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New Series

The Federalist Debate

Papers for Federalists
in Europe and the World



*The problem of establishing a perfect civil Constitution
depends on the problem of law-governed external relations among nations
and cannot be solved unless the latter is*

Immanuel Kant

The Federalist Debate

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Layout

Marco Viale, Giampaolo Melideo
by order of FerrariMelideo Agency - Milano
e-mail: gp.melideo@ferrarimelideo.it

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Administrative Office

The Federalist Debate

Via Schina 26,
I-10144 Torino, Italy
Phone and Fax +39.011.473.28.43
e-mail: federalist.debate@libero.it

Jeunes Européens Fédéralistes (JEF)

Chaussée de Wavre 214 d,
B-1050 Bruxelles

Union Européenne des Fédéralistes (UEF)

Chaussée de Wavre 214 d,
B-1050 Bruxelles

World Federalist Movement (WFM)

International Secretariat
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New York - NY 10017

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Editorial

The ICC is a Reality

International law applied over individuals

William R. Pace

On April 11, 2002 ten nations simultaneously deposited their instruments of ratification to the Rome Statute of the International Criminal Court (RS) taking the number of nations ratifying the ICC treaty from 56 to 66 and triggering the entry into force of the new system of international criminal justice on July 1, 2002. In the address to the special ratification plenary at the UN, the World Federalist Movement, speaking on behalf of the NGO Coalition for the ICC, recalled our statement in Rome in 1998, that world history has almost always been the story of wars won and peace lost, but that the RS represented a historic achievement by the international community in which peace has won and war lost.

The World Federalist Movement (WFM) was founded to promote the vision of a world in which the global rule of law would replace the rule of violence, brute power and anarchy. The WFM worldwide peace movement was essentially alone in the 1945-52 period in recognizing that the great institutions established at the end of WWII were fundamentally flawed and democratically deficient. The rush by most WWII victors to reoccupy their empires, the victors control in UN Charter, the victors justice of the Nuremberg and Tokyo tribunals, and the victors one-dollar-one-vote control of the Bretton Woods institutions all foreclosed the possibility of the UN being able to achieve its most fundamental purpose, "to save succeeding generations from the scourge of war."

The fear of the world plunging into world war III wherein the use of atomic weapons would

incinerate most of human life and civilization motivated the world federalists, like Emery Reves, Einstein, and Russell to call for world government and world peace through world law. International treaties and step by step disarmament efforts were proclaimed illusory because, they argued, the step by step forces that lead to war always proceed faster. They did not like it but they reluctantly argued that if it required an autocratic world government imposed by the USA and Russia, perhaps with the UK and France, to "outlaw" war then this was far preferable to the "better dead than Red" political-military mindset of the USA. They argued that it was better to establish world government and then fight to make it democratic, if that was necessary to avoid certain nuclear war. They had been through two terrible "world wars" in less than 30 years.

The Cold War descended upon the world, the disastrous efforts of WWII victors to reoccupy their empires turned into 45 years of wars of independence and decolonization, and the world federalists were almost marginalized out of existence by the *Realpolitik* of "mutual assured destruction." The dangerousness, recklessness and insanity of world politics in the Cold War may never be properly recorded.

It is wonderfully ironic that after 40 years wandering in the wilderness the first really focused and successful global project of the World Federalist Movement was to help organize and lead the effort to create a permanent International Criminal Court. It is a treaty, but it

is a treaty establishing international law not only between nation states, but international law over individuals. States and UN officials are describing the ICC as the greatest advance in international law since the founding of the UN. The USA claims the Rome Statute is "supranational" and threatens to undermine both national sovereignty and the exclusive powers given to the UN Security Council in the Charter.

It will be decades before we know the fate of the ICC, and years before historians will explain why this extraordinary effort succeeded, and why it proceeded so quickly, achieving 60 ratifications five to twenty-five years faster than almost all experts predicted in 1998.

I believe historians will recognize that in addition to the much-heralded economic globalization sweeping the planet in the late 20th century, the globalization of democracy, justice and the rule of law was also extending throughout the world. Emery Reves made a powerful case in 1945 that unless the collision between industrialization and nationalism was vanquished by law there was no hope for the survival of civilization. Since WWII, the victimization of civilians in war has, incredibly, increased three-fold! The ICC represents not only a major step forward in the development of international democracy, it represents a major step forward in the goal to rid the world of the scourge of war.

The Most Significant Achievement Since the Founding of the UN*

Mr. Chairman, it is truly an honor to have the opportunity to speak here today on behalf of the more than 1000 NGOs worldwide that have been working under the umbrella of the NGO Coalition for the ICC since 1995 for the establishment of a fair, effective and independent International Criminal Court. What we witnessed this morning with the deposit of 10 additional ratifications that will start the process for the International Criminal Court to come into being, was a historic moment. Those who support justice and the rule of law all over the world are celebrating this event at this moment.

As has been stated by governments, UN officials and NGOs, the establishment of a permanent International Criminal Court will be

the most significant achievement of international law since the founding of the United Nations itself. The importance of achieving more than 60 ratifications of the Rome treaty less than four years after the adoption of the Rome Statute of the ICC in July 1998 cannot be overstated. Predictions were made that it would take decades before enough governments would make the political commitment and work through the complex legal issues to bring the treaty into force. Yet here we are, less than four years later, having achieved the 60 ratifications required by the Rome Statute.

As has been stated this morning, this is a victory not just for advocates of the Court, but, much more importantly, it is a victory for the victims

*Statement delivered by Jayne Stoyles on behalf of William R. Pace, Convenor of the NGO Coalition for the International Criminal Court, at the Plenary during the Ninth Session of the Preparatory Commission, April 11, 2002

Editorial

of the horrific crimes the Court will address. We acknowledge and pay tribute today to all those who have been victims of such crimes and who did not have the option of seeking justice.

Today's momentous achievement can only be understood as a victory of the new diplomacy model of developing international law. It reflects one of the best examples of what can be achieved through cooperation between governments, international organizations and civil society. It must also be noted that this is an issue that has cut across all the usual alliances that prevail in the processes at the United Nations and that has obtained truly universal support, with ratifications now from every region of the world.

There are of course countries that continue to have concerns about the Court. Our experience in working on this issue all over the world has been that as government officials and parliamentarians learn more about the Rome Statute and how the Court will work, their opposition softens or disappears. The ICC includes strong due process guarantees and very high standards of justice, reflecting input from all the major legal systems of the world. Often the opposition disappears in particular as officials come to understand that the Court will only step in when they are unable or unwilling to investigate a case against their own nationals.

This principle, the complementarity principle, and the need for countries to implement their obligations under the Statute into their national laws, is in fact making a critical contribution to strengthening national legislation and the ability and willingness of countries to deal with these crimes at the national level.

It is not our view that the ICC will be a panacea that will result in the resolution of all conflicts and prevent the commission of all serious international crimes. Nevertheless, it is our view that its establishment will make an important contribution in the search for peace, the development of the rule of the law and democracy. It is a cornerstone of what is widely understood as an emerging system of international justice, which will no longer allow enormous violations of human rights and humanitarian law to be committed with impunity. Much work lies ahead to ensure that the Court we are establishing is as fair, effective and independent as possible, that support for the Court is truly universal, and that countries implement their obligations under the Statute. We look forward to continuing to work closely with governments and international organizations in this process.

As was said at the closing plenary in Rome, too much of history is the story of wars won and peace lost. Today, peace has won, and war has lost.

The Us Formally Retracts Support of ICC Treaty

On 6 May 2000 the Bush administration formally revoked its support, previously given by former President Clinton, of the Rome Statute of the International Criminal Court.

William R. Pace, Convenor of the NGO Coalition, countered the US position that domestic judicial systems, rather than international institutions, should be used to combat the crimes addressed in the Rome Statute, saying, "It's unrealistic to think that perpetrators of the most serious crimes of international concern would submit themselves to trial by their own judicial systems. However, if a country is willing and able to try its own nationals, the ICC will not interfere." Mr. Pace added that support for the ICC would be the best way of achieving the stated US objective of

strengthening domestic judicial systems, saying, "Implementation of the ICC treaty strengthens national laws regarding these crimes and the possibility of an international trial will make states more willing to handle these cases domestically."

In response to the US administration concern that the ICC would become a ploy for politically motivated prosecutions, Heather Hamilton, Director of Programs at the World Federalist Association (USA), responded, "This statement has been made many times in the past and ignores the ample safeguards provided in the Statute. Every major US ally, including all NATO members except Turkey, has indicated their understanding of this and supports the treaty" (*a.w.*)

Comments

The Anti-Federalists Put Democracy at Risk

The failure of the Convention would open the road to the forces of nationalism in Europe*

There are moments in history when it is necessary to make radical choices. In Europe, where national governments have resigned themselves to making foreign policy in the shadow of the American superpower, politics has forgotten the harsh distinction between good and evil, between peace and war. And yet, whoever works in politics should know that, in moments of crisis, the need to make dramatic choices is inescapable. At the time of Mussolini and Hitler two opposite ranks formed: fascists and anti-fascists. The undecided were overwhelmed by the course of events.

Today, the European political class hesitates to make the decisive choice for the European Federation. In the European Convention, and outside it, the debate is wasted on erudite discussions on the difference between the Federation of nation states, the United States of Europe, the Union of nation states and so on, not to mention those who want to muddle the cards with the European Super State. Le Pen silenced everyone with salutary frankness: he, racist without false modesties, wants the Europe of nations; he is against the European Federation. Le Pen is right. There is no third way. Whoever wants to unite Europe and at the same time keep national divisions deceives the citizens and prepares the ground for disaster. The undecided, postponing once again the choice for a European Federation, will bring grist to the mill of the anti-federalists and will be overwhelmed by the mounting nationalism that is infecting all European countries, to a greater or lesser extent.

The result of the French presidential elections, despite the leap of pride of the democratic forces, should be a severe warning for those who have the fate of democracy at heart. The dictatorships of Mussolini and of Hitler were helped by a political class than did not fight their ascent with enough firmness. In the nation state democracy is fragile. Europe is once again yielding to a diabolical mixture of nationalism and populism. The Fifth Republic is in the throes of death. The French citizens were compelled to participate in an election without alternatives, so as not to put the Republic in the hands of a racist. The French no longer trust their Constitution. Part of the political class has already got to work on reforming it, launching the project of a Sixth Republic. It is an illusion. The problems denounced by Le Pen are real and will not be resolved by merely reforming the electoral and government system.

Immigration, unemployment, social insecurity, the crisis of the Welfare State are all problems that have a European dimension and that can be better tackled by a European government, capable of acting in foreign and economic policy, in order to respond effectively to the challenges of globalisation.

The political unity of Europe would change the framework of the political struggle. European democracy would flank national democracy, thus reinforcing it. If the nation remains the outer limit of political life, the nationalists will have the game in hand. The alternative to the re-emergence of nationalism is the European

*Statement of the European Federalist Movement, Italian Section of the UEF and the WFM

Federation. The Federation is the way to give back a future to the nations that, today, whilst claiming to make their own foreign policy, contribute to keep Europe divided and prevent it from speaking with a single voice in the world. The national cultures have made a decisive contribution to the construction of contemporary cosmopolitan civilisation, with their literature, their philosophy, their scientific discoveries. The European Federation will be the true guarantee of the autonomy and independence of the European nations.

The European political classes, at the time of the Cold War, thanks to the American protectorate, were under the illusion that they could enjoy some benefits of European integration without giving up national sovereignty, which was reduced to a legal fiction. After the Cold War, the fiction of national sovereignty was revealed to be a plain lie. No national European state is any longer in a position to take on responsibility for foreign policy all by itself. De Gaulle succeeded, for a short time, to revive the myth of the "grandeur" of France. Chirac is the standard bearer of its decline.

The debate on the future of Europe suffers from schizophrenia. The governments refuse the political unity of Europe, but want European integration, because without it they would have to sacrifice a large part of the civil, social and economic achievement that European cooperation guarantees. This contradictory behaviour can no longer continue. The European Convention must decide. The political unity of Europe is impossible without a European democratic government legitimised by popular will. The European Convention must approve a federal Constitution. The right of veto must be abolished.

In proposing the Community, Monnet thus advised the governments of the day: "Nous ne coalisons pas des Etats, nous unissons des hommes". Nevertheless, the European governments, by neglecting their initial engagements,

prevented the Union from becoming a political community. The Constitution will be the pact that will unite European citizens in a new community of destiny.

Federal Europe will not be able to develop without the active engagement of the European parties. Today, the political parties that draw their inspiration from the values of democracy risk being overwhelmed by populism. European populism is the fruit of the break up of national identity. In a situation of disorientation, any demagogue can appeal with success to "their own" people.

The great currents of European political thought that contributed to shaping the liberal State, the democratic State and the social State, the pride of European civilisation, can only have a future in Europe if they propose to voters a program of government for the Union, within the framework of the European parties that must prepare themselves from now on for the decisive European elections of 2004. Starting from Europe, a great task awaits the European parties and their voters: to build the liberal, democratic and social State at the supra-national level. This is the way to give politics a future again.

The European Convention represents an unrepeatable historical occasion for uniting Europe and saving democracy. Nevertheless, parties and governments must understand that the Convention can fail. If it does not approve a federal Constitution, but re-proposes a new Treaty to European citizens in order to restore the intergovernmental Europe of the past, it will certainly provoke a crisis of rejection. The Irish have already said "No" to the muddle of Nice. The time has come to choose between federalism and anti-federalism. Whoever does not support the project of European Federation will, albeit unknowingly, play the game of Le Pen and all his imitators in Europe.

Comments

Giscard Opens the Convention*

(...) The process of European union is showing signs of flagging, as the Laeken Declaration makes clear. The decision-making machinery has become more complex, to the point of being unintelligible to the general public. Since Maastricht, the latest Treaties have been difficult to negotiate and have not met their original aims: discussions within the Institutions have often given precedence to national interests over consideration of the common European good. Finally, the abstention rate at European elections has reached a worrying level: in 1999 it exceeded the highly symbolic 50% threshold for the first time! The shortcomings affect Europe in its present configuration. They will be even more critical in an enlarged Europe. (...)

We must ensure that governments and citizens develop a strong, recognised, European "affectio societatis", while retaining their natural attachment to their national identity.

It was in the light of all these aspects that the Laeken European Council decided to create the Convention on the Future of Europe, of which you are members, assigning to it the task of preparing for the reform of Europe's structures and - if we prove equal to the task - setting us on the path towards a Constitution for Europe.

What will our programme be? (...)

The first stage of our work will be one of open, attentive listening.

As members of the Convention we will have to ask each other, and ask all our interlocutors, this question: "what do Europeans expect of Europe, at the beginning of the 21st century?". (...)

After this listening phase (...) we shall have to consider carefully the various prescriptions for Europe's Future which others have put forward, and which are now in circulation. (...)

In particular, we shall consider the following formulae: the organisation of the European institutions

resulting from the Treaty of Nice; the plan for a Europe organised along federal lines, as put forward by high-level German decision-makers in particular; the document prepared by the European Commission on modernising the Community method; the solutions submitted under the banner of a "federation of nation states", whether or not they involve the creation of a second chamber.

Once that examination has been completed, the Convention will be able to embark on the third stage of its work: its recommendations, and indeed its proposal. (...)

There is no doubt that, in the eyes of the public, our recommendation would carry considerable weight and authority if we could manage to achieve broad consensus on a single proposal which we could all present. If we were to reach consensus on this point, we would thus open the way towards a Constitution for Europe. In order to avoid any disagreement over semantics, let us agree now to call it: a "constitutional treaty for Europe". (...)

We are often upbraided for neglecting the European dream, for contenting ourselves with building a complicated and opaque structure which is the preserve of economic and financial cognoscenti. (...)

We can indeed dream of Europe, and persuade others to share that dream!

If we were to fail, each country would return to the free trade system. None of us - not even the largest of us - would have the power to take on the giants of this world. We would then remain locked in on ourselves, grimly analysing the causes of our decline and fall. Our call for enthusiasm goes out to other Europeans, but first and foremost to ourselves. We must have a passionate interest in the success of our task if we are to engage and persuade others. It is a task modest in form but immense in content, for if it succeeds in accordance with our mandate, it will light up the future of Europe.

*Excerpts from the Introductory Speech by President Valéry Giscard D'Estaing to the European Convention, delivered on February 28, 2002.

And Yet, it Moves... The EU launches the Galileo Project

Domenico Moro

After only three years since, on Feb. 10, 1999, the European Commission submitted to the Council a proposal for the autonomous development of a satellite radio-navigation system, on March 26, 2002, the Council of Transport Ministers of the European Union, overcoming the objections of the UK, Sweden, the Netherlands and Germany, and America's strong opposing pressures (carried on until the month of March), has decided to provide the Union with the Galileo satellite system, a system independent of (but complementary to) America's GPS and Russia's GLONASS; it will become operational in 2008 and will cost € 3,4 billion.

The decision to equip itself with an autonomous system started to be worked upon, labouriously at first, when the European countries were participating in the Gulf war and realized the importance of having the support of satellite radio-navigation for conducting military missions, and later in a dramatic way during the Balkans war, at the European borders, when the air missions were practically impossible without the support of the American GPS, and the Europeans were criticized for their low efficiency.

