with its facilitative website and email address, exemplifies this. The pledging platform calls for pledges (provide your “concrete announcement”) and defines the goal (“mitigate the creation of new orbital debris and remediate those existing”).¹⁴ The pledging platform sometimes offers standards the pledges should meet. The platform usually offers some apparatus to collect the pledges and maintain records of them (a “simple confirmation via e-mail”).¹⁵ It sometimes publishes these pledges (“examples of what current supporters have committed to may be found on the ‘Supporters’ tab on this website”) to celebrate progress, attract more subscribers, or facilitate accountability.¹⁶

Of course, pledging is now also familiar within formal international law as a treaty design choice. Consider the Paris Climate Agreement: states are asked to make individual pledges (nationally determined contributions) within the overall framework of the treaty (the pledging platform).¹⁷ What internationally-minded individuals and groups have realized, however, is that pledging as a mechanism of cooperation does not depend on the special status of states as sovereigns. After all, each actor pledges only for him or herself and the only consequences for failure to deliver on the pledge are reputational. States can pledge, but so can cities, corporations, individuals, universities, NGOs, think tanks, religious groups, and

¹¹ *Frequently Asked Questions*, *supra* note 2.

¹² *Id.*

¹³ Melissa J. Durkee, *The Pledging World Order*, 48 YALE J. INT’L L. 1 (2023).

¹⁴ *Sustainable Use of Outer Space by 2030*, *supra* note 1.

¹⁵ *Frequently Asked Questions*, *supra* note 2.

¹⁶ *Id.*

¹⁷ Paris Agreement to the United Nations Framework Convention on Climate Change, Dec. 12, 2015, T.I.A.S. No. 16-1104 [hereinafter Paris Agreement].

others. Moreover, the internet can take the place of the major international treaty conference or international organization: gathering participants, coordinating, creating focal point moments, and generating hype. And so, pledging has escaped the bounds of formal international law and leapt into the pluralistic cybersphere. It has permeated the climate change issue area and spread far beyond it to forest protection, fair trade practices, the circular economy, packaging waste, orbital debris, and on and on.

What do we make of these facts? What is the relationship between the rules-based international order and the click-and-commit pledging order? And what does this relationship augur for the future? This essay begins to evaluate these implications.

Concerned? The future is in our hands. Click here to “commit to declaring concrete, tangible example(s) of actions . . . [you] took, or are planning to undertake”¹⁸ to address it.

II. BACKGROUND

One way to contextualize the relationship between technologically mediated pledging activity and international lawmaking is to cast the former as an indicium of the gradual retreat of the state from the center of international problem solving, as rules-based international legal ordering shrinks within a rapidly pluralizing broader landscape of global governance.

The traditional international legal origin story begins at the Peace of Westphalia in 1648 and its centering of the state as sovereign, with rights of domestic non-intervention and sole authority for international lawmaking. That Westphalian understanding began to shift in the 20th century, especially after the Second World War, with constitutional treaties, multilateral organizations, and human rights obligations that pierced the veil of sovereign prerogative to bring international legal rights to the individual. The end of the Cold War precipitated and coincided with increasing globalization, progressively eroding the central role of states in developing and disseminating international legal norms. International organizations made rules and defined norms; non-state actors used the capacities of the internet to network across state borders and coordinate and participate in the work of global governance; multilateral treaty regimes multiplied with their accompanying secretariats and committees; state officials networked and coordinated with peers, disaggregating the state.

The 21st century and the launch of social media only accelerated the capacity of diverse groups to connect and organize around the globe. At the same time, it revealed the international system’s inability to respond to major global problems

¹⁸ *The Net Zero Space Declaration*, NET ZERO SPACE, <https://perma.cc/MTP6-FTTU> (last accessed Apr. 27, 2025).

like climate change and distributional injustices. These failures accelerated a populist backlash to the post-Cold War era globalist ambitions of U.N. officials and other elites. As the first quarter of the century comes to a close, these problems are coming to a head, with states flaunting international rules, decoupling through national security exceptionalism, and failing to curb the oncoming climate cataclysm.

The story of the rise of international norm generation through click-commit “pledging” is embedded in this larger context. It begins in the post-Cold War period, as a slew of new actors entered the international lawmaking ecosystem. These include civil society actors, “NGOs, social movements, business forums, research institutes, and other civil society associations,”¹⁹ and the commercial private sector. While the U.N. system had formally relegated non-state actors to minor and subsidiary roles at its founding,²⁰ the U.N. came to embrace these actors in the late 20th century. Thousands of organizations gained consultative status through the U.N.’s Economic and Social Council, and groups began to regularly attend annual meetings of the International Monetary Fund, the World Bank, the Ministerial Conference of the World Trade Organization, the Conference of the Parties for the Climate Treaties, and many other fora. U.N. leaders like former U.N. Secretary General Kofi Annan hailed this influx as a participatory “revolution” and a “global people power.”²¹ His successor Boutros Boutros-Ghali celebrated the democratizing effect of civil society participation, calling it “a basic form of popular representation in the present-day world.”²²

Business groups were among the swell of engaged participants and the U.N. ultimately embraced them too. The “acceleration of business-led global integration during the 1990s” led to the business sector’s increasing interest in engaging with international organizations.²³ Business groups engaged in the same ways as the rest of civil society—through non-profit trade and industry associations accredited as “consultants” to ECOSOC and other bodies,²⁴ through

¹⁹ Jan Aart Scholte, *Relations with Civil Society*, in THE OXFORD HANDBOOK OF INTERNATIONAL ORGANIZATIONS 715 (Jacob Katz Cogan et al. eds., 2016).

