

Global Governments and Democratization

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I would first like to acknowledge the fact that I am here amid a community of scholars. I have no pretensions, despite the number of institutions that were mentioned by you, Mr. Chairman. Where I have made a brief appearance, it was very brief, I can assure you, and the very numbers suggest that I didn't last very long in any one position.

When I registered I was given a nametag. It identifies me, not as a visiting scholar, but as the President and the CEO of the World Federalist Association. So I really am here speaking to you as a representative of civil society rather than as a member of the academic community. I see a very distinguished academician in the audience who is my senior vice-president in the World Federalist Association, Ron Glossup, from Illinois State University at Edwardsville and, incidentally, whose fourth edition of *Confronting War* is going to make its appearance shortly. I also note with great pleasure that the audience here this morning is swelled by some of the very faithful members of the very active St. Louis chapter of the World Federalists Association. Before I forget, Dean Seligman, let me bring you warm greetings from Dean Joseph Harbaugh of the Nova Southeastern University Law School, where I currently have a seminar, not on the UN, but on the U.S. Constitution and constitutional law. He sends his warm greetings. I am certainly pleased to be included in the very memorable event that marks the opening of the Institute for Global Studies. When the invitation came to participate—I will be very honest—it was the word “global” that gripped me profoundly. It struck me that you viewed your responsibilities here in this law school, in a variety of courses that I know will make up the curriculum of that Institute, to require you to consider them in a global context.

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The one phrase that leaped out, not once, but twice, from the summary of the activities of the United Nations (UN) during its first fifty-five years was the fact that the Charter is intended to be a “living document.” And, of course, those are the words that constitutional scholars often apply to our own U.S. Constitution. We have been able to make the remarkable progress that we have with only twenty-seven amendments over more than two centuries, and almost a third or more of them relating to voting rights in this country. But it was because we had an interpretation of that basic document that enabled us to grow as a nation and to become a great power, without the constraints of the kind of language that would prevent that from happening.

I would hope that we could view the Charter as living document, so that the UN can meet the kind of responsibilities that will confront it in the twenty-first century. I think that, in addition to calling your attention to my hope and prayer that the document would receive that kind of interpretation, I would also venture to suggest that I think the UN is very much going to be in need of the assistance of the organizations that make up “international civil society.” The best definition of that term I have found recently came from the Commission on Global Governments, when it attempted to define international civil society as something that encompasses a vast array of interests and values.

Members of international civil society work together to hold governments, businesses, and international agencies accountable for their responsibilities and commitments. They are also strong advocates for insufficiently addressed issues such as equity and sustainability. And they are providers of voluntary services, especially for the most needy. It is that expansive view of the importance of international civil society that led me to not only become active in the organization that I head, but to travel to the 100th Anniversary of the First Hague World Peace Conference, held in May, 1999 in the Hague. This time, the Conference was convened not by the crown heads of Europe, as was that conference 100 years ago, but rather by an array of nongovernmental organizations (NGOs) interested in seeing the UN continue to make progress on the many fronts it presently engages.

They adopted an agenda, and part of that agenda was that we must seek to develop a culture of peace. The UN was formed, as Mr. Hottelet's summary indicated, in the immediate aftermath of a war, and it was regarded as an interstate compact in the sense that it was primarily established to prevent the kind of conflict that brought on the awful and tragic World War II. We certainly have seen, just in this past decade, how vastly changed the responsibilities of the UN became with the launching of peacekeeping efforts in places like those mentioned—in Kosovo, East Timor and in the other troubled areas of the world. It is not going to take, frankly, a lecture from the Chair of the Senate Foreign Relations Committee, as when he traveled in January, 2000 up to New York and lectured the Security Council on his responsibilities and instructed that they were to pursue their task without infringing on the sovereignty of the United States or the member nations. He was adopting, it seems to me, and has since adopted a Westphalian view of the nation-state. However appropriate that might have been 350 years ago, when they were trying to establish some civil order, it is certainly not appropriate now for the kind of definition that will suffice to give the UN the presence and the capacity to deal with world problems.

The WFA, along with many other organizations, is currently very concerned about the progress on the creation of the International Criminal Court. The Treaty of Rome, signed on July 18, 1998 with only seven votes in opposition, including the United States, found us in some very strange company with nations whom we do not ordinarily associate our foreign policy. Since that time, the U.S. has launched a bitter rear-guard effort aimed at preventing other countries from signing. The opponents of the Treaty in the present session of Congress introduced something called the American Service Members Protection Act. It contains specific language that the U.S. would punish, in a very real economic and financial way, nations that would go forward and bring about the necessary sixty ratifications that are required before the International Criminal Court can actually come into being. Those who introduced the Act, who were all from the Republican side of the aisle, I regret to say, were intent on defeating any effort on the part of other sovereign nations to exercise free will with respect to the International Criminal Court.

So, the World Federalists have joined with other organizations in

the nongovernmental organization sector in a working group, both in Washington and on an international level. The International Coalition for Criminal Courts, headed by the Executive Director of the World Federalist Movement in New York City, is coordinating the efforts of many countries around the world, including, of course, the 120 nations who signed the Treaty back in July, 1998, trying to bring into being an international criminal court. Certainly, if we want to deal with the savage conduct of those who have perpetrated the awful crimes that we heard about in this colloquium yesterday, law must exist on an international level as a deterrent unless we want the Milosevices and similar tyrants to go free. Yet, as I repeat solely for emphasis at this point, I think it is tragic that we have gone through a political campaign in which many issues were discussed, and yet I do not recall any discussion of this issue, and I devoted religiously four and a half hours to listening to the debates and to numerous other appearances of the two major party candidates.