Presently the reasons for starting the program are due to the fact that the utilization of the GPS system is increasing at a rapid pace, with new applications in the economic, security and public services sectors (the service market has been estimated at 1 billion euros in 1999, 6 billion in 2005 and 22 billion in 2015); Europe

cannot allow to be dependent on someone else's system, and what's more managed by the American Department of Defence, hence subject to military restrictions; all the more so because the Americans, although letting the system be used at no charge, never accepted to share its management with others. The Galileo system will find its main application in the transportation sector, where the need of knowing geographic positioning (in air, sea and ground navigation) is greater, in the telecommunication sector (UMTS and the Internet), in the financial sector (insurances for risk management, banks for financial informations, etc.), in the environment sector (prevention and rapid management of ecological disasters, etc.), in the medical sector (remote assistance), in the judiciary sector (electronic bracelets, etc.), and obviously in the military sector, even if this is said almost casually. In fact, in its communiqué of Nov. 22, 2000, the Commission says - with the Community's still too cautious language- that in critical situations, in the framework of the Common Foreign and Security Policy, operational procedures shall be adopted between an independent political body responsible for managing them and the Galileo system. This does not mean that, in the meantime, the adoption of this system will not have repercussions on the relations between Europe and the rest of the world. Apart from the fact that Galileo is compatible with the GPS and together they will provide the positioning service to about 95% of the territory, versus 55% of the American system alone, the European

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system will exert its influence on those countries more tightly linked for economic and political reasons to the European Union. Just think of the countries of central-eastern Europe, the ACP countries (71 countries of Africa, the Caribs and the Pacific), the Middle East, the Latin-American countries and Canada, who is financing the project.

In the last three years, twelve countries of the Union have decided to create the euro, the decision has been made to form the rapid intervention force, and the Galileo project has been launched: all of them instruments which can display their potential only in the presence of a European government. A final consideration is to be made on this project: fifty years have passed since the founding countries of the European Union decided to put in common the two sources of the German military power, coal and steel, giving birth to the ECSC. After two World Wars, it was a historic event, which took place in a time of harsh confrontation between the United States and the USSR. Today, in a few years time, Europe is equipping itself with a system essential not only for managing a modern economic and social

life, but also for conducting a modern war. This system, one for the whole Europe, is realized without having to be developed first in the national states, because new technologies are no more within the possibilities of any single country, and Europe can more easily assert itself on new things. Certainly there is not yet who decides in the last instance, nor a majority vote on security and foreign policy, that is to say the necessary conditions for an autonomous European policy. Moreover, the presence of the UK in the Galileo project will not make it easier to have an autonomous European defence, because America's conditioning on them will be felt. The US, although in many statements it says to be in favour of European defence -provided it is in the NATO framework-, boycotts in actual fact every decision in that direction, as shown, to limit ourselves to the most recent events, by the Airbus military transport and the Galileo system itself. But overcoming these difficulties and achieving the goals of a European government and of the majority vote in the security and foreign policy sector is precisely the purpose of the federalists' work on the European Convention.

A European Initiative for Peace in the Middle East

Guido Montani

Europe bears very serious responsibilities for the Middle East crisis. The degeneration of the peace process between Israel and Palestine is also due to the lack of a European foreign policy, in particular in the Mediterranean area. A divided and impotent Europe has let the process degenerate up to the present open-war situation, where two peoples are fighting with unbelievable violence, as if their survival depends exclusively on the enemy's annihilation.

Since the beginning of the 1980s, the European Union recognized the necessity of creating a Palestinian state, guaranteeing, at the same time, safe borders for Israel. But such good intentions were not followed up by actual facts. The lack of a true European government capable of speaking with one voice to the world has prevented Europe from developing an effectual foreign policy. As long as each national government runs its own foreign policy, by definition there is no European foreign policy. Appointing a European High Representative for foreign and security policy is a fig leaf covering the scandal of the European power vacuum. There is more. Some European governments even complained about the lack of an effectual European policy in the Mediterranean. National governments have a very simple way to allow Europe to speak with one voice to the world and provide itself with the means necessary to operate: renounce the veto right, the last mock-up of national sovereignty, in the Council of Foreign Ministers and grant all powers in foreign policy to the European Commission, so

that it can operate as the true European government.

The European power vacuum in the Mediterranean is generating a dangerous illusion: that the United States can play the role of the *deus ex-machina*. The USA is supposed to have the will and the capacity to impose a peace plan on the two parties. This assumption does have some elements of truth. The USA is providing Israel with the financial and military means necessary for its security. This is the reason why Europe is sheepishly waiting for the Americans to pull the chestnuts out of the fire, as already happened with former Yugoslavia. But the situation in the Middle East is more complicated, because over there it is not just a matter of militarily toppling a regime -like Milosevic's- and then turn over the racked body of an unfortunate people to the relieving care of its wealthy neighbours. Former Yugoslavia was a turbulent country, but in prospect a possible candidate for entering the Union. A surgical operation solved the main problem, and now the convalescence has started.

The Middle East is a strategic region for the US world policy and for all the industrialized countries, because the USA, Europe and Japan depend on the Middle East oil. The political balance in the Middle East is an essential part of the world balance. In the framework of the American foreign policy the peace in the Middle East is considered an objective subordinate to the preservation of its world hegemony. World leadership has a cost. After the end of the cold

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war and after the September 11 attacks, the American foreign policy is based more and more on its technological and military primacy and on the new ideological perspectives that justify it. The crusade against the USSR as the empire of evil has been replaced by the one against international terror. Its commitment for building a new world order has been completely forgotten.

The American policy of maintaining the balance of power in the Middle East consisted in the past in interventions for controlling two possible dangers. On the one hand, it was a matter of blocking the attempts by the Arab-Islamic extremist front at "throwing back into the sea" the Israelis; this was done by entering into tighter alliances with the moderate Arab countries, like Egypt and Jordan, and by assuaging the ambitions of countries like Irak, Iran and Lybia. On the other, it was necessary to provide military aid to Israel, but at the same time to prevent it from attaining security counting only on military-type safety measures. In fact this policy, if pushed to its extreme consequences, would drive Israel to subjugate the Palestinian people, establishing some de-facto form of protectorate. A peace within "safe" borders marked by barbed wire would be a short-lived illusion, because the Arab countries, even the moderate ones, could not accept a perpetual humiliation. That is why President Clinton's administration tried with every possible means to reach an acceptable compromise with the two parties.

After the September 11 attacks, the American foreign policy in the Middle East, notwithstanding President Bush's swift acknowledgment of the necessity of a Palestinian state in order to strengthen the worldwide anti-terror coalition, looks ever more oriented to pursue stability in the Middle East region by means of a military dominance over the Arab world, exercised directly by the US or indirectly by Israel. The

American government has made it clear many times that its strategic priority is not the peace between Israelis and Palestinians, but the struggle against the axis of evil, of which Irak is supposed to be a clear representation. Richard Perle, number two at the Pentagon, said it very clearly: "An attack on Irak by us would not make much difference for the crisis in Israel; on the contrary, it would make a solution easier, because it would strengthen our influence in the Middle East" (*Corriere della Sera*, March 30, 2002). That is why Europe's initiatives for the recognition of a Palestinian state and for bringing peace are considered an obstacle or an inconvenience by both the USA and the Sharon government. A surgical operation in the Middle East, including the military eradication of terror, will solve only some particular problems. In the long run, only a peaceful coexistence, chosen by all concerned parties, is the appropriate remedy.

It must be acknowledged that US interests and Europe's interests in the Middle East do diverge. The US is worrying in the first place (and being the world super-power it has good reasons to do so) about maintaining the military balance in the region, which hinges on Israel's superiority over the Arab world. The European Union has a vital interest in a lasting peace in the Mediterranean, both for coping with the immigration and development problems by the adoption of efficient cooperation policies, and because the worsening of the peace process would soon propagate terrorism, hatred among religions and anti-semitism towards Europe.

Presently the European Union does not have the means necessary for intervening adequately in the Middle East. The federalists therefore are calling on the Union's governments to convene urgently a meeting of the European Council and to declare the State of Emergency, granting the European Commission all the military and budgetary powers for solving the crisis in the

Middle East. They ask the European Parliament to support this proposal.

The European Convention shall translate as soon as possible these contingent indications into precise constitutional norms. The European Union can provide its own innovative contribution to the problem of building peace. It has the possibility to offer a positive model of peaceful coexistence to the countries of the Mediterranean and the Middle East. Europe, after WWII, has started a journey of unification of national peoples, once enemies, who decided to share a common destiny in peace. What has been possible in Europe for France and Germany must become possible in the Middle East for Israel and Palestine.

The Commission, which will act in this instance as a provisional European government, shall immediately call for an international conference where, beside the US and Russia, the representatives of Israel, Palestine and the Arab League are invited. The European peace plan must be based on the following points: the first concerns security; the second economic and political integration.

1. The immediate recognition of the Palestinian state by part of all of the participants to the conference, together with, at the same time, the assurance of safe borders to Israel. The Oslo accords failed because they started a peace process which, step after step, with a painstaking negotiation on partial aspects, should have led to the recognition of the Palestinian state. Insofar as Israel opposed this process, the response on the Palestinian side has been to resort to terror. Every recrimination and moralism on this matter is unproductive. There have been mistakes on both sides. The problem now is how to build the future. Israel cannot deceive itself in believing that it can fight terror by keeping under military boots an entire people. Therefore the starting point of the

peace plan must be the immediate creation of the Palestinian state. Instituting a democratic government legitimated to hold the monopoly of military force is the only way for eliminating the anarchic and terroristic militias. In addition, there is to face and solve other problems, such as the Israeli settlements in Palestine, the return of the refugees and Jerusalem's status. All these are issues that can be solved, provided that Israel is willing to give to the Palestinian state (which has the right to a surface equal to 100% of that inhabited by Palestinians before 1967) a part of its territory, in exchange of any part of Palestine that Israel deems necessary to annex for security reasons. The Palestinians in turn must accept to settle most of the refugees on Palestinian territory. The US, the European Union and Russia shall ensure, finally, Israel's security with a military pact and an interposition force, until the coexistence of all peoples in the region will be founded on mutual trust and common institutions.

2. The European Union, unlike the USA and Russia, has an interest in proposing to all of the Middle East countries (and not just to Palestine) a Marshall Plan for development and peace. This shall not be based only on economic aids, but shall also indicate specific political goals and clear development objectives. The major political goal shall consist in creating common institutions, not only for managing together - Israelis, Palestinians and Arab countries- the aids, but also for gradually strengthening democracy inside each country and, in prospect, fostering integration and political unification of the region. The richer Arab states shall share their natural and financial resources with the poorer ones. The development objectives consist in creating major infrastructures for the joint management of natural resources (in particular water) and in fostering the material and cultural interchange among the peoples of the region. Finally, the economic and political integration between the European Union and

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the Middle East must be promoted, also with the aim to program and regulate the migratory flows. In such a prospect, the European Union and the Arab countries have a mutual interest in settling oil payments in euro, so as to stabilize in the long term both the price of this resource, essential to Europeans, and the income of the producing countries.

Peace in the Middle East will be possible if the

United States and the European Union will act together. The USA is obliged to prevent the breaking-down of the old post-war international order. But this conservative policy is not enough. Europe must begin to build the new order founded on peace, cooperation and international justice. If Europe will not assume upon itself its responsibilities in foreign policy, sooner or later the world will fall a prey to disorder and anarchy.



Disunited States of Europe...

A Federal Solution to the Israeli-Palestinian Conflict

Hans Joachim Berbig

We are witnesses of an internecine war between Israelis and Palestinians; this kind of self-destruction contradicts both any aspects of common sense in politics and all the personal interests of the population living in that area, because this conflict causes destruction to both sides.

Diplomatic efforts aimed at settling this conflict have hitherto all failed. Settling the problem by means of expelling the Palestinians is opposed to the idea of human rights, although possible examples of ethnical clearances in recent history can be found in Poland, the former Czechoslovakia and the former Jugoslavia.

According to our conviction the hope of a fundamental settlement can only be drawn from the idea of federalism, which, at least, suggests some sort of Jewish-Arabic Con-/Federation and would eventually allow a union of both parts of the "Holy Land" on the basis of political law, i.e. the union of Eretz Israel and the autonomous Palestinian areas.

Facing the Jewish-Arabic mixture of districts, in parts almost inextricably intertwined, and facing the scattered Jewish settlements in originally Palestinian districts, the idea of the nation state, typical of the 19th century, seems to be out of date, inefficient and anachronistic, if not even absurd.

So the idea of the creation of a Semitic state should no longer be prohibited by a taboo, because only tasks like securing peace within

the territory and protecting the total area against external enemies should be transferred to a common political power. The capital of that Semitic state would no doubt be the hitherto disrupted and unpeaceful city of Jerusalem. The status of all three monotheistic religions of the world, Judaism, Christendom and Islam, should constitutionally and internationally be guaranteed, so that free access to holy sites would be possible.

Apart from the guarantee of peace and defensive measures the self-rule of both the Palestinian and the Israeli territories should remain untouched; the establishment of a Palestinian state and the intensification of economic links according to the European example must, of course, be prerequisites of that con-/federal solution.

An election by free, general, equal, direct and secret suffrage of the Arabic-Jewish population under UN protection should lead to the representation in a general assembly. In addition to that "national" parliament, a second chamber should be part of the legislature and should form a representation in equal numbers of both the Israeli and Palestinian member states with their respective self-government.

That model of an Israeli-Palestinian con/federation would not only produce a peacemaking overarching general government, but also guarantee freedom and social participation for all citizens by means of a shared rule instead of continuous infertile conflict.

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Only a federal government acting upon the democratic principles of subsidiarity and distribution of the functions of power could lead to the necessary cooperation and integration of heterogeneous parts of the population; equal democratic rights would be given to all citizens, notwithstanding religious (Muslim, Jewish, Christian belief or secular standing), ethnical or language differences.

A supreme court should be established as a peacekeeping arbitrator and unbribable guarantor for all democratic civil rights; it would have to be supported in the implementation of

its jurisdiction by the executive branch of a federal government.

Instead of escalating into a "bellum omnium contra omnes", the two parties should try to transform their conflict situation into a model of peaceful togetherness, using con-/federal traditions in each of the two peoples' history. As the sovereignty model of the nation state has meantime turned out to be a failure, the federal alternative would imply economic, cultural and democratic progress, because solidarity could be exercised on any level of social and political life to the benefit of the whole population.

The Crisis in Argentina, the Mercosur and the European Union

Domenico Moro

The opinion on the crisis in Argentina given by the heterogeneous no-global movement can be summed up as follows: what Argentina is going through is a long-predictable crisis, as its decision to link the peso to the American dollar and to liberalise even more its market, privatizing more companies and public services, had sooner or later to lead to the present disaster, because the Latin-American country could not succeed in joining the globalization of the economy. On the contrary, it must be said that the decision taken was not wrong, but rather that its aim was not managing its integration in the Mercosur and, above all, that the world political situation did not allow this choice to be supported. In fact, it must be remembered what Argentina's economic situation was before deciding to link the peso to the dollar, thus adopting the currency board (the amount of pesos in circulation must always equal the amount of dollars present in Argentina's central bank reserves). In 1989, two years before this measure was introduced, Argentina's inflation was at 2600% a year and economy was out of control: an untenable situation, source of inequities and economic and financial instability domestically and internationally. At the same time when Argentina linked the peso to the dollar, the Mercosur was being formed, as an agreement among Argentina, Brazil, Paraguay and Uruguay (joined later by Bolivia and Chile) aimed at creating a Latin-American single market starting from Jan. 1, 2006.

The decision made in that moment, judging

from the results obtained initially with regard to the control of inflation and economic growth, was actually in the right direction. What was not decided together with the peso-dollar linking was to indicate clearly that such measure had to be the necessary temporary step, agreed by all of the Mercosur countries, towards the stable reorganization of the region's economy. The goal had to be to set the conditions for starting on more solid bases the establishment and strengthening, on the institutional plan, of the Latin-American common market. So, it should have been stated that priority was to be given to maintaining fixed exchange rates among the Latin-American countries, with the prospect of adopting a single currency. Argentina's economy at the beginning of the 1990's was in the condition to manage a progressive transition to an ever tighter economic and monetary unification with the other countries in the area: it was not only a country that, having linked itself to the dollar, had been able to tame inflation, but it was a state with a good public finances situation, as demonstrated by its balance surplus. In fact, one could have guessed that its economic ties would impose the choice of a tighter integration with the Mercosur countries. Its interchange (imports plus exports over GNP) with them increased from 3,3% in 1993 to 5,5% in 2000, and in those same years that with NAFTA increased from 2,1% to 3,3%. The general context in which this progress was taking place was one of an economy gradually opening itself to the rest of the world, relative to which the interchange increased from 13% of GNP in 1993 to 19% in 2000 (including the

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exchanges with Mercosur).