²⁰ See Melissa J. Durkee, *International Lobbying Law*, 127 YALE L.J. 1742, 1754–58 (2018).

²¹ Press Release, U.N. Secretary-General, Partnership with Civil Society Necessity in Addressing Global Agenda, Says Secretary-General in Wellington, New Zealand Remarks, U.N. Press Release SG/SM/7318 (Feb. 29, 2000), <https://perma.cc/9QFP-FLT7>.

²² 47th Annual DPI/NGO Conference, United Nations, Keynote Address by Secretary-General Boutros Boutros-Ghali, 3 (Sept. 8, 1994).

²³ Georg Kell, *Relations with the Private Sector*, in THE OXFORD HANDBOOK OF INTERNATIONAL ORGANIZATIONS 730 (Jacob Katz Cogan ed., 2017).

²⁴ See generally Durkee, *supra* note 20 (discussing business engagement through the ECOSOC consultancy system).

membership on national delegations, and through other formal and informal consultative and partnership roles.²⁵

The U.N.'s turn toward private actors launched its embrace of pledging as an ordering mechanism and problem-solving tool. First came the Millennium Declaration of 2000, anticipating "greater opportunities to the private sector, non-governmental organizations and civil society, in general, to contribute to the realization of" the U.N.'s goals.²⁶ The vehicle for the private sector contributions came in the form of the U.N. Global Compact. The Compact was a "call to companies around the world to align their strategies and operations" in support of U.N. goals in areas like human rights, labor, anticorruption, and environment.²⁷ According to Georg Kell, founder and former Executive Director of the U.N. Global Compact, the Global Compact has led to a "silent reform," in U.N. working practices, and an era of strategic partnerships and public-private projects of all kinds.²⁸

In sum, as the possibilities for robust multilateral legal ordering declined in the early 21st century, even as global problems mounted, international organizations welcomed a slew of diverse non-state actors into global governance using innovative new methods of engaging cooperation. By leaning into the participatory dynamics and the digital technology that facilitates them, the U.N. adopted a pledging blueprint that deemphasizes hard law and the state. Many other actors followed suit.

III. PLEDGING

What is this pledging blueprint? I have previously defined this as constituted by pledging within pledging platforms.²⁹ A pledge is a non-reciprocal, individually determined commitment (a pledge) made within a larger framework of cooperation (a pledging platform). Actors pledge when they independently determine what it is that they promise to do, rather than negotiating about those commitments as a group and committing to a common promise. Pledges are bottom-up, customized commitments made in response to a call.

That call, and the larger framework of cooperation, are what I call the "pledging platform." The platform defines the goal, seeks and gathers pledges, sometimes offers criteria or standards for the pledges, and usually publishes them

²⁵ See generally Kell, *supra* note 23 (outlining a variety of forms of engagement).

²⁶ G.A. Res. 55/2, Millennium Declaration, U.N. Doc A/RES/55/2 (Sept. 18, 2000) ¶ 30.

²⁷ Press Release, U.N. Global Compact, Results from the Global Compact Survey says that a deeper understanding of sustainability issues is gaining momentum around the world but much remains to be done to truly operationalize corporate sustainability and translate commitments into tangible action, UNTV (Jun. 4, 2012), <https://perma.cc/EEU4-THY3> (last accessed Apr. 27, 2025).

²⁸ Kell, *supra* note 23.

²⁹ This portion builds on terms and analysis first offered in Durkee, *supra* note 13.

to celebrate progress, attract more subscribers, or facilitate accountability. The pledging platform sometimes requires other activities in connection with the pledge, like progress reports, an accounting, or subsequent pledges expressing greater ambition. The pledging platform is the organizing infrastructure for the pledges, often hosted on a webpage. Indeed, this entire method of problem solving is only realistically realizable within the digital environment of the globalized twenty-first century. Consider two highly salient examples: the Global Compact, and climate pledges.

A. The Global Compact

After attempting, but failing, to develop international legal regulations to ensure corporate accountability during the cold war years, the U.N. tried a more voluntary tack at the end of the century under Kofi Annan.³⁰ It launched the Global Compact, “a call to companies to align strategies and operations with universal principles.”³¹ I characterize the Global Compact as a major, influential, internet-facilitated pledging platform.

