TOWARDS GLOBAL GOVERNMENT: REALITY OR OXYMORON?

Valerie Epps*

The title of this panel asks us to examine where the world is going and what is likely to be the governance structure for the foreseeable future. This is a somewhat forbidding topic, but certainly worth tackling. We want to ask ourselves whether the various forces in the world currently operative will be reformulated, and if so, what the global arrangement will look like. Several models spring to mind, and I thought I would outline a few of them in order to get the debate going. I should add that I will not offer a critique of these models, otherwise I will have far outrun my prerogative as chair, but I hope that each model will arouse its critics and possibly suggest other models.

The models I will suggest can be listed as follows:

1. The “ethnic solidarity” model.
2. The “clash of civilizations” model.
3. The “urge to modernize, ruled by the multi-national corporation” model.
4. The “world civilization caused by economic development” model, which is somewhat similar to the “urge to modernize” model.
5. The “substantive-issues-dictate-the-structure” model.
6. A brief mention of a “world governmental” model and the “rapid growth in regional international structures” model.

One scenario is what we might call the Ethnic Solidarity Model. Forget state sovereignty. States are gone - the future lies in much smaller ethnic groups. The drive towards a comfortable, non-complex sense of self, of family, clan, and tribe will drive us towards smaller units. This movement partially reveals itself in all the groups that yearn for some sort of autonomy and who seek to remove themselves from alien dominant cultures - the Tamils, the Kurds, the Kashmiris, the Scots, and the

* Professor of Law, Suffolk University Law School.
Quebecoise. It also manifests itself in new configurations of nationalism, often based on ethnic lines. The former Chezlovakia splits into two republics. Yugoslavia is replaced by five republics, arranged largely along ethnic lines, which are currently engaged in a battle to the death in rearranging their borders through the means of ethnic cleansing. This model sees a hunkering down towards one's ethnic or cultural center and an insistent demand not to be dominated or ruled by an alien, ethnic group. In a way it is a modern form of anti-colonialism now renamed self-determinism.

Within states that are not facing issues of secession, the same model is often manifested in a fervent nationalism and anti-immigrant movement. Certain elements in the U.S. currently represent this theme. There are bills in Congress to reduce substantially the number of legal immigrants to the U.S., and also to increase substantially efforts to keep out or deport illegal immigrants. Several countries in the European Union have experienced similar trends, such as the burning of Turkish workers in Germany and the frequent attacks on North Africans in France. The Special Rapporteur of the U.N. Commission on Human Rights recently issued a depressing report on racism and xenophobia which documents these trends.1

This model, the ethnic solidarity model, almost always rejects any form of outside governance and often sees such structures as sophisticated attempts at dominating the group's culture. Structures like the U.N. are viewed at best, as ineffective or irrelevant, and at worst, as a conspiracy to keep certain powerful groups in control of not only the supranational structure itself, but also their domination of the economic and resource allocation systems.

Another model, explored extensively by Professor Samuel Huntington, is the Clash of Civilizations model. Although Huntington recognizes "the conflicting pulls of tribalism and globalism," he is convinced that we are entering the age of clashes of civilizations which he defines as "Western, Confucian, Japanese, Islamic, Hindu, Slavic-Orthodox, Latin American and possibly African . . . ."2

The day of the nation state which was characterized by ideological wars is over, and we are moving towards eruptions based on the "fault lines between civilizations."3 The micro-level clash will occur between

3. Id. at 25.
4. Id. at 29
different civilizations struggling over control of territory and the macro-level clash will occur as these civilizations "compete for relative military and economic power . . . control of international institutions . . . and competitively promote their particular political and religious values."

At the moment, Huntington concludes that "[t]he West in effect is using international institutions, military power and economic resources to run the world in ways that will maintain Western predominance, protect Western interests and promote Western political and economic values." He has outlined a strategy that will keep the West dominant but he finally recognizes that the West will "have to accommodate . . . non-Western civilizations" and will have to make an "effort to identify elements of commonality between Western and other civilizations." The prediction is that there will be "no universal civilization" but rather "a world of different civilizations, each of which will have to learn to coexist with the others." While this last remark might be seen as at least a step towards a vision of a "multi-ethnic" global society, it is clear that the whole tenor of this model is deeply pessimistic towards such a view. The vision of the future is driven by notions of power scrambles based on clashes between ingrained cultural divisions. I doubt that this model believes in any sort of altruism operating at anything other than a personal level, and it clearly perceives such movements as, for example, the human rights movement, primarily an effort to foist Western values onto non-western societies. Huntington is clearly a cultural relativist, but he understands what steps are necessary to keep a particular culture in the ascendancy, and what factors may lead to the unraveling of that ascendancy. It is the rise and future dominance of non-western cultures that creates this vision and gives its people nightmares. The model foresees the ascendancy of Islamic and Hindu fundamentalism taking over the secular states of India, Pakistan, Turkey, Iran, Algeria and so on. Japan is the enigma because it has become a modern state without becoming a Western state. The model clearly identifies modernity (whatever that may entail) with Westernism. I suppose by modernity is meant things like banking systems, sophisticated transportation and communications systems, heated or cooled and adequately plumbed houses and offices, universal modern health care and education. It is unclear whether the model thinks that non-western civilizations will achieve these conveniences without becoming westernized.