Since the beginning of the 1990's, Argentina's public spending has constantly increased, without a parallel increase in tax revenues; its central bank kept being dependent of the central and local political classes; its deficit was financed by a growing foreign indebtedness, which reached in 2000 the impressive amount of 140 billion dollars (almost € 5000 per capita), involving also European banks, certain that the anchoring to the dollar constituted a guarantee, like in the 1970's. Privatizations, in turn, were providing an inflow of private capitals, concurring to fuel the idea that resources, independently of their final use, will never be lacking. The public finances crisis in Argentine provinces, not bound to the central government by any stability pact giving sufficient guarantees to domestic and international investors on its capacity to control the overall public expenditure, did the rest. The link with the dollar was thus setting the conditions for failing to follow the rules of a sound economic management. At the beginning of 1999, Brazil announced that it could not defend the parity with the dollar, and hence with the Argentine peso, and devalued its currency, arising Argentina's protests and questioning Brazil's intention to proceed towards the establishment of Mercosur. The continual worsening of Argentina's economic situation showed that America was yet again incapable of assuring financial stability in the area, casting doubts on its ability to guide the project of uniting the North- and South-American markets (ALCA-FTAA (Free Trade Area of the Americas)); the project requires a stringent economic and financial control by all countries in the area, and also, if necessary, the ability to impose a sound economic management to all of the states involved.

The unification of Europe, with the creation of a European federal state, will certainly represent

an example, necessary for the strengthening of those positions in favour of similar processes in other parts of the world; in addition, as its economy is very open to trading exchanges, it could also provide an active support to regional integration processes, as shown by the policy inaugurated by the new Lomé Convention. It is a matter of evaluating whether the example given by Europe's political unification can be sufficient in the case of Argentina, or whether an active policy towards the African, Caribbean and Pacific (ACP) countries will prove valid also towards this part of the world, or whether Europe instead has to act differently and how. The fact is that the Union will be the more able to play an active role in favour of regional integration processes, the more it will strengthen the role and power of world institutions for cooperation, like the UN, the IMF, the WTO, the World Bank, and if it will be present as such in these institutions, rebalancing the power relations within them, presently imbalanced in favour of the US, which is using them as tools for its power politics. Let's consider, for instance, that the European Union's countries, should they be present with a single representative, would have the relative majority in the IMF, and could therefore influence its decisions and even ask to transfer its seat in Europe. As long as it will not have one representative in these organizations and it will not promote their democratization and gradual strengthening, necessary to give to the market the signal that politics wants to rule globalization, it is difficult to believe that it can undertake an active policy in favour of regional integration processes, as it does not have the tools enabling it to support them adequately. The Union has the possibility and the interest to promote a regional solution, rather than to look passively at the American inefficient policy of integrating Argentina's economy into NAFTA, because Europe, after the Mercosur, is the main area Argentina is trading with: in 2000 the interchange with the Union amounted to 3,7%

of GNP, greater than the one with North America.

The Argentine government continues to swing between anchoring to the dollar and integrating with the other Mercosur countries, that is to say between an existing power and a power to be. The only alternative Argentina and the other Latin-American countries have today is indeed between proceeding to a thorough dollarization of their economies or unifying their regional policies. The fact is that the existing power, the American, is weaker and weaker. The anchoring to the dollar could, for a limited period, ensure the flow of private investments (mostly American) and of loans by multilateral bodies (IMF, World Bank, Inter-American Development Bank), obtained through America's support, in exchange for a loosening of its relations with the Mercosur countries; the risk for the USA was minimal: in the case of a crisis, the capitals, including the

ones of the IMF and hence also Europe's, would have gone to the US in the form of deposits. Very unlikely would they have gone towards the financial centers of San Paulo or Frankfurt. In the opinion of influential commentators (Caballero-Dornbush, *Financial Times*, March 7, 2002), Argentina's resurgence will need time and the restricting of the country's economic and monetary sovereignty; however, they do not say how it could be exercised, by whom and to what end acceptable to the Argentine citizens. The answer can only be found in an active policy by the world institutions in favour of a Latin-American unification process, which also constitutes a support for a greater economic and financial stability in the area, and possibly a step towards a future integration into ALCA-FTAA: this policy, however, which could prove that globalization can be governed, can be made possible only by a European government, but the responsibility to get one rests only upon the Europeans.

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Tobin Tax: The Debate in Europe

Annamaria Viterbo

While in the European Union politicians, pushed by the civil society movements, seem to have accepted the Tobin tax, foreign exchange traders and analysts assert that it is unworkable and technically unfeasible.

The French parliament voted for the introduction of a Currency Transactions Tax (CTT) in November 2001, although the motion was rejected in February 2002 by the Senate. The Belgian parliament on 12 March 2002 voted for the adoption of a 0.02% tax on all currency transactions over € 10,000 from 2003: the tax would only come into effect if all other European Union member states also adopted it. A similar bill has been proposed in Italy and recently the German government has expressed its support for the introduction of a CTT. Moreover, Belgium put the issue on the agenda of the EU Finance Ministers during its Presidency in 2001.

The idea of a currency transactions tax came at a time when the Bretton Woods system was in turmoil and currency speculation was rife. In 1972 Nobel Prize winner James Tobin, who died last March, suggested the introduction of a 0.1-0.5% tax on foreign exchange transactions in order to limit speculation. Recently the idea has been adopted by ATTAC, which supports a tax around 0.1% in order to constitute a fund to help developing countries. According to the most prudent estimates a 0.5% tax could generate a US \$1,500 billion annual revenue.

Globalisation is characterised by a strong

increase in capital flows and in the exchange of goods and services, due to technological progress, a reduction of transportation costs, the increase in information processing capabilities, the lowering of quantitative and tariff restrictions on trade and the liberalisation of capital movements.

Over the years many proposals have been discussed on how to best adapt the international monetary and financial system to the changes and challenges of an increasingly global economy. On 16 October 2001 the European Commission was requested by the EU Finance Ministers to carry out a "Study on the Responses to the Challenges of Globalisation". The study, published in February 2002, has focused on two main issues: the issue of reforming the international monetary and financial architecture as a response to global financial crises; and the issue of financing and promoting development as a means to reduce global inequality.

The Commission study dedicates particular attention to two positive aspects of the possible adoption of an international currency transactions tax: on the one hand, the tax would contribute to stabilising currency exchange rates, reducing arbitrage, speculation and volatility; on the other hand, its revenues could be used as an additional source of financing for development to add to debt relief and official development assistance. But, from a critical point of view, the Commission study underlines several weak spots arising from the introduction

of a CTT: first, some studies demonstrate that its costs are likely to be primarily borne by the economies of developing countries; in addition, its application, compliance and enforcement are unfeasible without a multilateral approach.

According to Tobin's original proposal, the general levy of a flat and low tax rate on all spot transactions would discourage short-term capital movements, considered the root of financial and economic crises and hampering development in many poor countries. On the other hand a CTT would not affect transactions related to long-term investment and financing horizons.

However, according to the studies carried out first by the French Treasury and then by the EU Commission, trading volumes are expected to fall significantly as a consequence of the introduction of a currency transactions tax: the reduction in arbitrage trading is expected to affect the liquidity of all markets. In general, lower liquidity creates the risk of higher price volatility, which is the opposite of the desired effect. Despite their relatively low share in international foreign exchange markets, higher transactions costs related to the introduction of a CTT could have disproportionately strong effects on the markets of developing countries, where liquidity and trade volumes are already comparatively small.

This analysis suggests that a CTT is likely to raise the costs of financing across borders; this cost increase would be borne by all business operators, including developing countries' importers and exporters who are obliged to use hard currencies for their transactions. In addition, this could have a great impact on their price competitiveness.

Defining the tax base seems technically difficult: exemptions for non-speculative transactions and thresholds could be introduced; the field of

application of a CTT could be defined geographically, it could be based on the currencies involved or on a combination of both. A geographical definition means that all foreign exchange operations executed on a territory would be subject to the tax, irrespective of the currencies used; while if it is based on the currencies involved, it is the conversion itself that is taxed independent of where the transactions took place. In addition, there is no agreement on the tax rate to be applied to achieve the desired effect and generate the intended revenues.

Furthermore, the risk of the migration of economic activity is serious, due to the high mobility of the CTT tax base: new technologies for electronic settlement systems make the relocation of financial centres to non-taxing countries easier. A unilateral application of the currency tax base could constitute a disincentive to the use of the taxed currency outside the currency zone, with a risk of substitution by other currencies.

If the concept of a currency transactions tax as a source of revenue to complement official development assistance may look appealing, its feasibility is disputable. The key issue is how to ensure universal application, compliance and enforcement. A common method for tax enforcement and the preservation of its base must be established: possible solutions include collection at the national level or by an international organisation; to be sustainable such a tax would also have to be accepted by the major international financial centres. Surely a CTT could not be effective and operational without an almost multilateral approach –an international coordination between states seems insufficient.

Only an international organisation (the Commission suggests some sort of International Tax Organisation) would potentially solve the

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problems and redistribute with equity the income of an international tax. The more preferable solution of allocating the CTT revenues to the Bretton Woods institutions or to the United Nations would imply a substantial extension of their mandate and competence; this way, the application of an international tax would bypass the current difficulty of voluntary contribution by governments, even if someone considers it less fair than contributions based on Gross National Product.

The original goals of the Tobin tax were the stabilisation of currency exchange rates and reduction in speculation. Compared to the time when the tax was proposed, the international scenario has changed: the creation of the European Monetary Union has stabilised the exchange rates among US dollar, euro and yen (around the 76% of the daily international exchange transactions). With the increase in international monetary stability, nowadays a CTT can be essentially viewed as a fiscal

instrument to generate revenues to fund developing countries. But a CTT is not necessarily the only solution.

The creation of a single world currency, supported by 1999 Nobel Laureate Robert Mundell, could eradicate the problem of speculation and of international monetary instability. At the same time new ways of financing developing countries could be found. In this perspective, the Commission study is considering alternative financing instruments in order to complement official development assistance: international taxes on global activities, like air and sea freight and passenger transport (i.e. fuel tax), telecommunications and postal services, arms exports and carbon dioxide emissions, are also ways of safeguarding the general interest. The introduction of international taxes, administered by a supranational world organisation, to fund poor countries and to protect the environment should be one of the future challenges of our society.

Porto Alegre 2002: Another World is Possible

Nicola Vallinoto

From Jan. 31 to Feb. 5 more than 50,000 participants gathered in Porto Alegre for the 2nd World Social Forum. 15,230 delegates representing 4,909 organisations from 131 countries debated alternatives to globalisation and urged an end to wars in 28 conferences, 100 seminars and 700 workshops.

JEF and WFM organized a workshop on the issue: "International democracy, United Nations reform and the role of global civil society". The aim of the federalist presence in Porto Alegre was to start a debate and an evaluation of differences with the other organizations working on global democracy. On Feb. 4, 50 people from 3 continents participated to the workshop in Building 15 of the local Catholic University. Vallinoto presented a discussion paper titled "Globalization and a World Parliament" (see www.mfe.it/newglobal) prepared by Lucio Levi. In the introduction, the need was underlined to democratise and strengthen the UN and those supranational institutions with a responsibility in the "global common good", which would allow the government of the world to be removed from the control of the big powers and the private power centers, like the multinational corporations, and be put into the hands of all the people of the world; and it was stressed that the democratisation of regional institutions such as the European Union could be a first step toward global democracy.

The debate that followed was very rich, with the interventions of a UN official and of representatives of several organizations, such as

Civicus (civicus.org), World Citizen Foundation (worldcitizen.org), European Youth Forum (youthforum.org), Attac (attac.org), etc. An active collaboration started between the E.Y.F. and the W.C.F. with the objective to build a network for global democracy at a European and at a world level in view of the next European Social Forum and World Social Forum. The aim is:

- 1) to organize a set of coordinated seminars based on global democratization, and invite organizations from other thematic areas that share this goal
- 2) to arrange a common strategy and consultation session among the associations of the network
- 3) to develop a wide variety of coherent proposals for WSF III, such as: "No (Tobin) Taxation without (Global) Representation = A World Parliament" and "A Different World Government is Possible". For the 1st European Social Forum proposals could be: "A different and federalist Europe is possible", "A Federal Constitution for a Peaceful Europe"
- 4) to have panelists at the relevant plenary sessions.

On Feb. 4th, a conference on "International Organizations and World Power Architecture" was held at the Brigada Gymnasium with hundreds of delegates. All the panelists answered in a negative way the question posed by Vallinoto about the need of a World Parliament as a political counterbalance to economic globalization.

"A world government would be a negative

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utopia which would require an undesirably high degree of uniformity around the globe" – said Peter Wahl, executive director of the Germany-based World Economy, Ecology and Development Information and Service Office.

And according to Walden Bello, head of the Thailand-based policy-research NGO "Focus on the Global South", it is too early to talk in terms of a feasible 'world democracy' because the social, economic and political conditions are not right. "What we should focus on is the democratisation of the globe at the local level rather than at the international level" – he said, pointing out that there are too many battles yet to be fought locally and nationally before talking of a world government.

Roberto Bissio of Social Watch, Uruguay, said that in a world in which six percent of the people are controlling over 80 percent of the resources it is meaningless to talk of a world government until the underlying structural injustices are addressed. The deep economic and political divisions between countries of the North and the South, he said, pose a major barrier to implementing any meaningful democracy at the international level.

Calling for a new paradigm of governance, Susan George, noted writer and vice-president of the Association for the Taxation of Financial Transactions for the Aid of Citizens (ATTAC), said that, given the size and complexity of the world, any government structure imposed on it would fail to function efficiently. "It is better to concentrate on things we can develop more easily at the local level" – she said, pointing to the 'participatory budget' process adopted by the Porto Alegre municipal government as an example of how citizens' power can be built from bottom up.

Panelists also discussed the need for profound reforms at the United Nations, which is the only truly global institution capable at some point in time of becoming the starting point for a world government. "The UN is still a stage for governments and nation-states and needs a

much greater participation by popular organisations" – said Peter Wahl.

On the issue of whether to reform or replace the IMF, the World Bank and the WTO, there were sharp differences between Wahl and Bello, with the former saying that these were institutions like any other and amenable to radical reform, while Bello felt that they were too imprisoned by their own rigid structures and paradigms to be changed. "Just in terms of sheer efficiency it would be better to replace the IMF, the World Bank and the WTO than to try and reform them" – Bello said.

The WSF didn't produce any official document. The social movements from all over the world prepared a common document titled "Resistance to neoliberalism, war and militarism: for peace and social justice". The following is the paragraph concerning democracy:

"... people have the right to know about and criticize the decisions of their own governments, especially with respect to dealings with international institutions. Governments are ultimately accountable to their people. While we support the establishment of electoral and participative democracy at the world level, we emphasise the need for the democratisation of states and societies and the struggles against dictatorship."

The weakness of the Porto Alegre movement is clearly showed by the sentence above; indeed, calling for the democratisation of national states, not realizing that they have definitely lost the power to rule the process, is a return to the past.

As long as the intergovernmental method, characterised by the veto right, will be maintained in supranational institutions, concepts which are gaining popularity among national governments and civil society, like the "global governance" or the "participative democracy at the world level" evoked by the

Porto Alegre movement, will be mere illusions, hiding the growing incapability of politics to answer the problems of humanity.

Since the WTO Conference in Seattle and in the following summits of the main international organisations, civil society has been a very powerful catalyst of participative energy. This shows that a growing forefront of world citizens is no longer willing to accept the current world order, in which the absence of truly democratic supranational institutions makes it possible for particular interests of economic potentates or the strongest states to prevail over the common

good of humanity.

Nevertheless, in such movement – even if there are elements of analysis similar to ours – it doesn't seem that the consciousness, that up to now remains exclusive of the Federalists, is emerging that only with the creation of truly democratic supranational institutions, starting from the European Federation up to a world-wide federation endowed with a world government and parliament, will it be possible to put an end to inequalities between the North and the South of the world and to solve the contradiction between national interests and the common good.

Switzerland Joins the UN

On March 3rd, 2002, Switzerland voted in favour of joining the United Nations Organization and so it becomes its 190th member state. Sixteen years ago Switzerland voted against.

For the referendum to be valid it was necessary that the yes-votes got a double majority (of the voters and of the Cantons). The debate in the referendum campaign has been interesting and involving, as some years ago was the one on the bilateral relations between Switzerland and the European Union. The supporters of the yes-vote were speaking in favour of the necessity of integration, while the opponents were arguing for the continuation of Switzerland's neutrality policy.

57,5% of the eligible voters (a good percentage compared to other referendums) went to the polls; 54,6% of them voted for Switzerland to join the UN, namely 1.489.062 in favour and 1.237.719 against. The outcome

has been uncertain up to the end, and finally only 12 Cantons out of 23 voted in favour; decisive has been the victory in the Valloons Canton, where only 2698 more ballots in favour gave the necessary majority of the Cantons. In 1986 all of the Cantons and 75% of the voters voted against.