The Global Compact solicits pledges. Specifically, it asks businesses to “demonstrate their leadership role as world citizens” by pledging to “endors[e] and champion[] the nine principles . . . and mak[e] sure they are carried out in corporate practice.”³² Originally, Compact members were simply asked to endorse the principles and make progress reports.³³ Later, the Compact solicited forward-looking pledges in each of the Global Compact’s principal areas of focus—human rights, labor, environment, and anti-corruption³⁴—and set out a framework for periodic review and renewal of the pledges. The Compact anticipated that companies would “ratchet up” their commitments with successive pledges.³⁵

³⁰ Compare Comm. on Transnat’l Corporations, *Draft United Nations Code of Conduct on Transnational Corporations*, in Rep. on the Spec. Sess., U.N. Doc. E/1983/17/Rev.1, ¶¶ 12–27 (1983) with Office of High Comm’r, Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect, and Remedy” Framework, U.N. Doc. HR/PUB/11/04 (2011), <https://perma.cc/4G6M-Q99Y>. The two regimes demonstrate a pivot away from binding regulation, with the latter regime dispensing with the regulatory frame and emphasizing only the corporate duty to *respect* human rights.

³¹ *Who We Are*, U.N. GLOBAL COMPACT, <https://perma.cc/BB2W-6B5N> (last accessed Mar. 30, 2025).

³² Kathryn Gordon, *The OECD Guidelines and Other Corporate Responsibility Instruments: A Comparison* 5 (OECD, Working Papers on International Investment No. 2001/05, 2001); *see also Who We Are*, *supra* note 31.

³³ Gordon, *supra* note 32, at 6 (noting that these reports were meant to include “specific examples of progress [entities] have made or lessons they have learned in putting the principles into practice”).

³⁴ *The Communication on Progress*, U.N. GLOBAL COMPACT, <https://perma.cc/5QUX-BSUE> (last accessed Apr. 5, 2025).

³⁵ Gordon, *supra* note 32, at 6.

Pledges are published on a searchable webpage.³⁶ In fact, website viewers can navigate around a map of the world to peruse Compact partners and corresponding pledges.³⁷



U.N. Global Compact, "Explore Our Participants" Page

Joining the Compact just takes a few clicks on a simple application page, and the Compact has been wildly successful in terms of the sheer numbers of its participants. As of this writing, the Compact claims as members “over 20,000+ companies based in over 160 countries, both developed and developing, representing nearly every sector and size.”³⁸ Its participant database has nearly 25,000 entries.³⁹ Participants include business, nongovernmental organizations, foundations, academic institutions, and other groups.⁴⁰ Notably, the pledges serve as the Compact’s cornerstone means of enlisting participation and action, and the U.N.’s major effort in the area of corporate accountability. The U.N. dropped its former efforts to develop binding regulation on corporations concerning issue areas within the Compact.

³⁶ See *Who’s Involved*, U.N. GLOBAL COMPACT, <https://perma.cc/UL5K-RMA9> (last accessed Mar. 30, 2025).

³⁷ *Explore Our Participants*, U.N. GLOBAL COMPACT, <https://perma.cc/9EJQ-37PU> (last accessed Mar. 30, 2025).

³⁸ *Who We Are*, *supra* note 31.

³⁹ See *Who’s Involved*, *supra* note 36.

⁴⁰ Georg Kell, *Twelve Years Later: Reflections on the Growth of the U.N. Global Compact*, 52 BUS. & SOC’Y 31, 31–52 (2021) (reviewing these diverse participant groups).

B. The Paris Climate Treaty

In the climate arena, pledging has become a major ordering mechanism inside and outside of formal international law. The 2015 Paris Climate Agreement, concluded fifteen years after the launch of the Global Compact, is itself an example of pledging within a pledging platform.⁴¹ The core of the agreement is the call for pledges: “Each Party shall prepare, communicate and maintain successive nationally determined contributions that it intends to achieve. Parties shall pursue domestic mitigation measures, with the aim of achieving the objectives of such contributions.”⁴² In other words, parties decide what climate mitigation measures they will take and thus choose their own treaty commitment. These are bottom up, individually determined, non-reciprocal commitments—customized pledges to suit the needs of the pledgor.

Negotiating parties also agreed on the terms of the pledging platform: Pledges must be made every five years;⁴³ they must be communicated and publicly recorded;⁴⁴ successive pledges are meant to “represent a progression” beyond previous pledges;⁴⁵ pledges must “reflect [a party’s] highest possible ambition”;⁴⁶ and parties must “account” for whether or not they have achieved their pledge.⁴⁷ These commitments make up what I call the pledging platform—the infrastructure within which the pledges are made.

C. The Climate Action Portal

Pledging is not just a matter of formal international law in the climate context. In addition to the treaty, the Paris Climate Conference also produced a pledging platform open to all. Indeed, the state pledging platform within the climate treaty was only one piece of a larger pledging landscape the 2015 conference created. U.N. Secretary-General Ban Ki-moon opened the conference by calling for “all hands on deck,” meaning not just States Parties, but anyone able

⁴¹ Paris Agreement to the United Nations Framework Convention on Climate Change, *supra* note 17.