Indeed, there was no real discussion of what the role of the United States should be in the twenty-first century. I believe very, very deeply that if we are going to have a world that is governed by law in order to replace the kind of violence that made the twentieth century the bloodiest in all of human recorded history, if we are going to have world law and world peace, we have got to have the kind of political institutions that are capable of giving us that law, of administering that law, and of judging under that law. A great demonstration took place in December, 1999 against globalization of the world economy, and there are some things that can be said in defense of those who protest that the World Trade Organization (WTO) is not as democratic, open and receptive to the views of others, as it is to the views of great transnational corporations on issues of trade. It is not as open and democratic as it should be. Certainly, the answer does not lie in believing that we should simply wipe out and level to the ground the tentative efforts that have been made to organize the economy of the world on a basis where trade can proceed. I do not believe in that, and I doubt that many in the audience do. However, the economy is only part of the picture. We do not hear any protest about the fact that we do not have the political institutions that are capable of giving us world peace through world law.

Again, in reference to the complaints about what has taken place

in the globalization of the world economy, I recall a speech that I heard at Georgetown University just a couple of months ago when Michael Condesui, the executive director of the International Monetary Fund, was making his valedictory trip across the country speaking here and there. He admitted that we have to put a more human face on the activities of those international financial institutions. However, at the same time, we have to begin to provide people some of the basic security that is lacking today. We heard in the previous session the tragic toll that lack of security has taken on the millions upon millions of those who both internally and externally have no homeland. When President John F. Kennedy spoke in Washington not long after the signing of the nonproliferation treaty, the partial atmospheric test ban treaty, he talked about the future of the UN. In that speech, he emphasized the fact that the UN had to grow, that it could not remain the same organization that it had been in 1945 when fifty-one nations—I believe they held open one place for Poland to sign later—agreed on the Charter of the UN. We grow by formal amendment, through a Charter review conference under Articles 108 or 109 of the Charter; we do it by interpretation of a more expansive role for the Secretary General.

Surely, we have to recognize the compulsive need to see the UN grow in authority and influence. One of the pieces of pending legislation that my organization and others who have joined in this fight favor is the creation of a UN police and security force. The force would be under the mandate of the Security Council. Just to digress a bit, I sympathize with the Japanese who even this week were protesting in New York that the time has come to admit them to enlarge the Security Council from the present fifteen, not to twenty-one which we have been insisting is the absolute outer limits, but to twenty-five members, and to perhaps do something about the veto which today, fifty-five years later, is still being exercised by the five victorious powers in World War II.

We need democratization of the UN. If world law is to have any force and any meaning, it cannot come from a body whose resolutions are adopted on a one-nation, one-vote system. It simply has to be rationalized, and then you can accept something like what some refer to as the “binding triad,” which is proposed by one of the NGOs, the Center for Studies on War and Peace, or you can take

what my friend, a member of the World Federalists, called his “entitlement quotient”—a basis for determining the weighing of votes for the General Assembly tied not only to the nation-state, but to populations and to the share of the UN’s budget. Incidentally, my friend Professor Swartzberg told me recently about his efforts to knock down our assessment from 25% to 22%, as part of the conditionality imposed by the so-called Helms-Biden Agreement. The Agreement really does not make much sense when you consider that our share of Gross Domestic Product (GDP) of the world is 26% or 27%. We are not being overcharged or unfairly assessed either with respect to the regular budget or with respect to the peace-keeping functions of the UN.

So, the UN needs to be, and indeed must be, reformed and democratized and become the meaningful institution that its framers intended it to be when they wrote: “[W]e the peoples of the United Nations in order to save succeeding generations from the scourge of war.” I received recently, maybe some of you have seen the same document, the Yankolovich Poll about what do the American people say. It attempted to assess the feelings of the American people on what the role of the United Nations should be and what role our country should play in that body. Questions from the poll, to just give an example, included:

There are 100 million children around the world living on the street with no home and no family. The U.S. and other governments are already spending substantial amounts to help such children. But such is the problem that it is far from solved. Would you favor or oppose the U.S. government, together with other governments, devoting more funds to help the world’s homeless children to address that elemental problem of world poverty that afflicts the most defenseless group of all, the children of the world?

It should not surprise you to know that 78% of those who were asked that questions said that they certainly favored the United States and other governments, through the UN, undertaking that kind of effort. On the question of the International Criminal Court that I mentioned just a moment ago—the treaty that would bring to justice those who committed crimes of genocide or who have committed

crimes against humanity or war crimes. Sixty-six percent of those polled, or two out of three, in a respected national survey indicated they would favor that court.

Then, in a very interesting question posed in the context of the contested presidential election: “In an election for President or for the United States Congress, would you be more likely or less likely to vote for a candidate who supports a stronger United Nations to help keep the peace, protect the global environment and combat world poverty?” Sixty-nine percent said that they would be more likely to supports candidates for the highest office in the land or for the representatives in Congress if they held views of that kind. That encourages me to believe that there is something called civil society out there that supports a strong and empowered UN. When my organization calls for world government, it is not in the form of a giant super-state that is going to dissolve the borders of every one of the 189 present members of the UN. Rather, one to exercise the voice, conscience, and abilities of the world community; to act in concert in carefully delimited and discrete areas to battle against poverty and against the inhumanity that we see around us; and to pursue the great humanitarian goals that are clearly charged as a part of the responsibility of member-states under the existing Charter. You do not have to amend the Charter to see that the UN was designed not only to be an interstate compact to prevent war in a traditional alliance of all its members, but that it was designed to address the type of humanitarian problems that we have been discussing at this conference as well.

I conclude by urging all of you to carry with you from this meeting, and I hope that it will be a thesis of the courses that are going to be taught in the Institute for Global Legal Studies at this great law school—that there is a civil society that can be mobilized, not only nationally but internationally, to give true voice and expression to the idea of a strong and empowered UN.