Certainly for the federalists this is a very satisfactory result, because at last an important and federal country like Switzerland will participate in the UN political decisions (so far it could only participate in humanitarian initiatives, with no possibility of interfering with the adopted decisions). Switzerland's contribution can be of great importance for the UN reform, for a greater democracy in its bureaus (for example the abolition of the veto right) and a full financial autonomy through "resources of its own" for the functioning of its structures (it is the host of important UN bureaus in Geneva) and missions. We warmly welcome Switzerland among us! (*f.o.*)

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Léopold Sédar Senghor

A singer of federalism, *négritude* and universal civilization

Jean-Francis Billion

Léopold Sédar Senghor paid a prominent part in the debates which, at the end of the Second World War until the creation of the Organization of African Unity (OAU) in 1963 at Addis Abeba, prepared the emancipation of African Colonies and accompanied the attempts to organize African Unity. Senghor remained, after the death of Francis Kwame N'Krumah and Julius Nyerere, the last great figure among African political leaders, who in the course of the struggle for independence strove for African Unity, and even more Senghor himself strove for the union of *Eurafrica* which he conceived, in the long run, in a world perspective.

In the fifties and sixties of the 20th century Senghor remained committed to the Federalist cause, he never hesitated to lend his name and prestige and his moral authority to their action and their organizations - we must remember that in 1980 he was the only African head of state who voluntarily gave up his power by resigning his presidency of Senegal in the course of his mandate to come and settle in Normandy and never intervened in the destinies of his country in the following years. When he died he was still honorary vice-president of the World Federalist Movement (WFM), while during the tough debates on the European Defense Community (EDC) and the European Political Community (EPC) in the mid-fifties he had become a member of the French section of the Union of European Federalists (UEF), then presided over by the writer Jules Romains, as he voted

in the Parliament for the EDC¹. In all these years Senghor remained in close touch with Jean Rous, a militant socialist and an important figure of anti-colonialist struggles, general secretary of the Congress of Peoples against Imperialism (*Congrès des peuples contre l'impérialisme*) and a member of various groups connected with World Federalists². Jean Rous would become Senghor's counsellor for international affairs when he was President of Senegal, until 1968.

Léopold Sédar Senghor was born at Joal, officially in 1906, in a family of the Serere tribe, 120 Kms. from Dakar, which was then the Capital of AOF (French West Africa) which was a "federation", together with AEF (French East Africa), not far from some Portuguese colonies (Cabo Verde and Portuguese Guinea, now Guinea Bissau). He was born a Catholic in a region whose majority of inhabitants are Muslims. He learnt his catechism as he learnt French and Latin.

From 1928 he studied in Paris where, as an intellectual and an academic he became a member of the "black colony" and became a friend of Aimé Césaire, the poet from Martinique, who years later would be elected as a communist deputy to the French Parliament. Both men would be active in the late forties and fifties to transform the "one and indivisible French Republic" and the French Empire into, respectively a "Federated French Republic" and a "French Federal Union" (*Union française*). At the same time

they discovered the American writers of the Black Renaissance³, an important discovery to boost their concept of "négritude"⁴ or *blackness*. Senghor became a member of the Association of Socialist Students, then he joined the Socialist Party (SFIO - French Section of the Worker's International) under the influence of his friend Georges Pompidou - future Gaullist President of the 5th Republic. Jean Rous describes that period in this way: "Aimé Césaire arrived in 1930 from Martinique. He met Senghor who, in his turn introduced him to Africa - from where the West India's ancestors came... In 1934 they founded together the newspaper *L'Etudiant noir* (*The Black Student*) in which they defined and promoted the term and theory of *négritude*". (...) For Senghor all civilizations are complementary and belong to a universal civilization. Indeed he would remain faithful to three basic principles: a participation in modern civilization, the affirmation of an African soul ("*africanité*") which he called *négritude* and a search for a synthesis - not a separation but a meeting⁵. In following years Senghor would always define the contribution of "*négritude* to universal civilization" by the meeting - not the confrontation - the interaction and the blending, or cross-breeding of great civilizations, especially after his reading of the works of the Jesuit paleontologist Pierre Teilhard de Chardin. This reading would allow him to complete his interpretation of Marxism (a product of European civilization) and adopt it to the realities, especially rural, of the African world to define his own conception of an "African way to socialism" which he would present in his political report to the Constituent Congress of the *Bloc démocratique Sénégalais* after his break from SFIO, at the end of 1948.

At the outset of the Second World War Senghor got assigned in a regiment of *Tirailleurs sénégalais*, he was taken prisoner

with them. He spent two years in a camp of prisoners, then in a disciplinary prison. Then he was liberated for poor health. He resumed his functions as a teacher and joined the Resistance in the *Front National Universitaire* network. In his prison-camp he had written a poem to celebrate de Gaulle's 18th of June appeal - in 1936 he had vigorously protested in another poem against the Italian invasion of Ethiopia. Freed and a member of the Resistance L.S. Senghor helped and hid persecuted Jews. In 1944 he was deeply shocked by the violent and bloody quelling of a mutiny of repatriated Senegalese veterans at Dakar; he felt that France herself could now "lose her soul"; and, ten years later, during the debates on the EDC and the EPC he would violently oppose the notion that the populations of the territories of the French Union could be excluded from the EPC, in his opinion a violation of the Constitution of 1946 when "everybody knows that in case of war the French African troops will be promoted to a European rank which will give them the right to die on the Oder-Neisse Line"⁶.

As a member of SFIO for Senegal to the Constituent Assemblies of 1945 and 1946, Senghor had become the advocate of a federal organization for France and the French Union (the new name for the Empire, adopted in the months following the Brazzaville Conference organized by de Gaulle at the beginning of 1944. (...) While the Conference of Brazzaville -in fact a hundred per cent French affair- had shown some slight advances, but had clearly refused, even in the long run, any idea of autonomy for the territories of the Empire, on the contrary the African representatives to the Constituent Assemblies asked for well-defined federal structures, based on local assemblies with large powers and feared the over-representation of Metropolitan-born

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citizens. (...) Indeed, Federalism in the years 1945-58 seems to have been a sort of witch doctor's medicine, both a *thingumajig* and a custard-pie recipe to re-structure and eventually keep together the bits and pieces of the French Empire; proposals followed each other, they "popped up like mushrooms" as Senghor himself remarked, and this in all kinds of political groups⁷. (...) Senghor, before and after his resignation from the SFIO decided not to be longer an instrument of metropolitan political parties, and after the creation of the parliamentary group of Overseas Independents (*IOM - Indépendants d'outre-mer*) would always remain coherent in his theory of federalism. He explained: "Our vocation is to be federalists, for what is federation if not a system to establish equality between countries and consequently between races?... Within the French Union organised as a flexible union or confederation, there would exist, side by side with the kingdoms or republics of Asia or Africa, a French Federal Republic, like Switzerland, Canada or Germany. In this way each autonomous territory and each group of territories would be a State integrated in the French Republic, but with its own Parliament and local executive"⁸.

In 1948, from the start, Senghor took part in the adventure of the *Rassemblement démocratique révolutionnaire* (RDR) which will try to gather at the left of the SFIO in the refusal of the Socialist party to join a "centrist" third force between the "*stalinians*" of the Communist party and the Gaullists of the *Rassemblement du Peuple français* (RPF); the Manifest of the RDR launched an appeal "to fight against the Europe of blocks and against the oppression and for the awakening of colonial peoples"⁹. (...) A few months later, in June 1948, Senghor also participated in the Constitutive Congress at Puteaux of the Congress of Peoples against Imperialism¹⁰ together with African, Asian and European

leaders. The President of the Congress was a British M.P., Fenner Brockway; the general secretary was Jean Rous. Founded on the initiative of the Committee of Study and Action for the Socialist United States of Europe (the future Socialist Movement for the United States of Europe), this Congress will federate for several years the main movements of emancipation of colonized peoples. (...)

On behalf of the Congress Ronald McKay, a labour MP, former general secretary of the British group Federal Union before World War II, Senghor and Osmane Socé, a socialist senator and future representative of Senegal at the U.N., introduced and seconded at the Consultative Assembly of the Council of Europe, at the beginning of 1950, "a proposition of federal inspiration which aimed at creating a joint commission of Europe-Africa where delegates of both continents would be represented. Its task was to prepare the independence of African states, their federation and later to organize a close cooperation between Europe and Africa"¹¹. This resolution which was turned down by the Assembly in spite of the support of the English labour members, but with the opposition of the French socialists, was published by Jean Rous in *Common Cause*, the review of the Chicago Committee to Frame a World Constitution which, round Giuseppe A. Borgese, was representative of the *maximalist* current of world federalism at that time¹².

During the Parliamentary debates of June 1956 on the blue print law for Overseas Territories presented by Gaston Defferre the then socialist Minister for Overseas France which set up councils of local governments and increased the power of territorial Assemblies, granting a semi-autonomy to overseas territories, Senghor expressed a serious warning against the "balkanisation" of

French Africa which it would bring about in the near future. On this occasion he formulated the solution offered to African peoples: "to accept balkanisation is to accept, together with our sufferings and poverty, the alienation to our reasons to live... We should prefer the solution of a unitary state, but... it is premature. The eight territories of AOF (French West Africa) would remain as they are after a slight grouping of lands and correcting of borders if need be. Each would have a council of ministers and a legislative assembly, which would deal with all questions of territorial interest. But above the local governments and parliaments would be created a federal parliament and a federal government which would deal with all questions of common interest"¹³. (...) At that time, in order to remedy the disastrous consequences of African balkanisation he undertook, with the leaders of other territories (at the time Dahomey, Haute-Volta, Sudan, after the withdrawal of Niger)... to found the Federation of Mali. With them he created the *Parti de la Fédération africaine* (PFA). On December 29, 1958, Senghor and Modibo Keita, President of Sudan, called a meeting of the delegates of the four territories before the meeting of the Constituent Assembly on January 20, 1959, at Dakar to adopt the federal Constitution. Nevertheless Senghor was worrying of the manoeuvres of the enemies of the federation, -some French-speaking African leaders, but also some French advisers of de Gaulle... Senghor will denounce the action of "our feudal lords supported by a handful of short-sighted Metropolitan politicians"¹⁴. (...) Progressively Senegal and Sudan will find themselves alone, after the secession of their other partners, to set up the organs of the Federation of Mali, whose independence will be proclaimed on June 20, 1960. But the federation broke up a few weeks later in the night of August 20 following rumours of a *coup d'Etat* plotted by the Sudanese. According to Rous, Senghor was deeply affected by this setback:

from then on he would limit his African action to staving off the consequences of balkanisation.

It is in this frame of mind but deeply marked by that failure, more as a statesman than a militant federalist, as it seems to us, that Senghor will then consider the question of African unity. For all that he did not lose interest in federalism, as we can see from his messages to the 1961 WFM Congress at Vienna¹⁵, or from the one he will address to the Colloque of Nice in 1965 on the Reform of the UNO, organized by the "federalist movements"¹⁶ or also, later, in his proposals for the creation of a Commonwealth of French-speaking peoples¹⁷.

At the time of the Conferences of Addis Abeba in 1963, then at Cairo in 1964, for the creation of the AUO Senghor firmly expressed his opposition to the conceptions of N'Krumah in favour of immediate constitutional unity, and in spite of the efforts of Jean Rous to reconcile the two men, he pronounced himself for an African unity achieved by stages with the creation of local alliances and regional confederations. (...)

According to Jean Rous, "Finally Senghor was going to convince the other members and push forward his own ideas on a progressive unity realised step by step through regional unions. After stigmatising the fanaticisms, the micro-nationalisms he suggested: 'In a first stage we shall recognize these complementary diversities. We would even help form regional unions: I can see three of them: North Africa, West Africa, East Africa, as we wait for the emancipation of South Africa... Each of the three unions could, in turn, be divided into smaller unions. However we must... define, above regional Unions, the Organization of Independent African and Madagascar states, which will be the main instrument of our unity'"¹⁸.

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Due to the usual limited length of the articles published by *The Federalist Debate* I had to cut out of this text published by *Fédérations-pour le fédéralisme* (Lyon) most of the quotations from Senghor's works and some developments concerning more particularly French politics. Suppressed passages have been replaced by dots [...]. The full text can be received in French on demand at my email address: jfbb_fr@yahoo.fr (j.-f.b.)

¹ M. Olivier Rony, in his book, *Jules Romains ou l'appel au monde*, collection *Biographies sans masque*, edition Robert Laffont, Paris, 1993, pp. 708, writes that Léopold Sédar Senghor was in 1954 member of the Council of the French section of the UEF, with other politicians or parliamentarians such as Robert Buron, for many years engaged in the world federalist movement, François Mitterrand, future President of the Republic, Félix Gaillard, ex-close collaborator of Jean Monnet during World War II... (pp. 637-639)...

² Cf., Jean-François Billion, Jean-Luc Prevel, "*Jean Rous and Federalism*", *The Federalist*, Pavia, 1986, XXVIII, n° 2-3, pp. 119-130 - From Jean Rous, cf., among other books, *Léopold Sédar Senghor. Un président de l'Afrique nouvelle*, edition John Didier, Paris, 1967, pp. 163

³ More exactly " the Harlem Renaissance" (translator's note)

⁴ See Du Bois, *The Soul of Black Folks*, is a good definition of the word *negritude* (translator's note)

⁵ Jean Rous, op. cit, pp. 19-20

⁶ Cf. Christian Roche, *L'Europe de Léopold Sédar Senghor*, edition Privat, Toulouse, 2001, pp. 126, pp. 62-63

⁷ Cf., for exemple, by the jurist and Gaullist ex-Minister René Capitant the booklet, *Pour une Constitution fédérale*, dated 1946, Paris, edition Alsatia. This book is considered as having inspired the speech by General de Gaulle in Bayeux on 22th June 1946 itself considered as a backing for the colonialists circles

⁸ Cf., *Archives d'outre-mer d'Aix en Provence*, 14mi 2740, 2G53, quoted in, Christian Roche, op. cit., p. 42

⁹ Quotations from a university thesis by the historian Pierre Chevalier, Jean Rous, 1908-1985, *Une vie pour le socialisme et la décolonisation*, pp. 914 and annexes, Université de Perpignan, 1999, pp. 494-495

¹⁰ Cf. Pierre Chevalier, op. cit.

¹¹ Jean Rous, op. cit., p. 28

¹² Jean Rous, "*The Sophistry of Colonialism*", in, *Common Cause*, Chicago, review of the Committee to Frame a World Constitution, Vol. IV, n° 3, October 1950. Cf. also the text of the MacKay Resolution, in, *Common Cause*, same issue, "*A United States of Africa*", p 165.

The text by Jean Rous is explicit about the contacts between the anticolonialist movements and the world federalism and announces, so to say, the message of Senghor at the occasion of the Vienna Congress of 1961 of the world federalist organization

¹³ Benoît, Joseph Roger de, *L'Afrique occidentale française de 1944 à 1960*, edition NEA, Dakar, 1983, p. 305

¹⁴ Quoted, in, Ernest Milcent, and, Monique Sordier, *Léopold Sédar Senghor et la naissance de l'Afrique nouvelle*, edition Seghers, Paris, 1969, p. 191

¹⁵ Cf. *Monde Uni*, n° 54, August 1961, Message of Léopold S. Senghor, of which we reprint some extracts. "In our opinion federalism should be at the same time internal and international. It is essentially the search for unity in diversity... Not having been able to constitute genuine federal states in Africa immediately, we have, with the African and Malagasy Union, realised unions of a confederal nature. It is only on the basis of this first form of union that we can advance towards a federal state. You have on your agenda the problem of the reform of the United Nations... I have always approved the constructive reforms proposed by your movement... it would be particularly essential to complete it with an Assembly of Peoples... Nor do I forget that, since 1953, the world federalists have contributed their stone to the building of what today is called action against under-development... As far as we are concerned, we on African soil are committed to the campaign to conquer under-development... measures of socialisation and planning which take account of human liberties and of the existence of living communities are the kind that allow balance and a continual growth of economic and social progress. Our evolution is based on the co-operative and community idea. We are trying, according to federalist principles, to combine centralisation and decentralisation while respecting regional features... We propose that after your congress you create in Dakar a Senegalese section of the universal movement for a world federation"

¹⁶ Jean Rous, Léopold Sédar Senghor, *un Président de l'Afrique nouvelle*, op. cit., p. 135. On the Nice Colloque, cf., Coll., *Colloque international de Nice (27-29 mai 1965)*, *L'adaptation de l'ONU au monde d'aujourd'hui*, edition A. Pédone, Paris, 1965, pp. 230

¹⁷ "*La Francophonie comme culture*", Université de Laval, Québec, PQ, Canada, September 27, 1966, in, Jean Rous, op. cit., pp. 133-134

¹⁸ Jean Rous, op. cit., pp. 63-64

A Raft to the Further Shore

The passing of Elisabeth Mann Borgese and Thor Heyerdahl

René Wadlow

Elisabeth Mann Borgese and Thor Heyerdahl, world citizens, set sail on a raft for the further shore of life, Elizabeth in February and Thor in April 2002. In the Buddhist writings, life is compared to a person wanting to cross a river on a raft. The teachings of the Buddha are both the nature of the logs making up the raft as well as the knowledge of the poleman who controls the raft from the shore of life which is known to the other shore which is the start of territory as yet unknown. Both Elisabeth and Thor were my acquaintances from the UN Law of the Sea negotiations in the 1970's, and both made important contributions to the discussions, Elizabeth on the legal and dispute-settlement aspects of the Convention, Thor on the danger of a greater ocean pollution if there were not strict world law and enforcement.