⁴² *Id.* art. 4.2.

⁴³ *Id.* art. 4.9 (“Each Party shall communicate a nationally determined contribution every five years.”).

⁴⁴ *Id.* art. 4.8 (requiring parties to ensure that their nationally determined contributions are clearly communicated); art. 4.12 (“Nationally determined contributions communicated by Parties shall be recorded in a public registry maintained by the secretariat.”).

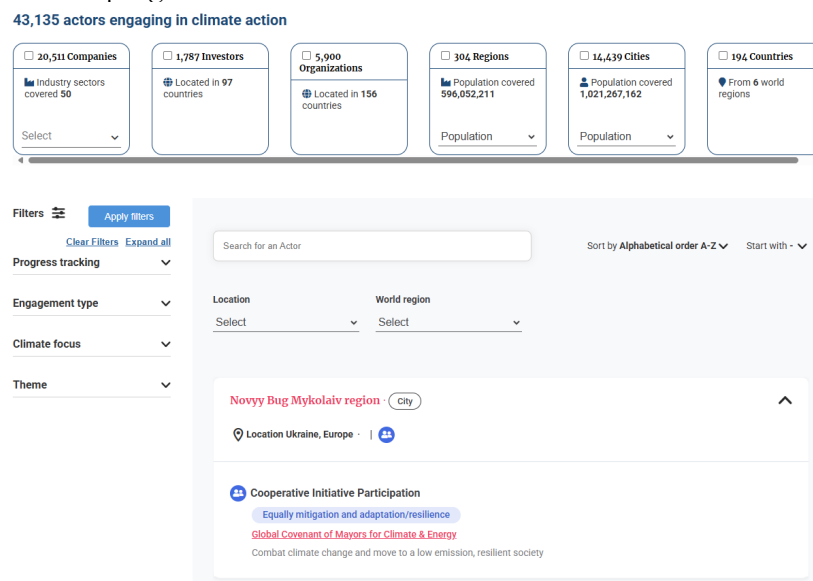
⁴⁵ *Id.* art. 4.3 (“Each Party’s successive nationally determined contribution will represent a progression beyond the Party’s then current nationally determined contribution”); art. 3 (“The efforts of all Parties will represent a progression over time.”).

⁴⁶ *Id.* art. 4.3 (“Each Party’s successive nationally determined contribution will represent . . . its highest possible ambition . . .”).

⁴⁷ Paris Agreement to the United Nations Framework Convention on Climate Change, *supra* note 17, art. 4.13 (requiring parties to “account” for their nationally determined contributions); art. 14.2 (requiring parties to periodically and publicly take stock of their collective progress).

to contribute to the climate mitigation project.⁴⁸ And so, the States Parties meticulously designed and announced a Non-State Actor Zone for Climate Action (NAZCA) platform and a corresponding Global Climate Action portal, with details included in the covering adoption instrument for the climate treaty. Rather than relying on just the state pledges and any corresponding regulations states might make to fulfil their pledges, the Non-State Actor Zone cut out the middleman of the state, taking the project right to individual groups.⁴⁹ After fifteen years of Global Compact pledges, the blueprint was familiar.

Like the Global Compact, the Global Climate Action Portal also upgraded its functionality over time, later launching “the tracking of voluntary climate action with the inclusion of the progress made by individual actors registered in the portal.”⁵⁰ Now, website viewers can search among the 43,135 (at print) “actors engaging in climate action” evaluating for themselves the ambition of each actor’s pledge and the progress each has achieved.⁵¹



NAZCA Global Climate Action Portal, Actor Tracking page

⁴⁸ Ban Ki-moon, *Remarks to COP21 Presentation of Draft Outcome Document*, U.N. (Dec. 12, 2015), <https://perma.cc/M975-URRY>.

⁴⁹ Conference of the Parties to the United Nations Framework Convention on Climate Change, 21st Sess., Decision 1/CP.21, FCCC/CP/2015/10/Add.1, at Preamble (expressing intention to “mobilize stronger and more ambitious climate action by all Parties and non-Party stakeholders, including civil society, the private sector, financial institutions, cities and other subnational authorities, local communities and indigenous peoples”).

⁵⁰ *Actor Tracking*, NAZCA GLOBAL CLIMATE ACTION, <https://perma.cc/5Y28-5XW3> (last accessed Feb. 28, 2025).

⁵¹ *Id.*

Prospective participants can simply email information about their initiative and climate goals to a NAZCA email address.⁵² If accepted, the groups will be invited to provide progress information through an annual tracking process. All information provided on the portal is “as reported,” and unendorsed.⁵³

D. Pledging Goes Viral

The pledging idea soon leapt far beyond these U.N.-sponsored fora, reaching actors of every kind around the globe. Climate pledging platforms are often layered and interconnected, where a pledge through one platform opens the door to the next.