5. Id.
6. Id. at 40.
This view might well leave the nation state nominally intact rather like a modern constitutional monarch, but in reality the state becomes only a cipher in a much greater force of what is called a civilization. The current supra-national structure might well undergo further development but only if one civilization gains dominance and then the development will occur in order to enhance that particular civilization.

This view of the future has been elegantly challenged by Professor Fouad Ajami who views the rise of fundamentalism as "less a sign of resurgence [of civilization] than of panic and bewilderment..." His model of the world sees it as driven by the quest to "move out of poverty," to seek "Sony, not soil" and to "scramble for... market shares" not to "set out on expeditions of principle." "Politics and ideology" is mostly "sublimated into finance..." The whole idea of civilizational hegemony is trounced by far too many cross cultural threads and far too many divisions and conflicts within so-called civilizations. Under this view "civilizations do not control states, states control civilizations". States will continue to be the main actors and they will act out of self-interest in modernizational (consumerist) not civilizational solidarity.

This view, even if based on a fairly cynical view of humans, finds the urge to modernize so great that this alone will probably produce supra-national structures. International business organizations will probably predominate within the state and inter-state structures and the current concerns of the United Nations in peacekeeping or humanitarian work will only be supported if those activities contribute towards reducing poverty, increasing modernization, and providing more goods to the main actors. This model does not seem to concern itself with the configuration of the distribution of wealth but remains in the thrall of those institutions that deliver the goods - primarily great business enterprises.

Another model suggested by Robert Bartley of the Wall Street Journal raises the prospect of a world civilization driven by world-wide instant communications, "economic interdependence and the appeal of individual freedom..." and "its political appendages of democracy..." This model finds support for its view in such factors as the West...
having won the cold war; reports that the number of "free" nations has risen by thirty percent in the last decade; and information that as soon as per capita income in a county rises above $5,500 nearly all states become democratic with a few exceptions such as some oil sheikdoms and some of the Asian Tigers. Under this view, economic development, which creates a middle class, leads inexorably to enough people wanting a say in their own future - which spells democracy. At the moment China remains the enigma in this model - relentlessly improving its economy without trailing clouds of participatory government — although Hong Kong should certainly present a crucible for the theory once it joins China in 1997.

This model notes that democracies seldom go to war with each other (although it sometimes forgets that civil wars, which can certainly be as bloody as international wars, do not necessarily decline and that the two World Wars defy this maxim). The optimistic view of this model sees the whole world moving towards individual freedom (note the Western value) and economic prosperity. Presumably supra-national structures will be changed or fashioned to promote these values. It is again a model that does not challenge the supremacy of the nation-state, but sees the nation-state as necessarily moving towards the Western democratic model and trailing supra-national structures in its wake, provided they also support this trend.

The final model that certainly deserves at least brief mention, is what I shall call the "substantive-issues-dictate-the-structure" model. This model moves from somewhat different premises. It suggests that the human condition constantly finds itself confronted with problems and that it is these problems that dictate the structure of the form of governance. For example, modern industrialization has led to pollution. The problem of pollution has to be solved. The existing nation-state/domestic law system could not solve some of the major aspects of the problem (such as ozone depletion) because pollution does not respect state sovereignty. As a result, a comprehensive international treaty system with, at the moment, an embryonic, but growing supra-national enforcement system became necessary. In other words the substance of the problem necessitated a supra-national solution.

This type of model posits that the nature of the problem dictates the level at which it can be solved. This may be the national, state or local level depending on the problem, but the model often predicts that the vast increase in the international movement of goods and people will likely necessitate supra-national structures that will arise and develop out of the particular issues that present themselves. This model is probably one of the most optimistic with respect to predicting the development and growth of supra-national organizations and it is probably the least concerned about
domination of the supra-national structures by particular blocs. The supra-national structure, however, may be much less governmental, in the traditional sense, and rather more problem solving oriented.

None of the above models embraces a thorough abolition of the nation state and the creation of a world government in which we would all simply be world citizens, yet that too is a model some may wish to discuss. None of these models pays particular attention to the rise of regional international structures, which is certainly a model that some predict will characterize the next century - the European Union, being in the vanguard of this movement. None of these models start from a vision of a supra-national structure and from that structure predicts the shape of smaller units. Rather, all of these models look at the present nation-state structure and from that, attempt to predict possible supra-national structures. Let me end where I began by posing the question of what the structure of the world is going to look like for the foreseeable future and by hoping that some of the models outlined will spark a lively response.