A raft is an appropriate symbol for Thor Heyerdahl, an anthropologist, who wanted to demonstrate that migrations across the Pacific, the Atlantic and the Indian oceans were possible. His epic voyage on the Kon-Tiki in 1947, as well as his writing skill, made him well known and respected, even by other anthropologists who disputed his hypothesis of migration routes. Thor was always to explore new ideas, and he had a wide interest in many different cultures. He was deeply convinced of the need for world law to protect the oceans. He was a modest person but willing to use his fame to draw attention to important world problems. The efforts to protect the seas from pollutions owes him much.

Elisabeth Mann Borgese was a strong-willed

woman. She had to come from under the shadow of both her father, Thomas Mann, the German writer and Nobel laureate for literature, and her husband Giuseppe Antonio Borgese (1882-1952), Italian novelist and political analyst. During much of the Second World War, Thomas Mann lived at Princeton, New Jersey, and gave occasional lectures at Princeton University. Thomas Mann, whose novel *The Magic Mountain* was one of the monuments of world literature between the two World Wars, always felt that he represented the best of German culture against the uncultivated hords of the Nazis. He took himself and his role very seriously, and his family existed basically to facilitate his thinking and writing.

G.A. Borgese had a regular professor's post at the University of Chicago but often lectured at other Universities on the evils of Mussolini. For Borgese, with a vast culture including the classic Greeks, the Renaissance Italians, and the 19th century nationalist writers, Mussolini was an evil caricature which too few in America recognized as a destructive force in his own right and not just as the fifth wheel of Hitler's armed car. Although there are many Americans of Italian ancestry, they have never made Italian culture part of the American mainstream, so that Borgese's subtle analysis of Gabriele D'Annunzio always fell by the side since his listeners had rarely read D'Annunzio and would have been hard put to find Fiume on a map.

G.A. Borgese met Elisabeth Mann on a lecture tour at Princeton, and despite being close to Thomas Mann in age, the couple married very

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shortly after meeting. Elizabeth moved to the University of Chicago and was soon caught up in Borgese's effort to help in the transition from the age of Nations to the Age of Humanity. For Borgese, the world was at a watershed period. The age of the Nations - which could be a liberating force as in the 19th century's unification of Italy - had come to a close with the First World War which clearly showed that Nationalism was from then on only the symbol of death. However, the age of Humanity, which was the next step in human evolution, had not yet come into being, in part because too many people were still caught in the shadow play of the age of Nations. As Borgese wrote, "the era of Humanity has not begun, but the age of Nations has ended. It ended in 1914 when the World Wars began... The popular assumption that the present movement toward world unity originates essentially in the technological revolution as applied to "weapons of mass destruction" is a fallacy derived from the superstition of our time, which is the adoration of the tool, the cult of the material causes. Techniques and tools are the products of spiritual evolution, of which in successive waves of reactions and actions they become contributing factors. They are not the first causes. It is not the Legion that made Rome, nor the phalanx that built Macedonia; but conversely. For the age of Nations, after a span of six centuries, was as good as dead, for reasons far deeper and more complex than any technological change, in 1914, when uranium was quietly number 92 on the period table, and plutonium was nothing and nowhere".

Since University of Chicago scientists had played an important role in the coming of the Atomic Age, G.A. Borgese and Richard McKeon felt that the University should take a major role in drafting a world constitution as a framework for the Atomic Age. They wrote in an introduction presentation "We do not think that a world constitution or a preliminary project will be drafted by bureaucratic or diplomatic bodies. Their notions are inhibited by statutory routines; their

initiatives, even in this most open-minded of nations, must stop at the dogmatic wall of national sovereignty. On the other hand, the peaks of our time are too steep for any single legislator to scale them and take a torch to the crowd below". Thus the "Committee to frame a World Constitution", an interdisciplinary committee under the leadership of Robert Hutchins, head of the University of Chicago, was created in 1946. To re-capture the hopes and fears of the 1946-1948 period when the World Constitution was being written by members of the drafting team: Rexford Tugwell, *A Chronicle of Jeopardy* (Chicago, University of Chicago Press, 1955). This is Rex Tugwell's reflection on the years 1946-1954 written each year in August to mark the anniversary of the A-bombing of Hiroshima, and Scott Buchanan, *Essay in Politics* (New York, Philosophical Library, 1950).

In March 1948, for the first day of Spring, the *Preliminary Draft of a World Constitution* was published by the University of Chicago Press, and, as Elisabeth wrote in *Common Cause*, the journal of the committee which she edited: "March 1948, immediately after Czechoslovakia, saw the UN abdicating in Palestine, the door slammed behind the UN Committee on Atomic Control, the cold war climb to near shooting temperatures".

G.A. Borgese published a commentary on the constitution, dealing especially with his ideas on the nature of justice. It was the last thing he wrote, and the book was published shortly after his death: G.A. Borgese, *Foundations of the World Republic* (Chicago, The University of Chicago Press, 1953).

By the early 1950s and the Korean War, hope for a radical transformation of the UN or for the creation of a world government outside the UN had faded. The drafters of the World Constitution went on to other tasks. Robert Hutchins left the University of Chicago to head a research center - a

"think tank" in California and took some of the drafters with him. Much of their energy, however, went into the protection of freedom of thought and expression in the USA, at the time under attack by the primitive anti-communism of then senator Joe McCarthy.

However in the mid-1950s, from world federalists and world citizens came various proposals for UN control of areas not under national control: UN control of the High Seas, of the Waterways, especially after the 1956 Suez Canal conflict, of Antarctica, of Outer Space. A good overview of these proposals is contained in James A. Joyce *Revolution on East River* (New-York Ablard-Schuman, 1956) and Everett L. Millard (Ed.) *Freedom in a Federal World* (Chicago: One World, 1st edition 1958, 5th edition 1969). Elizabeth Mann Borgese thus turned her attention and energy to the law of the sea. She lived part of her time in Malta and also taught at a university in Canada.

In 1967, Malta proposed at the UN General Assembly that the seabed be internationalized as the Common heritage of mankind so as to put it outside the control of the technologically

advanced nations. The seabed was to be exploited for the benefit of the entire world. The Malta proposal led in the 1970s to the Law of the Sea conference in which Malta continued to play a creative role.

As the UN Law of the Sea Conference continued through the 1970s, one year in New York, the next in Geneva, Elizabeth was active in seminars and conferences with the delegates, presenting ideas, showing that a strong convention on the law of the seas would be a big step forward for humanity. As I had done my studies both at Princeton University and the University of Chicago, we could share memories of the areas, though I was a student at Chicago in the mid-1950s after her husband's death.

Both Elizabeth and Thor Heyerdahl made important contributions to the development of World Law. While the Convention on the Law of the Sea has not revolutionized World politics - as some of us hoped in the early 1970s - it is an important building block in the development of the rule of Law. Both Elizabeth and Thor will be missed, we are grateful for the values they embodied.

Borderless Debate: International Terrorism and New World Order

September 12: The World is not at Zero-Point

Reflections on how to unite the world in peace and liberty, prosperity and justice

Tommaso Padoa-Schioppa

1. Introduction

In the tragic crescendo of events which unfolded over a few weeks, Gothenburg, Genoa and New York have made evident to the absent-minded a sickness that we could define as follows: the contrast between the things which divide the world and those which unite it. United in terms of trade, of climatic and nuclear risk; divided by the disparities in living conditions, by the absence of instruments to reduce economic, political, religious conflicts. Uniting the world is the key question of a century, which will certainly not be short if we measure it by the time needed to achieve a lasting result.

We do not know exactly the remedy for this sickness; the path ahead of us is a research, not only an effort of realisation. "War is as old as mankind, whereas peace is a recent invention" wrote Henry Maine, an English jurist, in the mid-19th century. And yet we are not at zero-point, we do not lack essential references. Ignoring them would certainly mean condemning the world to ruin. The events of a few weeks ago have in fact reminded us that the forces of destruction are today seemingly more globalised than those of construction.

First of all: peace, liberty, prosperity, justice are truly *universal* goods. Not everyone was conscious of this, even a few years ago. They are universal not only because they are desired by all, which has always been the case, but also because now it is no longer possible to achieve them "in a single country". Human beings alive

today, and even more so those who are yet to be born, are already united today by the fact of depending on each other for achieving those universal goods.

In the second place: mutual dependence makes the attainment of these goods a *political* question, i.e. concerning the art and science of governing. It demands the exercise of power, methods to assign and control it, rules, administration of justice, coercion. The etymology of the word "political" reminds us that mutual dependence, and with it politics, was born in the city (the Greek *polis*) and remained there for a long time. Today the city is the world.

2. The market is not enough

Of the three main areas of human activity - the economy, politics, culture - it is undoubtedly the economy which has more rapidly crossed national borders. The term "globalisation" indicates the emergence of a global market and of global finance. Supporters and opponents of globalisation in effect seem to share the same myth which, born out of the first industrial revolution, seems impervious to reason and to experience: the myth of the economy as the sole pillar of the social order. This myth makes the enemies of globalisation believe that the evil lies in the market-typical quest for profit (what they call capitalistic mode of production). It prevents its advocates from seeing that an economic system cannot replace a political order.

The opponents recognise a state of sickness, but

are wrong in their diagnosis. The supporters deny the illness. That the illness is not the failure of the market-based economic system is evident from the comparative experience of the countries which have, in various ways, tried to escape from poverty. The many areas where living standards are high are also those in which market principles have been applied, whereas the areas which have chosen central planning have worsened poverty and corruption from which they were already suffering. In the Soviet area, where all market forms were radically suppressed for a very long time, the economic disaster has been complete and continues beyond the end of the USSR. The longer and more persistent the anti-market experiment, the greater its failure. It is therefore a wrong diagnosis the one which interprets the difficulties of globalisation as the final consequence of the so-called contradictions of capitalism.

But from negating the evil, no less serious dangers may derive: the comforting illusion that growth can, like a purifying wind, sweep away all difficulties; the refusal to correct the distortions of the global market and finance; the inability to reform international cooperation; the claim that economy can solve political issues. When they negate the illness, the supporters of globalisation fuel hostility and rebellion more than their adversaries do.

The fact is that to create peace, liberty, prosperity, justice, the establishment of the market is a necessary condition but it is not enough. It is not enough for human society in the same way as it is not enough for a village or a state. Three arguments seem to support this thesis.

In the first place, in order for it to function, the market itself needs juridical, social, cultural, political and institutional bases. In the second place, even if it works optimally, the market does not produce all the goods needed by

individuals and by society. There are fundamental goods, such as security or peace, the environment or education, monetary stability or respect for contracts, which nobody can individually produce for himself or sell to others. In the third place, the economy is not everything: you don't live by bread alone, either individually or collectively. Peace, liberty, prosperity, justice are necessary for an orderly development of economic life; they are values, human ideals, for which some are ready to sacrifice their own bread. Not only: they are conditions for something else. It becomes possible to deepen one's knowledge, to enjoy and produce the beautiful, to travel, cultivate friendship and culture, *otium* and contemplation.

3. Politics: the golden path

To refute the sufficiency of the market means that no remedy to the misdeeds of globalisation will be appropriate if it does not bring significant progress towards a *political* order that is also global.

A mind set free to speculate beyond what appears realisable in a short time clearly identifies the golden path to be followed. It is the path which leads to a world government founded on the very same principles which political thought and the experience of centuries have elaborated for other and more confined human communities (cities, countries, continents): proclamation of the fundamental rights of the individual, government instruments capable of protecting them, subjection of those who exercise power to laws and control by the citizens.

After the two wars which stained the past century with blood, these thoughts finally inspired political action itself. Precisely because the conflicts had been worldwide, so was the system of peace and law that started to be built to prevent their repetition. The concept of

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"citizen of the world" passed from language to reality.

The League of Nations and the United Nations are the two institutions created to set in motion, following the era of the survival of the fittest, the era of peace and the rule of law among all nations. Today we note that the United Nations is not held in high esteem by the public, that it is often ridiculed for its powerlessness, and that it does not appear to be an ideal for which it is worth sacrificing oneself. And this is the case not only for the very many who inattentively look at world events, but also for the many who are driven by anguish, piety and longing for peace to demonstrate against globalisation, against the tyranny of the market, and for peace at any price. It is true that the number of wars fought in the world since 1945 is reckoned to be in the hundreds, and the number of dead is reckoned to be in the millions. It is true that the United Nations has not been able to prevent extermination in countries like the Soviet Union, China, Cambodia, Rwanda, Yugoslavia, Algeria. But it has missed the target not because the inspiring principle has been mistaken, but because its implementation has been inadequate.

However, the progress that has been achieved along the golden path, and the slow but important changes of traditional concepts and instruments are too often forgotten. In the military sector, the armed forces are no longer institutions merely functional to offensive or defensive war, but also to peace-keeping and peace-making, i.e. to separating warring parties, control of territory, prevention of wider conflicts. The United Nations has currently 16 operations of this kind running, involving some 30,000 soldiers.

Steps have been made since 1948 and the Universal Declaration of Human Rights towards defining and protecting values

common to humanity. The concept of "crimes against humanity" has been elaborated, crimes which must be accounted for not in the prejudiced environment of a given place and time, but in the universal environment of the human race and in perpetuity. In line with the same principle of criminal law, according to which society in its entirety is offended by the crime and therefore it has the right to judge and punish, it is agreed that in certain cases the offended society is the whole of humanity.

Faced with the extraordinary acceleration of economic interdependence, with the growing threats that only humanity in its entirety can avert (biosphere, terrorism, atomic proliferation), the steps taken along the golden path have certainly been significant, but indeed slow and incomplete. The instruments which today the UN and other international bodies have at their disposal are quite inadequate.

Such inadequacy has provided the impetus to look for alternative paths: improper forms of government, individual humanitarian commitment, protest.

Improper forms of government are the hegemony by one country over the world, the balance of forces, agreements between nations. Today, these are even more difficult to practise than in the past, and even in the past they have never secured peace. It is not peace, but rather a truce, the temporary and precarious absence of open conflicts which has been established between one or more sovereign powers, each one having the interest or ambition to expand its action and to exercise its influence outside the territory in which it is sovereign.

The path of humanitarian commitment is that of thousands of persons who, working for organisations or individually, have gone to Sarajevo or Afghanistan at times of great danger, are helping street children in Guatemala, are teaching at the University of Mozambique, are looking after the sick in India.

They are seeds of courage, intelligence, professional skill that do not remain without fruit; but the fruit will not be a political order for the world.

Along the path of protest come together tens of thousands of young people moved by compassion, naïvely longing for peace, fearful of an overlarge world; but also highly sophisticated political militants who wish to revive the Marxist-Leninist myth; and finally rioters and hooligans trained in urban guerrilla warfare. The path of protest denounces the sickness, but does not heal it and may even exacerbate it.

Each one of these three paths may have its usefulness, but none is conclusive, and none can take the place of a tiring journey along the golden path.

4. Trying again and again

The condition of the world is therefore at the crossroads between a golden path, of which we know the goal and inspiring principle, but also its uncertainty and difficulty, and paths of the past, which we know to be insecure and ineffective, demonstrations of self-denial or protest which do not suffice to fill the void of government.

The golden path is rough first and foremost because travelling along it means limiting the sovereignty of states. In a constitutional order inspired by the political philosophies mentioned above, powers and rules would be established, certainly with the participation of all, which would be above national powers. It is in the very nature of a social contract that the contracting parties be bound, but to this principle is opposed the idea that a sovereign state does not recognise any power higher than itself; an idea still so rooted in the dominant culture that merely discussing it seems to seek to endanger the survival of the state.

But even if one wanted to go down this rough path, it would be necessary to mark it out anew, finding an answer to difficult questions. Which powers to transfer from the state to a world government? How to ensure proper representation? Which instruments to confer on it? The principle of democracy is a single one, but it is achieved through different procedures and institutions for governing a village, a city, a nation-state, a continental federation, or the world. At each of the historical moments in which the social contract was extended (because the community of people who recognised themselves interdependent became broader) the institutions of government had to be reinvented in order to maintain the characteristics of efficacy, legitimacy, balance of powers, which civil thought and conscience judged indispensable.

In the construction of a world political order within which to pursue that *part* of peace, liberty, prosperity, justice (I say "part" because not *all* peace, liberty, etc. are dependent on the state of the world: there is one peace in the family and one in the city, a local and a universal justice) which is realisable only on a global scale, the path is steep. But we must know that we are not at zero-point. We sensed and turned onto that path almost a century ago. The same failures endured up to now have something to teach us.

What Altiero Spinelli said on the subject of European unity is valid for the creation of a world political order: the strength of an idea is revealed not by the fact that it imposes itself without friction at its first appearance, but from its capacity to be reborn out of defeat. If an idea contains in itself what I call the beginning of the solution to a question that torments humanity, to that idea people will come back, trying again and again. The failings of repeated attempts will not succeed in erasing it from people's mind and will.