The Science Based Targets initiative (SBTi) invites members to “align [their] corporate voluntary greenhouse gas reduction targets with climate science,” that is, to “set a science-based target.”⁵⁴ The clothing retailer H&M Group, for example, “commits to reduce absolute scope 3 GHG emissions 56% by FY2030 from a FY2019 base year.”⁵⁵ The initiative claims over 10,000 members as of this writing.⁵⁶ Ambitious companies who join the SBTi can, in turn, join other campaigns, like the We Mean Business Coalition. We Mean Business links a number of business-facing pledging campaigns together, crowing that “2023 saw a 44% increase in companies making ambitious climate commitments through SBTi, SME Climate Hub, The Climate Pledge and others annually.”⁵⁷

The Glasgow Financial Alliance for Net Zero (GFANZ) attempts to coordinate pledging efforts for the financial sector.⁵⁸ GFANZ, while launched by a U.N. Special Envoy on Climate Action and Finance, claims now to be a “stand-alone, private-sector group that focuses on supporting efforts within the financial services sector to achieve the Paris Agreement objectives.”⁵⁹ GFANZ “brings together CEOs and leaders from the financial services sector to support the

⁵² *Tracking and Recognition*, NAZCA GLOBAL CLIMATE ACTION, <https://perma.cc/9L4X-6NT3> (last accessed Apr. 24, 2025).

⁵³ *Cooperative Initiative Tracking*, NAZCA GLOBAL CLIMATE ACTION, <https://perma.cc/K73D-83EH> (last accessed Feb. 28, 2025).

⁵⁴ *Set Science-Based Emission Reduction Targets*, UN GLOBAL COMPACT, <https://perma.cc/A763-KPDQ> (last accessed Feb. 28, 2025).

⁵⁵ *Supplier Engagement Case Study – H&M Group*, SCIENCE BASED TARGETS, <https://perma.cc/PV3L-SK25> (last accessed May 13, 2025).

⁵⁶ *Id.*

⁵⁷ *Progress*, WE MEAN BUSINESS COALITION, <https://perma.cc/EH95-B8A5> (last accessed Feb. 28, 2025).

⁵⁸ GLASGOW FINANCIAL ALLIANCE FOR NET ZERO, <https://perma.cc/KYZ5-UENX> (last accessed Feb. 28, 2025).

⁵⁹ *About Us*, GLASGOW FINANCIAL ALLIANCE FOR NET ZERO, <https://perma.cc/3N84-23GQ> (last accessed Feb. 28, 2025).

transition to a net-zero economy.”⁶⁰ Among other things, GFANZ helps with transition planning for “financial services sector participants [who] independently decide to align their businesses and portfolios to net zero”⁶¹—that is, GFANZ supports entities that have made climate pledges.

Subnational actors have also joined the pledging movement. One of the most well-known is the C40 Cities initiative, a network of mayors that are united in action to confront the climate crisis.”⁶² Participating cities must publish 1.5°C-compatible climate action plans.⁶³ The Under2 Coalition and Climate Mayors are other entrants. Under2 boasts membership of 270 subnational governments representing more than 50% of the global economy.⁶⁴ Under2 pledges must include a greenhouse gas inventory, near- and long-term reduction targets, and a plan aligned with those targets.⁶⁵ Climate Mayors is “a bipartisan network of nearly 350 U.S. mayors” that “represent[s] 46 states and nearly 60 million Americans;”⁶⁶ participants sign pledges “committing to the Paris Agreement.”⁶⁷ The Japan Climate Initiative and the European Climate Pact have also launched pledging campaigns.⁶⁸

The Global Compact, the Paris Climate Agreement, and exploding diversity of climate pledging platforms are examples of a means of ordering that has spread to many issue areas, launched and hosted by many kinds of groups, including international organizations, substate entities, “independent” organizations, and other non-state groups.

Consider the World Economic Forum and its Davos-based pledging forum. Outcomes at Davos take the form of pledges: “lists of announcements made by private and/or public stakeholders about initiatives and partnerships launched in the broad direction of required action.”⁶⁹ These pledges encompass a vast diversity

⁶⁰ *Id.*

⁶¹ *Financial Institution Net-zero Transition Plans*, GLASGOW FINANCIAL ALLIANCE FOR NET ZERO, <https://perma.cc/5HYF-7YK9> (last accessed Apr. 17, 2025).

⁶² *About C40*, C40 CITIES, <https://perma.cc/2BWY-5GLD> (last accessed Feb. 28, 2025).

⁶³ *Id.*

⁶⁴ *Under2 Coalition*, CLIMATE GROUP, <https://perma.cc/8ACD-K965> (last accessed Feb. 28, 2025).

⁶⁵ *Under2 Memorandum of Understanding*, CLIMATE GROUP, <https://perma.cc/8BPJ-YERW> (last accessed Feb. 28, 2025).

⁶⁶ CLIMATE MAYORS, <https://perma.cc/HJW7-9F78> (last accessed Feb. 28, 2025).

⁶⁷ *Who We Are*, CLIMATE MAYORS, <https://perma.cc/A2BE-8HXP> (last accessed Feb. 28, 2025).

⁶⁸ JAPAN CLIMATE INITIATIVE, <https://perma.cc/4LRF-PYWK> (last accessed Feb. 28, 2025); *Pledging Guidance for Companies*, EUROPEAN CLIMATE PACT 1 (2009), <https://perma.cc/NL9K-ZUL3>.

⁶⁹ Georgios Kostakos, *The Privatisation of Global Governance: Forget New York, Keep Davos?*, EUROWEST (Apr. 2, 2020), <https://perma.cc/RG7E-Y5XZ> (critiquing these pledges as “collections of apples and pears—different partners, different budgets, different targets—which are very difficult to aggregate, to assess the expected actual result on people and planet, and to monitor implementation in practice”).

of topics such as protecting the world's forests, increasing diversity and inclusion in the workplace, facilitating a circular capital equipment industry, lowering emissions, reducing packaging waste, and training workers in digital skills.⁷⁰

Other non-state and multistakeholder groups have adopted this format. The Paris Peace Forum is a World Economic Forum look-alike, with multiplying pledging initiatives, including the Net Zero Space initiative reviewed at the outset of this essay.⁷¹ Ceres, the investor watchdog group, has also turned to pledging platforms, like its Ceres Ambition 2030 initiative.⁷² Pledging platforms are popping up in the areas of biodiversity, forest protection, the circular economy, packaging waste, labor practices and training, fair trade practices, and in many other areas. The CEO pledge asks CEOs to make commitments with respect to inclusive workplaces.⁷³ The Giving Pledge targets philanthropists.⁷⁴ The Antimicrobial Resistance Industry Alliance calls for pledges to lobby in favor of the conservation of antibiotics.⁷⁵ The Parity Pledge requires commitments to race and gender diversity in corporate boardrooms.⁷⁶ Famously, the Association for Lou Gehrig's (ALS) Ice Bucket Challenge caused a major viral moment when it asked individuals to pledge money and publicize the cause by dousing themselves in buckets of ice water.

⁷⁰ See Durkee, *supra* note 13, at 31 (reviewing these initiatives).

⁷¹ See generally PARIS PEACE FORUM, <https://perma.cc/HFU6-HAGL> (last accessed Mar. 31, 2025). The Paris Peace Forum counts as its supporters “states and multilateral organizations, but also NGOs, companies, development agencies, foundations, philanthropies, religious groups, associations, think tanks, universities, and civil society at large.” *Id.* Its agenda is to be “the place where heads of state and international organizations work hand in hand with civil society and the private sector to build new forms of collective action . . . [and] put the spotlight on those who implement concrete actions by advancing worldwide governance projects.” *Id.*

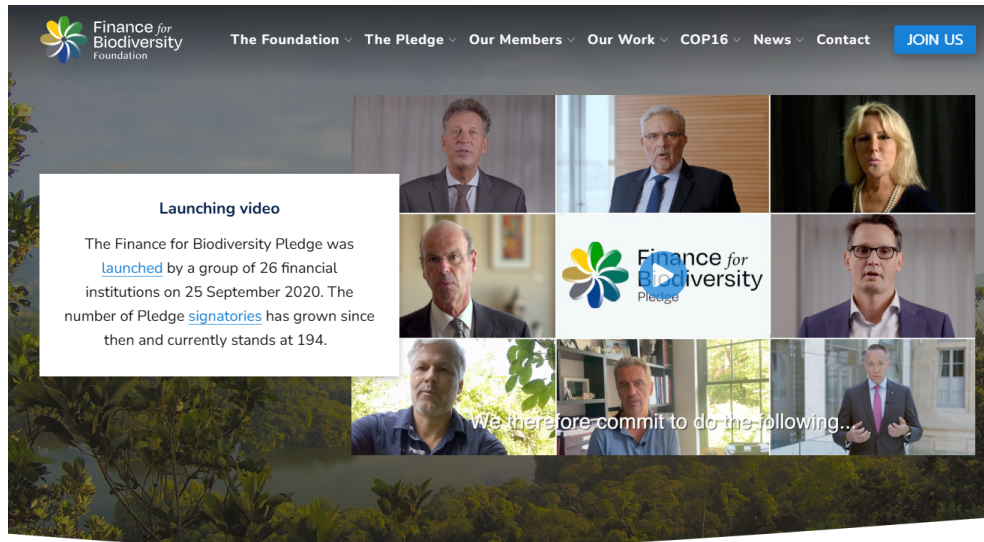
⁷² Mindy Lubber, *An Urgent Call To High-Emitting Sectors: It's Time For Climate Action*, FORBES (Sept. 2, 2021), <https://perma.cc/8XDQ-36PN> (reporting that the initiative asks “the biggest emitters to ratchet up the ambition of their corporate climate goals, create robust transition action plans, and provide disclosure about how they’re achieving interim targets by 2030”).