Borderless Debate: International Terrorism and New World Order

5. Multiculturalism and common culture

At a certain moment in the history of the West the word "union" was used to define a political order. At first, there was personal union of various territories under one crown (in Spain, in the British Isles), then a union of the people located in adjacent provinces (in the Netherlands).

In those times a unity, which was not only political but also cultural, was recognised, or was attempted to be put in place. That culture developed predominantly in the religious sphere, contrary to what happened in the Roman empire, which however abandoned syncretism and practised persecution when it felt itself threatened by Christianity. Only in the modern age and in the states with a Christian tradition did the separation between political and religious powers mature, and with it the emancipation of culture from political power.

We have to ask ourselves if a worldwide political union without any matching point in the field of culture is possible. The answer is no, it is not possible. Just as a production or trading system requires, for its own global functioning, rules and powers which govern it, i.e. one global policy, a global policy in turn presupposes that some of its founding principles are universally shared, consequently a matching point in culture. The social contract of the world can be written in more than one way; but whatever the wording may be, the ideas and the culture that inspire it must be shared by the contracting parties.

Today we see that precisely on the issue of keeping separate culture and politics, religious and political power, the world is divided so sharply as to make blood be shed and to threaten the security of all. In Afghanistan, eight aid workers (doctors devoted to humanitarian aid) risked being condemned to death because

they were found with a Bible in Arabic and with crucifixes. The crime is called "proselytising". What are the true contours of such a crime? Would respecting the liberty of others consist of saying nothing to them about our truth? Or would not such silence be a lack of respect? Commenting on the case, the Afghan Minister of Foreign Affairs, Muttawakil, said: "We believe ourselves to be serving human rights but there is a small difference of definition. We believe in rights according to Islam, and if someone tries to impose his definition he makes a bad mistake, because this is not the world of a single culture or of a single religion".

I have spoken about a matching point in the cultural sphere, not about a common culture. Just as not all the economy is global, in the same way not all politics and all culture can or must be unitary for there to be peace in the world. If it is true that a global political order is not possible without a minimum shared belief in fundamental matters of political philosophy and law, it is also true that the world is and will remain multicultural. That order cannot and must not aim to block the processes of mutual influence, osmosis, contamination that mark history and often connote its highest points. It must prevent forced conversions, not free conversions; it must prevent the suppression of local languages, not their slow decline into disuse; it must prevent the oppression by the strongest, not the support to a better solution.

The rules of how to live together that the West has slowly improved upon, often by way of fatal errors, are imperfect and demand vigilant application; but they are the same as those for which Mandela, Sacharov and Gandhi have endured imprisonment, for which Chinese students died in Tienanmen Square, the boat people have fled from Vietnam, Iranian and Algerian women have been stoned. They are not "European" values or, as it was once said, "bourgeois", as opposed to "Asian", "socialist",

or "Islamic" values: they are values without an adjective.

6. Entering into history

The bursting of historic tragedy into an individual's life is an experience which almost every human being undergoes at least once in the course of his life, and leaves him permanently marked. It is, usually, experience of war. This experience transforms our lives, makes us see death as an event that concerns not only the circle of our own loved ones, poses new questions: if history invades our life, what must *we* do in history, how can we, in our own small way, enter into history.

For many of those who live in prosperous, democratic countries, the images of the attack on the Twin Towers have been and remain the dramatic realisation that our house, school, office are not protected from destruction. Vietnam, Iran, Kuwait, Kosovo, Chechnya were distant names. Some weeks ago, unexpectedly, the war, televised so many times from those countries, ceased to be something of remote places and times. Now that war has become a nearby reality, the difficulty and the price of peace present themselves in a new light. In a comparable but opposite way, the war cried out for in squares in 1914, especially by the young, turned out to be, in the space of a few weeks, not a romantic adventure but a terrible massacre. Even a peaceful existence, as we have seen in New York, can unexpectedly become a terrible massacre. It is now understood that the

peace enjoyed for decades in Europe is not the fruit of pacifism, it is felt that the grandfathers and great-grandfathers who enlisted in the two world wars at the same age as those who are students today did not love peace any less than their grandchildren do.

And yet it is true that peace is not made either through violence or non-violence. If we want to improve on the modern invention of peace, action must be taken to prevent war, not to evade those wars already being waged. We must take action in *politics*, not only in the voluntary service. We cannot wait for the regeneration of minds to be completed: the world of peace-loving people will never come if, in the meantime, the violent ones conquer it. Neither can it be hoped that the humanitarian commitment may look after not only the sick and poor, but also fanatics and terrorists. It is not possible to aim at a uniform culture: a minimal matching point must suffice to draw up a global social contract.

To build peace it is necessary to spare no efforts in the political arena. There is no other method than that invented and applied successfully to prevent war within the borders of each country: to substitute the rule of law in place of the survival of the fittest, to put a limit on the absolute power of the states. It is a very long path that will require much more time than the war which broke out on September 11. Those alive today will not see the end, but they must know that we have already set off, that the goal is known and that we have a compass.

Borderless Debate: International Terrorism and New World Order

Priorities to Combat Terrorism

Lucy Webster

The May 2002 efforts to create the basis for a peace conference for the Middle East could reverse the escalation of violence that has marked the region. Assertive action to ensure stability for Israel and a new Palestinian state is an essential part of combating terrorism. That is one priority.

A large measure of international cooperation will be required for any success in the Middle East and for defeating terrorism. Beyond a Middle East Peace Conference of the US, the UN, the EU and Russia, the call to step up humanitarian and development assistance is a positive priority too.

Above all, people need opportunities to participate in their own future. It is most urgent to dry up the pools of despair among educated, middle class youths. The despair that springs from gross inequality and the lack of personal and national purpose grips both rich and poor. Especially acute for Palestinians, a lack of identity and hope leads people to become terrorists in many countries now groping for modernization.

A sense of purpose is the top priority for nations as well as for individuals. And to find a common international purpose will require a rational analysis of the roots of terrorism as indicated above. A true international commitment to end terrorism will not be sustained if the United States is simply committed to a military solution based on the idea that terrorism can be eliminated in the way that Nazism was eliminated.

Nor will a common effort to end terrorism be sustained if the United States abandons the nuclear non-proliferation framework that it previously worked to put in place.

The withdrawal of the United States from the ABM Treaty to become effective on June 13, 2002 unless the US Senate acts, is one element in a broad US policy trend to abandon multilateral commitments. Another was the US stance during the April 2002 Preparatory Committee of the 2005 Review Conference of states parties to the Nuclear Non-Proliferation Treaty. US ambassador Eric Javits stated, "we no longer support some of the Article VI conclusions in the Final Document from the 2000 NPT Review Conference", citing the ABM Treaty, and referring to the Comprehensive Test Ban Treaty as "another example of a treaty we no longer support."

Likewise the information available on the recent US Nuclear Posture Review shows the terrible path down which the world is heading. The Bush administration's plan to develop and potentially to use new types of tactical nuclear weapons adds three kinds of costs to those already incurred by its existing nuclear policies.

First, the development of new tactical nuclear weapons will pile additional direct costs on top of the hundreds of billions of dollars already being spent on missile defense.

Second, the idea that such weapons could be used in a first-strike nuclear attack by the United

States adds to the fear of many countries, including Russia and China, that the purpose of the missile shield is to permit nuclear weapons to be used without unacceptable risk of retaliation. Nuclear powers that have hitherto relied on the Anti-Ballistic Missile Treaty for their nuclear security may now feel compelled to maintain retaliatory weapons sufficient to overcome US defenses, and thus to deter US attack. This could lead to a new arms race in offensive weapons for many countries.

Third, a US plan to use nuclear weapons completes the destruction of the structure of nuclear non-proliferation, particularly when combined with withdrawal from the ABM Treaty and refusal to ratify the Comprehensive Test Ban. As Robert S. McNamara and Thomas Graham of Lawyers' Alliance for Nuclear Security pointed out in a recent Los Angeles Times article, 182 countries signed the Nuclear Non-Proliferation Treaty in exchange for a pledge made in 1978 and reaffirmed in 1995 by the five NPT-recognized nuclear weapon states that they would not use nuclear weapons against any non-nuclear party to the NPT. By breaking that pledge, the United States would give notice that any country is legally free to

develop or purchase nuclear weapons. For many countries that have up until now forgone this option because they are parties to the NPT, that would not be difficult; they could build and sell as their interests dictated with clear costs to international security.

Parallel actions to abandon other international commitments do not bode well for a common approach to terrorism. The US action to "unsign" the International Criminal Court statute, which the closest allies of the United States support, is one more case in point.

As the US military budget expands to tackle new challenges while maintaining Cold War legacy weapons, the priority given to human security at home and abroad suffers. A legitimate military program can be effective only if it is part of a larger picture. Keeping faith with global partners is essential.

Arab League Secretary-General Amr Moussa believes Arab governments will support a conference on the Middle East only if it includes a clear plan for peace with a Palestinian state. That should be a major priority to combat terrorism.

Additional Options to Combat International Terrorism

Walter Hoffmann & David Randolph*

After September 11, the Security Council (SC) on September 28, invoked Chapter VII of the UN Charter deciding in Resolution 1373 that all States should, among many things, undertake to "prevent and suppress the financing of terrorist acts... and deny safe haven to those who... commit terrorist acts." It also established a Counter Terrorism Committee (CTC) and required each Member State to submit progress reports to the CTC by December 27, 2001.

Despite this important SC action, the Plenary Meetings of the General Assembly (GA) on October 1-5 of 2001 devoted solely to International Terrorism and the 12 Treaties on specific International Terrorist acts promulgated between 1963 and 2001, there are important additional measures the UN can and should take to combat international terrorism. Those additional options are the subject of this Article.

Option 1: Creation by the SC of a Special International Tribunal to try those who planned and executed the terrorist attacks of September 11. Under UN SC peace and security mandates (Articles 39-42) and Article 29 of the Charter, the SC has the authority to "establish such subsidiary organs as it deems necessary for the performance of its functions." This authority has been exercised with the creation of Ad Hoc

Tribunals for the former Yugoslavia and Rwanda, and currently planned for Sierra Leone. A similar Tribunal for the September 11 Terrorists would expedite justice and alleviate international concerns about perceived bias in US courts as well as the reluctance of many European countries to extradite individuals to the US because of the potential for capital punishment in the US.

Option 2: Formulation and addition of a Verification Protocol to the Biological Weapons Convention (BWC), including the addition of a permanent oversight mechanism such as an Organization for the Prohibition of Biological Weapons (OPBW) akin to the Organization for the Prohibition of Chemical Weapons (OPCW) in the Chemical Weapons Convention. We urge that such a Protocol be adopted and ratified soon so that the monitoring and verification of the BWC and the required destruction or diversion to peaceful purposes of anthrax and other biological stockpiles can begin.

Option 3: Promulgating a new treaty criminalizing actions of individuals and non-State networks that use biological weapons. Because the BWC (1972) and the CWC (1993) primarily address the actions of States, the

*This Article is a shorter version of a Special Paper published in March 2002 by the Center for UN Reform Education, 1160 Hamburg Turnpike Wayne, NJ 07470. The Special Paper includes an Annex containing a summary of each of the 12 Treaties on International Terrorism promulgated between 1963 and 2001. For more information about the Center, its authors or publications, visit: www.unreform-center.org or email the Center at unreform@msn.com. The views expressed in this Article are those of the authors alone and do not necessarily reflect the views of the Center for UN Reform Education or of any of its affiliated organizations

Harvard-Sussex Working Group has proposed a Draft Convention that would require each State Party to establish laws that specify criminal offences with regard to any person that partakes in bio-chem weapons development, use or storage. R&D for peaceful purposes should remain as permitted under the BWC. We believe that NGOs should support the Harvard-Sussex Initiative.

Option 4: Development of a Comprehensive Regime to Combat International Terrorism. In the Fall of 2000, the Indian Delegation to the UN submitted a Draft of a Comprehensive Convention on International Terrorism. That Draft incorporated the 12 UN promulgated Treaties on International Terrorism and obligated each State Party to extradite or prosecute terrorists irregardless of whether the offense is politically motivated. This depoliticization proviso and the proposed extension of existing treaties to threats and other preparatory acts plus a common dispute settlement procedure are three reasons why a Comprehensive Regime would, in the authors' view, be desirable. However, difficulties in reaching a consensus on a definition of terrorism and whether the activities of armed forces should be "governed" by international

law stalled consensus on a Comprehensive Regime at least until the Fall of 2002.

Option 5: Declaration by the GA that all acts of international terrorism warrant the Universality Principle of Jurisdiction. Universality is a debated concept within some circles but accepted by many international law textbook writers. The authors contend that the application of universality in criminal matters involving international terrorism would strengthen the worldwide effort to combat terrorism. Universal Jurisdiction would allow any State to try terrorist treaty violators in their own national courts in the event they do not extradite the offenders to other States.

Option 6: Proposed extension of the Dialogue Among Civilizations to a "Decade of Dialogue Among Civilizations." Among the "Dialogue" objectives were, "...the promotion of justice and tolerance in human interactions; ...and promotion and protection of all human rights and fundamental freedoms..." The authors believe that the current state of global affairs (e.g., the Middle East, South Asia etc.) merits extending these forward-looking goals to ten years with an ongoing institutional backup to provide continued emphasis on open dialogue.

The European Federalists Proposals to the Constitutional Convention

Marc-Oliver Pahl*

I. The Federalists and the European Constitutional process

The *European Council of Laeken* in December 2001 set up a Convention to prepare the next round of European Union reform. In the eyes of the Union of European Federalists (UEF) the Convention creates a unique opportunity to reach many of the political goals the European Federalists have fought for in past decades. So the Federalists will do their utmost *to support the Convention* in its task of preparing a *refoundation of the European integration process*. There is a good chance that *close cooperation between Convention members* from all kinds of different backgrounds but with a common will to bring Europe closer to the citizens will create a dynamic process leading to far reaching reform proposals, much greater than those in the Nice treaty.

The *European Federalists* will contribute to the considerations of the Convention by *submitting proposals* during its course. After three months of internal deliberations and discussions the UEF Federal Committee adopted a *first UEF contribution to the Convention* which sketches out the broad design of the future European Union that the Federalists believe necessary to prepare the Union for enlargement, to bring it closer to its citizens and to make the EU's internal and external policies more efficient and effective. This position paper will serve as the basis for the UEF view presented in coming hearings organised by the Convention and

in the Forum, the structured network of civil society that is set up alongside the Convention.

II. Fundamental Elements for a new design of the European Union

1. According to the UEF the coming treaty reform should be comprehensive and transform the treaties into a *real federal Constitution for the European Union*.

2. On the *first chapters of this coming European Constitution* the positions of UEF Federal Committee delegates were very close to each other: At the top of the Constitution we want to see the *founding principles* of the European Union laid down. The *Charter of Fundamental Rights* should become the *second chapter of the Constitution*. The third chapter should deal with the *European competence order, which has to be clarified, and in some fields adapted* to the current political environment. A detailed position on the competence question will be taken at the Federal Committee in November.

3. The April Federal Committee debate was concentrated on the *institutional design* of a federal European Union. UEF underlines the character of the EU as a *Union of citizens and member states* which has to follow the principles of democratic accountability, transparency, balance and separation of power, responsiveness, fair representation of all citizens and member

*The Federal Committee of the Union of European Federalists, held at Palma de Mallorca on 20-21 April 2002, adopted the proposals to the European Convention summarised in this article. The full text of the UEF contribution to the Convention can be found on <http://www.federalurope.org> (also in German and French)

states, efficiency and effectiveness.

On the basis of the above-mentioned principles UEF proposes to redefine the *functions and the composition of the five major EU institutions*:

There was consensus among Federal Committee delegates that the *European Parliament* must be given *the right of co-decision on all EU legislation* and on the whole of the EU budget. Concerning the future *common electoral code* there was a heavy debate on the advantages of European-wide lists. The British delegates warned that such lists would make a genuine link between the MEPs and the European citizens even more difficult. In the end a big majority supported the demand of allocating a small number of seats, for example 10 per cent, through *European lists of European political parties* to allow for a more lively election campaign with heads of the various lists competing against each other and thus strengthen the European political debate.

According to UEF the *Council* should be transformed into the *second chamber of the EU legislature* deciding on all legislation and the budget together with the EP. The Council should give up all its executive functions and should decide on all issues with *double majority voting* (i.e. a majority of member states representing a majority of the population). *The right of veto* should be *abandoned*.

On the *European Commission* there was consensus that in future it should be responsible for all *executive business* of the Union including the external representation of the EU. This means transforming the Commission into a true *European Government*. The proposal of directly electing the Commission president by the EU people was rejected with overwhelming majority. Instead UEF demands that the *Commission president should be elected by the EP*. This creation of a direct link between the European electorate and the executive power is

for UEF *the most important single element* of the whole institutional system.

Concerning the *European Council*, in a close vote the proposal of some Italian delegates that it should take over the role of a *collective Presidency of the Union* was adopted.

UEF furthermore demands the *jurisdiction* of the *European Court of Justice* to be *extended* to all acts of the Union, and the right to stand before the court to be extended to all natural and legal persons in the Union. The ECJ must become the real *Constitutional Court* of the Union.