⁷³ *Pledge*, CEO ACTION FOR DIVERSITY & INCLUSION, <https://perma.cc/8LEF-XDP4> (last accessed Mar. 31, 2025).

⁷⁴ *About the Giving Pledge*, THE GIVING PLEDGE, <https://perma.cc/F8RT-XP5B> (last accessed Mar. 31, 2025).

⁷⁵ *AMR Industry Declaration*, AMR INDUSTRY ALLIANCE, <https://perma.cc/8AUE-55WP> (last accessed Feb. 28, 2025).

⁷⁶ *Take the Parity Pledge*, PARITY.ORG, <https://perma.cc/U7NN-5CXN> (last accessed Apr. 17, 2025).



The Finance for Biodiversity Foundation, About the Pledge page.

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The internet has enabled, facilitated, and disseminated the pledging phenomenon. Paradigmatic 20th century forms of cooperation required physical presence at a treaty conference or in another forum, and the “platform” was the conference itself and the treaty depository. With the internet revolution, international organizations and other groups can launch major pledging projects online, using online repositories to collect, disseminate, and publicize pledges. Pledging platforms depend for their success on the open internet and the technological capacity of the organizations that develop and host them. Their popularity as an ordering device existing alongside, within, and outside the international legal order brings a range of potential implications.

IV. IMPLICATIONS

What are the implications of click-to-commit global problem solving? How does the technologically facilitated pledging order relate to the international legal order?

⁷⁷ *Ice Bucket Challenge Dramatically Accelerated the Fight Against ALS*, ALS ASS'N (June 4, 2019), <https://perma.cc/DTB9-C6CV>.

A. Values

In contrast to the post-war rules-based international order, the pledging order exhibits its own values, specifically the interrelated values of volunteerism and pluralism.

Beginning with volunteerism, consider that pledges are not the product of legislative deliberations or contractual negotiations, and that pledging is formally “non-cooperative.”⁷⁸ Instead of legislation or contract, its format might be described as “potluck” governance, or loosely organized volunteering within a common structure. Pledging entities do not negotiate, they simply declare their intentions. While it is true that some pledges may be a product—to some degree—of informal bargaining, the pledges themselves are individually determined, independent, and not formally related to any other pledges. The pledging order thus encourages voluntary action and innovation. It is organized on a principle of prosocial volunteerism rather than legislative institutionalization.

Volunteerism as a core value brings several implications. First, volunteering can encourage ambition and experimentation but offers little in the way of accountability for compliance or sanction for non-compliance. Does tracking progress on a website really provoke deep, substantive change? Even in the context of formal international law, pledging can be “fragile and prone to defections” because “[s]tates cannot compel other states to submit an ambitious [pledge] or punish states for falling short.”⁷⁹ Between states, such as in the Paris Climate Agreement, pledging marks a retreat from the high-water mark of postwar organization in the late 20th century. For example, in the Convention on the Prevention and Punishment of the Crime of Genocide, adopted in 1948, states adopted a treaty in an attempt to set a universal moral code. Subsequent decades brought increasing moves toward constitutionalization of world affairs. Pledging marks a different move: institutionalization and legalization only at the margins, and near-complete autonomy for system participants. This is even more true when the pledging platform is hosted and populated by substate or nonstate entities. It is not incidental that pledging uses the socially inflected language of “ambition” rather than the legally-inflected “obligation.” Instead of formal sanctions, the pledging order relies on social and reputational mechanisms to encourage productive activity.

Second, volunteering requires authority only over oneself or the unit for which one volunteers, not a broader public authority, as is required for legislative authority. Pledges are meant to constrain only the pledgor. Pledging thus de-

⁷⁸ See, e.g., Carlo Carraro, *A Bottom-Up, Non-Cooperative Approach to Climate Change Control: Assessment and Comparison of Nationally Determined Contributions (NDCs)* 4–14 CTR. ECON. POLICY RSCH. Discussion paper No. 12627 (2018).

⁷⁹ Noah M. Sachs, *The Paris Agreement in the 2020s: Breakdown or Breakup?*, 46 *ECOLOGY L.Q.* 865, 886 (2019).

emphasizes status, encouraging productive commitments by any kind of actor—public or private, national or municipal. “As the legal order of states gives way to something much more fluid,” Simon Chesterman says, “we may be seeing a move from status to function.”⁸⁰ This is exactly the shift the pledging order exemplifies.

This brings us to the second core value of the pledging order: pluralism. While the order reflects shallower cooperation and a move away from the constitutional ambitions of the 20th century, it draws participation from a deeper bench of actors. It fosters experimentation and overlapping projects aiming at the same goal. The order is equalizing, minimizing the importance of distinctions between formal law and informal (or non-) law, between public and private, between national and subnational.

Taken together, these features create a kind of order organized around mutual production of useful activity, rather than an order of mutual restraint, as the post-World War II order was meant to be. The pledging order perhaps highlights the increasing importance of what we might call *proactive* orders—ordering not to restrain power, but to produce activity helpful to the common good. This shift tracks the shifting nature of emerging problems: the existential threats of the current context are not just warring neighbors, but climate change, orbital debris, biodiversity degradation, and pollution. These problems require activity and innovation, not just restraint. An order organized around activity might require less constitutionalism—fewer common rules that restrain or prevent a return to power relations—and more effort: common effort, independent effort, or simply effort of any kind. Perhaps it also reflects the fact that in the case of aggregate public goods, productive governance activity can come from many sources beyond just national governments.

The jury is out on whether an order founded on pluralistic volunteerism can effectively solve important global problems. So far, the data is not promising, especially in the climate change arena. Yet it is unclear whether any other course of action would be more effective. This brings us to the relationship between pledging and other forms of formal international law.

B. Relationship

What do we make of the pledging order, with its own values that differ from the classic values of the 20th century rules-based liberal international order? The relationship between the two orders could be competitive, complementary, or unrelated.

Pledging could be *unrelated*, or irrelevant to international legal ordering. This seems plausible on first blush. For example, the Net Zero Space initiative is not

⁸⁰ See Simon Chesterman, *How ‘Public’ is Public International Law? Towards a Typology of NGOs and Civil Society Actors*, 24.2 GLOB. GOV. 159, 167 (2018) (analogizing this to the medieval shift from status to contract).

replacing efforts to address space junk by others, including the U.N. Committee on the Peaceful Use of Outer Space (COPUOS). If pledging does not obstruct legal development, it seems to be at worst a harmless sideshow, and at best a means of contributing to the substantive goals of the legal order.

Pledging could instead be *competitive* with the rules-based international order. Consider the problem of orbital debris. COPUOS is unlikely to generate legal materials on space debris that are capable of working their way into binding treaty law, as the same geopolitical challenges that thwart robust multilateralism in other areas also affect space law. Using pledging platforms to cut out the state middleman and address space actors directly appears to be a better alternative, but it could create a public impression that the problem is being adequately solved. This misimpression could, according to a public choice analysis, blunt the public's call for more, and more effective, formal binding law.⁸¹ While correlation does not entail causation, there are suspicious examples of this diminution of public attention among the case studies in this essay. The launch of the U.N. Global Compact coincided with the U.N.'s turn away from pursuing international regulation of corporate actors. In the climate arena, pledges of many sorts by many kinds of actor appear to be the main mechanism for forward momentum on the climate problem, both inside and outside of formal international law. Pledging as an order could compete with international law in that it could sap the attention of interest groups, international organizations, governments, and treaty conference participants, thwarting international legal progress.

A sunnier possibility is *complementarity*. Soft law norms can sometimes lead to hard law. Perhaps pledging is a way to break ice on difficult problems, lowering the barriers to formal legal development. Pledging could also shore up trust in supranational governance, allaying legitimacy concerns about the international system that have inspired waves of populist isolationism. Samantha Besson and José Luis Martí have identified concerns with representativeness, democratic equality, and deliberation that should inspire a shift toward self-governing political communities.⁸² The click-and-commit pledging order may offer an instantiation of this principle by devolving governance to smaller units—individual pledging entities—rather than global legislative bodies constituted by states.

V. CONCLUSION

Pledging is not the only way international actors are organizing their affairs. The click-and-commit pledging order exists within and alongside the international

⁸¹ See, e.g., Jane S. Shaw, *Public Choice Theory*, in THE CONCISE ENCYCLOPEDIA OF ECONOMICS (1st ed. 2001), <https://perma.cc/9U6J-G5TM> (summarizing approach and concerns of public choice theory).

⁸² Samantha Besson & Jose Luis Marti, *Legitimate Actors of International Law-making: Towards A Theory of International Democratic Representation*, 9 JURISPRUDENCE 504, 516 (2018).

legal order. Yet the values of this emerging order—voluntariness, all-hands-on-deck pluralism, function over status, and buzzy publicity—are seemingly growing, spreading, and permeating global problem-solving efforts. The future of this order and its relationship to international law are worth our attention.

The European Space Agency just proudly announced two new partnerships to address space junk. What form did they take? A pledge and a pledging platform, of course. Both are multistakeholder efforts. The ESA pledged to work with the U.N. “to increase global understanding and consolidate knowledge on space debris, to disseminate information on the latest research” and so on.⁸³ Meanwhile, in partnership with the World Economic Forum, the ESA is launching the “Space Sustainability Rating.” Actors can “voluntarily engage . . . to demonstrate sustainability commitment.”⁸⁴ Click here to join.

⁸³ *ESA and the United Nations Team Up for Space Debris*, THE EUR. SPACE AGENCY, <https://perma.cc/6E43-F3B3> (last accessed Feb. 28, 2025).

⁸⁴ *Id.*