4. The UEF also laid down a first position *on the future amendments to the Constitution*. If the current Convention succeeds, UEF would support the *Convention model* as general procedure for the working out of a draft, which then has to be *submitted to the EP* and, according to member states' laws, *to their parliaments or to a public referendum in each member state*. The introduction of a *European wide referendum* should be considered.

III. UEF demands on the next steps of Constitutional process

What should happen after the conclusion of the Convention? UEF decided that the IGC following the Convention should *exclusively work on the basis of the Convention proposal*. The IGC needs to be concluded no later than end of 2003 to give the European citizens the opportunity to *vote on the Constitution* at the same time as the EP elections in *June 2004*.

Finally UEF made clear that *if the Convention fails to submit sufficient reform proposals* enabling the EU to fulfil its tasks in the era of globalisation and with an enlarged membership, or if some EU governments attempt to block the introduction of the reforms proposed by the Convention, the idea of a *pioneer project* of the member states which are ready to proceed should be seriously considered.

Federalist Action

With 60th Ratification, WFM's ICC Coalition Celebrates Its Role

Jayne Stoyles

April 11th was truly a historic day for international justice and the rule of law. At a special ceremony held at UN headquarters, a treaty to create the world's first permanent International Criminal Court (ICC) received the requisite number of state ratifications to enter into force.

The ICC will be capable of holding individuals, as opposed to states, accountable for what are considered the most serious crimes under international law, namely genocide, crimes against humanity and war crimes. It is expected that the existence of the ICC will also provide an important deterrent to the commission of these crimes during both international and internal armed conflicts. Where such crimes continue to be committed, investigations and prosecutions may begin at an early stage, thus contributing to the cessation of violence. By providing justice and reparations for victims, the ICC will also play a role in the healing process for individuals and communities in the aftermath of a conflict, which should reduce the potential for further violence.

This momentous achievement can only be understood as a victory of the "new diplomacy" model of international law making, a phrase coined by former Canadian Foreign Minister Lloyd Axworthy. Under this model, like-minded governments, international organizations, and civil society actors, including non-governmental organizations (NGOs), academics and others, pool their expertise and resources to work towards the attainment of common strategic

goals. The important contributions of NGOs in the process to establish the ICC has been widely recognized by government and UN officials, as well as the media, and many have attributed this success to the existence of an umbrella organization to coordinate and support their work.

The umbrella organization, the NGO Coalition for the International Criminal Court, has been in existence since 1995, with the goal of promoting the establishment of a fair, effective and independent ICC. There are now more than 1000 member organizations in the Coalition, from all regions of the world, and representing a variety of constituencies. These include, for example, children's rights advocates, the women's movement, victims rights organizations, faith-based groups and the peace movement.

The Coalition was formed at the end of a meeting in New York of a small group of NGOs that were monitoring the UN General Assembly debate on a draft statute for an ICC. These NGOs were in agreement that the formation of the Coalition for the International Criminal Court would allow them to influence the process more effectively and efficiently, just as NGOs had worked under an international campaign on the landmines issue. They asked the World Federalist Movement to run the Coalition as a project, and the Executive Director, William Pace, to serve as the Coalition's Convenor. An informal steering committee was then established, comprised of

organizations such as Amnesty International, Human Rights Watch, the International Federation of Human Rights, the International Commission of Jurists, the World Federalist Movement and others.

From its inception, the Coalition sought to bring together a broad-based network of NGOs and international law experts to develop strategies on substantive legal and political issues related to the proposed ICC statute. A key goal of the Coalition was and is to foster awareness and support for the ICC among a wide range of civil society organizations, including those focusing on human rights, international law, humanitarian issues, peace, the rights of women and children, religion and many other sectors.

As a result of these efforts, the Coalition grew exponentially in the run-up to the five-week treaty conference held in Rome in the summer of 1998. The substantive input of NGOs into the negotiations at the Rome conference, their professionalism in relating to governments, and their willingness to work together under the rubric of the NGO Coalition resulted in one of the most effective advocacy efforts NGOs have ever undertaken at a major inter-governmental meeting. Groups in attendance participated in a team structure established by the Coalition Secretariat to follow the negotiations on the various issues, and met daily to share information and develop strategies. Caucuses were also formed to cover particular perspectives that cut across all aspects of the negotiations.

At times joint statements and papers were prepared, yet few positions were taken on behalf of the Coalition as a whole, allowing for the maximum flexibility of NGOs to participate in the Coalition without needing to agree on all issues. The role of the Coalition Secretariat included facilitating accreditation and

registration of NGOs, making documents and information available, organizing meetings with governments, structuring NGO involvement, organizing press briefings, making daily publications available with news on key developments, and coordinating outreach efforts to nations' capitals when necessary to ensure that government compromises would not undermine the treaty.

Many aspects of the treaty, adopted on July 17, 1998 by a vote of 120 to 7, had solid NGO fingerprints. One of the most important of these is the fact that a Security Council referral is only one of three ways in which a matter can be referred to the Court; states parties and an independent prosecutor acting on evidence from NGOs, individuals and others may also do so. Other victories include the recognition that war crimes can be committed in both international and internal conflicts, that acts constituting crimes against humanity must be either widespread or systematic but not both, and that rape is war crime and a crime against humanity (defined clearly in international law for the first time).

Since the Rome Conference, the Coalition has had the central goal of obtaining signatures and ratifications of the treaty and ensuring that countries that ratify develop and adapt national legislation so that they can comply with their treaty obligations. The Coalition has also sought the development of strong ICC networks at the national and regional level, worked to support the development of supplemental instruments at the United Nations Preparatory Commission that will determine how the Court functions, and preparing for the Court's operations. The Coalition Secretariat has continued to serve as a facilitator for civil society involvement in the negotiation process, providing coordination of the activities of its members and acting as a liaison between governments and NGOs. It

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has also acted as a principal source of information on the ICC.

Vibrant national and regional ICC networks have now been established in every region of the world. The Coalition maintains its base in New York, and has coordinators in Latin America, Asia, Europe and Africa. With the support of the staff in New York, the role of all CICC coordinators is to stimulate the interest of civil society in the region and to support and implement strategic plans to obtain the goals mentioned above. These strategic plans often involve targeted education of key government officials and parliamentarians, in part through the organization of ICC conferences to stimulate political will and allow governments to work through the most complex legal issues arising from the treaty. Media outreach has also been critical, as has the development of a strong base of civil society support and the on-going dissemination of information to all stakeholders.

The efforts of NGOs to impact the ratification and implementation processes, and to achieve the other critical goals in this process, have proven to be enormously successful. Several ratifications, including those by Mongolia, Cambodia and the Democratic Republic of Congo, appeared to be the direct result of NGO efforts to provide information to key

government officials and work closely with them to create the necessary political will and work through potential legal barriers. For most other countries, a combination of factors likely resulted in the creation of the appropriate circumstances for ratification, and many of these factors were influenced by NGO input.

The Coalition had a campaign goal of achieving the necessary 60 ratifications for the Rome Statute of the ICC to enter into force by July 17, 2002, the fourth anniversary of the adoption of the treaty. While this was considered extremely optimistic, and some predicted that it would take decades to create the necessary political will, the 60 ratifications have been obtained and the Rome Statute will enter into force on July 1, 2002. Much work remains to ensure that the Court lives up to its potential as a deterrent and a mechanism of justice for the most serious crimes of international concern. Yet the NGO members of the Coalition for the ICC have consistently indicated their commitment to remain involved in the process and their desire to see the work of the Coalition Secretariat continue. It is expected that this sustained attention from NGOs, working in partnership with like-minded governments and international organizations, will make an enormous difference in the success of the work of this institution, as it has in the Court's creation.

Japan and the ICC

Takahiro Katsumi

Japan has actively participated in the Rome Conference and has in fact voted in favour of the treaty. Japan has also participated in the succeeding UN PrepCom by making suggestions and coordinating differences in opinion among the participating countries. Still, Japan has neither ratified or signed the Rome Statute as of April 11, 2002. However, Japan had inherent problems that are uncommon to any other participating nation.

As a member of the Coalition, the Japanese Network for International Criminal Court, or JNICC (sub-organ of WFMJ, World Federalist Movement of Japan) has been actively engaged in persuading the Ministry of Foreign Affairs (MFA) officials in considering the ratification of the Rome Statute and have had positive responses that they are likely to join the party states in the long run.

According to the MFA official responsible for treaty issues, Japan has special domestic issues to tackle in order for the ratification to become a feasible national policy, which includes the issue of lack of emergency legislation (wartime laws) and the inability to ratify and implement the four Geneva Conventions due to lack of these legislations. Since emergency legislations are still in the finalizing stage before the National Diet review, ratifying the Rome Statute would be an event of a foreseeable but still little distant future. The primary reason that Japan could not afford to ratify the Rome Statute until today is the absence of the emergency legislation that effectively governs the

successful implementation of the four protocols of Geneva Convention. Without it, issues such as detention of POWs by the Japanese Self Defense Force (JSDF) cannot be dealt with. If the detained nationality sees his/her treatment as being unlawful according to the Geneva Convention, the JSDF could be indicted for war crimes. Since Japan does not have a national legislation that governs the treatment of POWs during wartime, person(s) responsible for detaining the POW may be held responsible for violating the international humanitarian law and therefore could be subject to indictment by the ICC.

Since we do not have these provisions in the national legislation, the Japanese legal system may be forced to withdraw from their sovereign right to indict the person(s) responsible for such crimes and would instead have to refer them to the ICC.

No sovereign nation should be held responsible for acts that are not stipulated in her national law. The Japanese government therefore considers to first formulate emergency legislations that deals with war crimes, and then join the ICC treaty.

In Japan, until recently the issue of emergency laws were considered a sort of social taboo to even discuss about it. In fact, there was no way that Japan could even dream of ratifying the Rome Statute. But that was before November 11, 2001. After November 11, issues surrounding national security have radically changed in Japan. After the attack, the Japanese

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government decided to send off the JSDF overseas in support of the U.S. military actions in Afghanistan, and took numerous legislative actions to make them happen.

The Japanese government is said to be in the process of submitting a new set of emergency legislations this fall. The Koizumi administration has had high support from the public and therefore these legislations were likely to easily pass the Diet. However, in the light of a series of political scandals ranging from the NGO admittance problem which have resulted in the recall and resignation of the former Foreign Minister Makiko Tanaka, the Liberal Democratic Party (LDP) representative Muneo Suzuki, Social Democrat Kiyomi Tsujimoto, and most recently, the LDP magnate (former LDP Chief Secretary) Kouji Kato, public support for the Koizumi administration has crumbled from the record-high 87 percent to an embarrassing

46 percent. So the administration would have to regain public support in order to first pass the emergency legislations and only then could Japan ratify the Rome Statute.

However, because the US Senate has passed the notorious anti-ICC law last December that prohibited any cooperation with ICC, it would be very problematic for the Japanese government to ratify the Statute despite the explicit US pressure. Adding to that, on March 28, 2002, Pierre Prosper, the U.S. Ambassador-at-Large for War Crimes Issues, has announced U.S. intention to "un-sign" the Rome Statute and this has reeked havoc in the Japanese diplomatic community (MFA officials).

So the Japanese government is positively inclined towards ratification and passing of the necessary emergency legislations, only that the aforementioned conditions need to be fulfilled.

Rio+10: Fresh Start at Sustainable Development?

Victoria Clarke

From August 26 through September 4, 2002, Johannesburg, South Africa, plays host to the United Nations World Summit on Sustainable Development (WSSD). This event, the 10-year review conference of the historic 1992 Rio Conference on Environment and Development, marks an important and badly needed chance to accelerate a transition to sustainable development.

The international World Federalist Movement (WFM) is heavily involved with preparations for the WSSD. WFM chairs an International NGO Task Group on Legal and Institutional Matters (INTGLIM). In February, during one of the WSSD preparatory meetings, INTGLIM held a side event entitled "Strengthening and Democratizing Global Governance for the Environment and Sustainable Development." More than 80 NGO and government representatives attended. WFM's Bill Pace chaired the meeting. Speakers included Hilary French (also from the Worldwatch Institute), Adnan Amin (from UNEP) and Chee Yoke Ling (Third World Network). The discussions covered the future of the UN Commission on Sustainable Development (CSD), the results of UNEP's inter-governmental process on international environmental governance, Multilateral Environmental Agreements, financing, and the impact of the WTO's Doha Declaration.

"We had a wide-ranging discussion which in some ways demonstrates the problem we're up

against," says Pace. "Governance is fragmented, and that's one of the reasons it's so ineffective. You've got UNEP and the CSD, relatively weak UN organs; then a myriad of multilateral treaty regimes, each with their own secretariat, an annual meeting and so on. Even wealthy governments can't keep up. And then there's the environmental effects of powerful bodies like the WTO and World Bank."

For the last two years, the UNEP has convened high-level discussions on international environmental governance (officially called the "Open-ended Intergovernmental Group of Ministers or Their Representatives on International Environmental Governance"). Six meetings have taken place, contributing to the momentum being generated in the run-up to Johannesburg.

So, what can be expected at the WSSD? UN Secretary-General Kofi Annan's December 2001 report *Implementing Agenda 21*, highlights a "10-Point Plan for Action" that includes "strengthening international governance for sustainable development."

Is this a realistic expectation? Most observers agree that the framework of international machinery and institutions needs to be rationalized. However, there's no agreement on the best way forward. Perhaps the best that can be hoped is that the WSSD at least launches international negotiations on ways of improving global governance for the environment and sustainable development.

WFM World Congress July 2002

Join the World Federalist Movement in London, England from July 11-15, 2002 for the quadrennial global gathering of World Federalists and our friends and allies at the 24th World Federalist Movement Congress.

This global convocation brings together delegations from the 33 member and associated organizations of WFM, as well as many distinguished guests, including leaders within our Movement such as Sir Peter Ustinov and Senator Lois Wilson, and officials from the United Nations, governments and leading non-governmental organizations.

The Congress is charged with forming the "fundamental policies of the World Federalist Movement," to guide the work of WFM's international secretariat, its member and associated organizations, and its individual leaders and membership. Join us as we chart a course for the Movement for the next four years.

A special public seminar entitled "From Global Markets to Global Justice: Expanding Democracy and Justice in a Globalizing World" will take place on July 13 at Imperial College. Featured speakers will include Lloyd Axworthy, former Canadian foreign minister, as well as Pierre Sané of UNESCO, and Elizabeth May of Sierra-Club Canada.

The Congress Commissions are the primary bodies responsible for deliberating on WFM policy and considering resolutions and motions prior to consideration by the Congress Plenary. Each Commission is asked to present to the final plenary of the Congress for debate and adoption as policy one or more resolutions reflecting the discussions and conclusions reached by the Commission.

There are five commissions that will consider WFM policy:

- Global Democracy, Justice and the Rule of Law
- Economic and Social Globalization Governance
- Peace, Human Security and Conflict Resolution and Transformation
- International Environmental and Sustainable Development Governance
- United Nations Reform and UN Education

If you wish any further information on the WFM Congress, and/or you want to register in order to attend its works, please visit <http://www.worldfederalist.org/congress> (*r.p.*)

Globalization and the Crisis of Nation-State

An invitation to re-read

Antonio Mosconi

Economic globalization has peculiar characteristics, which make it different from internationalization, and allow us to consider it a new phenomenon, linked to the scientific revolution. Its effects amplify and accelerate the disintegration process of the international economic order initiated by the decline of the American hegemony and the break-up of the Soviet Union. National states, even the United States, and intergovernmental institutions cannot face global problems, for which an adequate government level is still missing. To the growing evidence of the states' impotence corresponds the spreading of a sense of insecurity, which shows itself in market volatility, in xenophobic and micro-nationalist reactions by part of the groups feeling threatened, and in the forming of new global movements.

The most alarming questions relate to:

- the environmental non-sustainability of a globalized development using present-day technologies
- the economic and moral failure in wealth distribution among States and inside them
- the blow inflicted on the insuring, redistributing and social-state stabilization mechanisms by the "competition law", imposed by transnational companies on national states
- the lack of any law guaranteeing a counter-power to global oligopolies, big tax-evaders and the new organized crime
- monetary disorder, the progressive destruction of every controlling and protecting net for financial markets misbehaviours, and the lack of a last-resort lender at world level

- finally, the primacy granted to free trading of goods and services over any other consideration of environmental sustainability, food safety, health protection, financial lawfulness and stability; a primacy ensured by the judicial and sanctioning power enjoyed, unique among all international institutions, by the WTO, not subjected to any democratic control.

The present article is an invitation to re-read, as federalists, some particularly meaningful texts, as a learning process to convince ourselves that such problems can only be governed at world level.

On the **environmental question** I believe I shall mention the articles by Georgescu-Roegen and the Reports by the Club of Rome, by the World Commission for Environment and Development, by the UK Department for the Environment and by the Worldwatch Institute.

Georgescu-Roegen, considered the father of bio-economy, argues (1970-1974)¹ that production as practiced according to the present economic "laws", cannot last for long, for physical reasons. According to the principles of thermodynamics, in every system in which energy flows the phenomenon of entropy takes place, giving rise to a degradation of usable energy. The matter, in the course of the processes that transform it from its natural state into waste, is subjected also to an entropic, so to speak, degradation. As entropy is invisible to economic calculations, we cannot deceive ourselves that it will be the market that will take care of bioeconomic problems. The market, left

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to itself, destroys the very bases for any much-needed reconversion of our consumption models and production modes, starting with the renewable resources dependent on the Sun, like forests and a rational agriculture, which represent the real energy source for the future. A government of the economy at world level is necessary.

The MIT Report for the Club of Rome (1972)² was leading to the following conclusions: without a radical change, the non-renewable resources which the industrial system is depending on will be depleted within one century; even if the resources were not depleted, a collapse will take place anyway, due to pollution; it could be avoided only if a limit is put immediately on population growth and pollution. In that Report, a group of managers and intellectuals, founded by Aurelio Peccei and close to industry circles, was expressing for the first time, before the oil shock, the awareness of the risk of a general collapse of our planet.

The Report for the UN prepared by the World Commission for Environment and Development (1987)³ demonstrates very well the interdependence of environmental problems. A "sustainable global development" requires that the richest adopt life styles in agreement with the planet's ecological means; it can be pursued only if population size and demographic growth are in agreement with the production capacity, which may vary; it implies difficult choices to be made in several fields: demography, food safety, conservation of species and eco-systems, energy, industry, urbanization. "So, in the end, sustainable development cannot be founded but on political will", through a deep institutional change, because "traditional forms of national sovereignty are posing special problems as to how to manage common resources and eco-systems territorially divided among several countries".

Blueprint (1989)⁴ was originally prepared as a

Report for the UK Department for the Environment. Its authors state the possibility and the necessity to use an economic approach to environmental policy, as the costs of managing the "collective global assets", like the atmosphere and the oceans, are potentially very high. To future generations we shall leave a stock of capital goods, both natural and man-made, not smaller than the one available today. A trade-off between the forms of that capital requires that a "value" be given also to environmental assets. For some environmental assets there is no possibility of trade-off. There are obvious reasons for adopting a preventive approach, whereby the trend should be for the conservation of the natural capital. The means for assuring a sustainable development include a normative approach, based on the definition of standards, and a range of measures which operate through the market: taxes on emissions and waste, systems of deposits-reimbursements and negotiable permits for emissions and the use of resources.

The seventeenth Report by the Worldwatch Institute (2000)⁵ shows how the world has not been able so far to embark on a sustainable global economy. At the beginning of the new century few problems have been solved, new challenges have to be faced and the complexity of potential "surprises" overcomes our ability of analysis. As to the institutions that should take care of preserving life on the planet, the Institute does not give any opinion.

The concept of sustainable development can be shifted from the environmental problems to those affecting the relations between the world's rich North and its poor South. This is a confirmation of the very tight interdependence between the **North/South question** and the environmental one. The perverse distribution of wealth is the cause of wars, which in turn destroy the environment. The over-exploitation of the South's resources for the hyper-

consumers in the North to be able to carry on their living models accelerates the depleting of resources and the environmental degradation in the whole world. The South is paying its foreign debt with the only resources it has, the natural ones, urged to do so by institutions and financial markets. On the other hand, a development of the South along the lines followed by the North with the presently-available technologies would drive to an even faster depletion of any possibility of life on Earth. Three things: Willy Brandt's denunciation, Samir Amin's protest and the UNDP's dramatic survey sum up adequately the national governments' failure with respect to this problem.

The Report of the independent Commission on the problems of international development, chaired by Willy Brandt, was presented to the United Nations in 1980⁶, at the end of those 1970s during which the national ruling classes, traumatized by the 1968 movement and by two oil crises, were apparently showing a new sensibility towards the limits to development, going in some occasion so far as recognizing that the solution to global problems required a supranational approach. Brandt himself, in his introduction to the Report, identifies the common interest, for the North as well as for the South, in the moral obligation to survive; and in peace the supreme value to defend. "There must be room for the idea of a global Community, or at least of a global responsibility deriving from the experience of regional communities". After his remark that official aids to developing countries were representing at the time 5% of the world's yearly military budget, he complained that the democratic method was not applying to international policy. He put forward proposals for taxation at world level and forestalled the objection: "somebody can tell us that it is difficult to think of imposing international taxes, lacking an international government. However we believe

that the necessity of some aspects of what can be defined an international government has already proved to be inevitable... and before the end of the century the world most probably will not be in a condition to operate without some acceptable form of international taxation and without procedures for how to formulate decisions that improve a great deal on the present ones". It is highly remarkable, in addition, how Brandt hints at the spreading of communications as the necessary condition for the "common man" to be able to understand international problems and to participate in their solution.

Communications have advanced exponentially over the last twenty years. Moreover, the end of the cold war should have brought with it the end of hot wars, fought among the poorest satellites of the two empires. Instead, no progress has been made towards the new world order hoped for by Brandt. The crisis of the American hegemony makes a unipolar world unthinkable and the power vacuum is filled by the ultra-free-trading ideology, according to which the global market will self-rule. Instead of extending Keynes to world scale, they pretend to restore the pre-Keynesian world. In the light of the first outcomes of such an approach, it cannot come as a surprise that it has given strength back to the most radical criticism of capitalism. Samir Amir is one of the most radical thinkers of our time on the problems raised by capitalism's ever-changing nature, North-South relations and development theory; he held several institutional posts and is presently leading in Dakar the Forum for the Third World. He depicts very well to what extreme anger globalization of economy can drive, when a political guidance able to exploit its positive aspects and to neutralize its calamitous ones is lacking.

It is the UNDP which draws the statistics of the

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global disaster and informs us with its annual Reports. From the one for 1999 we learn that at the end of the millennium the richest 20% of the population still takes for itself 86% of the planet's wealth, compared with 1% of the last quintile (one billion people). The first quintile monopolizes 82% of global export, 68% of investments directed abroad, 74% of all global telephone lines, 93,3% of Internet users (compared with 0,2% of the last quintile). And we also learn that the richest 225 people in the world enjoy together a wealth equal to the yearly income of half the world population. The Report 2000⁸ shows the relation between human rights and human development. "In short, human development is essential for realizing human rights, and human rights are essential for a full human development... Without the rule of law and a fair administration of justice, laws on human rights remain on paper... As in the past, in the 21st century progress will be attained by fighting against the values of division and very strong obverse economic and political interests... Poor countries must accelerate their growth in order to generate the resources necessary for financing the eradication of poverty and for realizing human rights... The global governance system must be transparent and fair, and give voice to the small and poor countries... The world community must go back to the bold vision of those who drew up the Universal Declaration of Human Rights".

While poor countries are beset by the countless perverse effects of a foolish and unfair development, the industrialized ones are grappling with the **welfare-state question**, initiated by the crisis of the regulating system as established by the Fordist and Keynesian paradigm. Aglietta, Acocella and Rodrik have in common the regulation approach.

The necessity of a deep reform of the welfare state is framed in a masterly manner by

Aglietta⁹ in the context of the mundialization of capitalism and the crisis of the wage society. The regulation approach underlines the role of the state in guaranteeing the Keynesian macroeconomic consistency and in inserting it structurally into institutions, so as to build collective bases in production, foster technical progress, master collective risks in finance, promote equity in the distribution of income. In the framework of a Fordist regulating system, social transfers, entrusted to national states, "are inspired by solidarity and by protection from non-diversifiable social risks. Thus they are not regulated by merchant contracts, but by social rules. The moral risk stems from the fact that the social protection system does not control the social costs it assumes upon itself. It organizes a passive solidarity in which responsibilities are diluted". But a purely individualistic society cannot exist, "equity is then an important dimension in reconciling capitalist interests and social progress in a wage society". Aglietta does not limit himself to examine the causes of the decline of the Fordist paradigm, but he also sketches the general lines for passing to a new regulating system.

Are Italian wages decided in Beijing? A specific session of the annual meeting (1997) of the Italian Society of Economists tries to answer this question. The papers presented there have been published by Acocella, adding two essays by the editor himself¹⁰. One can recognize the elements of novelty brought about by globalization, in comparison with the former international integration, and the competitive mechanism which may well trigger a "lowering race" among national states in the matter of welfare state, tax policies and environmental policies.

Rodrik, from his privileged and prestigious vantage point at the Institute for International Economics, rings the alarm bell for the danger that globalization, advancing much faster than

our ability to govern it, will generate reactions of rejection towards free trade. The movement that for the first time took to the streets in Seattle confirms the propriety of the question he posed in 1997¹¹. Rodrik notes: 1) the high probability that the reduction of barriers to trade and investments will increase the asymmetry between groups who can move beyond national borders and those who cannot; 2) the globalization impact on national norms and institutions; 3) the increase of the demand of social insurance with the increase of international vulnerability, and on the contrary the weakening of the states' capacity to offer welfare, under the pressure of international competition. Trading with low-income countries increases the premium to qualified workers in rich countries, further impoverishing the less-qualified workers. Greater inequality, greater insecurity, lower salary and longer unemployment hit the workers and weaken the trade unions. International trade increases the cost of maintaining differing welfare models, and thus it puts pressure on national norms and institutions, up to affecting the social protection levels enjoyed by the citizens. Globalization, heightening of perceived risk, greater demand of public insurance, lower supply of the same: here is the spiral which could undermine people's approval for trade liberalization and could make us fall back into the spires of protectionism. It is essential that globalization be "managed" so as to retain people's approval for free trade. But how? Rodrik limits himself to state the necessity for national laws to converge to a certain degree, but such convergence should be promoted by the same international organizations the democratic legitimacy of which is so fiercely challenged today.

National laws and intergovernmental agreements are no longer credible, because states can ensure their enforcement only on subjects having limited or no possibility to move beyond their borders, and international

organizations do not have a legal and effective sanctioning power. For activities already globalized or in process of globalization, be they legal, illegal or criminal, the states do not succeed in enforcing laws, in collecting taxes, in guarding social cohesion as cared for by labour right and social pacts, in exercising, in sum, the regulating activity made necessary by capitalism's inability to self-rule. Instead of acknowledging that the problem can only be solved by passing from international to supranational right (as partly has already been done in the European Union), today the tendency is to take the market as the dominant and the really general institution. The **legality question** takes on again quite a central position, especially as far as the two global operators *par excellence* are concerned: the transnational enterprise and organized crime. The first evades national rules, and in particular the ones on taxation and labour laws (Galgano et al., 1993)¹² and tends towards monopoly (Amato, 1997). The second has already cast doubts on the capability of national states to defend lawfulness (Rossi, 2000).

Galgano takes under examination the post-industrial economy and the crisis of the national state; he describes the universal spreading of the *lex mercatoria*, but concludes "we will call for a code of behaviour for multinational companies from the UN". Cassese finds in the growth of "international and supranational public powers" the possibility to overcome the limits of national governments in controlling the economy. Tremonti analyzes the fiscal crisis of the states, a consequence of the discrepancy between the *territorial* limits of tax collection and the *global* distribution of wealth, and believes that it can be countered by moving imposition from individuals to goods. Treu, finally, observes that labour right unification and its national character have come to an end, due to the enterprises sidestepping the territorial laws by

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delocalizing themselves, and underlines the strain between the internationalization of labour right and its segmentation.

Some of the main sectors of economic activity are already controlled, at world level, by a handful of transnational companies; other sectors will soon find themselves in the same situation. Anti-trust authorities of national states, even of the United States, face increasing difficulties in avoiding that cartels are created among oligopolists or that a single company dominates the world market in any one sector. The world system is based on national states formally endowed with exclusive sovereignty, although they are actually subjected to the primacy of foreign policy and to the ever-more-intricate intertwining of agreements and institutions of intergovernmental cooperation. This artful independence in an interdependent world not only increases the asymmetry of the marketing power connected to product specialization, but is also the cause of an unbalance in marketing power of enterprises, depending on the sizes of the markets controlled by their respective states of origin. It is not by chance that the question of trusts has been dealt with in a diametrically opposed way until the Second World War, but with consequences still infected to this day, in the United States and in the European national states. In America the first big politically unified market was constituted, the first big enterprises were founded and a process tending to block competition and concentrate in a few hands the control of the markets was developed since the beginning of the 1900s. The answer of the federal government was the anti-trust legislation. The European national states acted in a diametrically opposed way. As the size of the markets, so absurdly fragmented, prevented the formation of enterprises fit for global competition, each state bowed to its own *Realpolitik*, encouraging the formation of national trusts in order to use them or to be

used by them. How organic this plot was cannot be better illustrated than by the relationship between the coal and steel trust and the German rearmament between the two wars. Protection of competition requires that the contrasting power be moved to the same level already reached by capital, that is from the national to the regional and world level. This is the only way to solve the "liberal democracy dilemma in the market history", that is to say the dilemma between political democracy and economic efficiency, denounced by Amato (1997)¹³.

Organized crime already acts at global level in key sectors, like the reduction to slavery of human beings, trafficking of arms and drugs, counterfeiting. A deregulated financial system, as we will see, allows and fuels, through market manipulation and capital recycling, the unchecked growth of illegal activities. The globalized world is a lawless world, risking catastrophe. Guido Rossi (2000)¹⁴ is convinced and convincing, when he expresses his opinion that only the UN can restore lawfulness.

The **financial question** dominates, sums up and runs across all others. The financial markets are the most globalized. The merchandise they deal with, money, is the most dematerialized. The biggest financial companies and the financial departments of banks and transnational companies control a volume of transactions several times bigger than that of the domestic product and of the international exchange of some countries. The national states are no longer in the condition to counter, with their reserves, speculative attacks against their currencies. The hegemonic state gave up in 1971, not fulfilling its pledge of the convertibility of the dollar in gold. Thus it decreed the end of the fixed, but orderly modifiable, exchanges regime, known as the Bretton Woods system. In 1975 the Rambouillet summit set off an unbridled deregulation

of capital movements. The advancement in information and telecommunication technologies provided the necessary tools for the vanishing of the already wavering national borders, thus allowing a unified financial market to be born. There have been efforts to recreate the conditions for monetary stability at the level of great regional aggregates, but so far only the European Union has attained the goal of a single currency, with twelve out of fifteen member states willing to adhere. At the world level, three functions, vital for the system to operate, i.e. last-resort loans, control of the amount of circulating money and surveillance, are being carried out with less and less efficiency by national central banks. The United States hinders any reform project in order not to transfer its ruling power to a supranational organization, which will exercise it through the force of right instead of the right of force. In the meantime the markets are running towards the impending catastrophe. On the wake of the latest Keynes, the one of Bretton Woods, two economists have been fighting with courage for the reform of the international monetary system: Robert Triffin and Susan Strange.

At the end of the 1950s, Robert Triffin proposed to confer to the IMF the currency reserves in possession of the member states and to bestow on it a role similar to that of a central super-bank. The result was modest: the special drawing rights were launched, which actually were not transferring monetary sovereignty from the United States to the Fund. In touch with the European federalists, Triffin thought that a preliminary step was necessary, i.e. to create regional monetary areas, in order to make it possible to reach the final objective, a world currency. Since the beginning of the 1970s, he devoted his life to the creation of the European currency. *The World Money Maze*¹⁵ denounces the situation being determined when a national currency is used as the international reserve currency. His criticism, addressed at that time to

the dollar, is valid as well should the euro take the same role. The creation of the euro then makes it more topical and sensible the objective of a world currency.

Susan Strange (1998)¹⁶ stresses how during these last years the system has become ever more crazy and uncontrollable. Technological changes and innovations like the derivative financial instruments, asset-backed securities, speculative funds have made the "casino" bigger and faster. The unstable balance depends on the success of Europe's political unification and the strengthening of other regional monetary areas. The International Monetary Fund and the World Bank are not capable of helping the poorest debtor countries. Financial crime has spread ever more and the connection between mafias and dirty-money recycling has strengthened. Embezzlement of public money is made possible by fiscal havens. National regulating systems are in distress because of capital mobility and the power of financial markets. The Bank for International Settlements did not succeed in establishing standards of norms equal for everybody. Banks must self-regulate, but have no intention to relax the banking secrecy. And yet "the task of exercising a joint supervision through a new institution would certainly be a formidable one, but not impossible".

The progress made by national legislations and international agreements in reducing the level of unruliness of the problems taken under examination here (sustainability of development, equity in international redistribution of wealth, solidarity within states, lawfulness, financial stability) is not only modest, but is more and more often frustrated by the primacy given to the WTO rules over all others. The problem of the democratic control of those organizations having the power to declare ineffectual the decisions democratically taken by individual states is already in the world agenda. The

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"people of Seattle" has put forward, with the **WTO question**, the one, even more complex and crucial, of international democracy. Lori Wallach and Michelle Sforza supply documentary evidence (2000)¹⁷ of the activity carried out by the WTO in its first years. As Ralph Nader points out in his presentation of the book, "globalization of finance and trade is drawn out by multinational companies, which, in the absence of rules valid everywhere, are maneuvering simply on the basis of their needs. The WTO is an essential step in formalizing and strengthening a system created on purpose for

such an aim. Better defined as worldwide globalization of economy, this new economic model is characterized by the apposition of supranational constraints to the legal and practical capacity of individual states to subordinate their trading activity to other political objectives... But the idea of a global trade without any democratic control appears calamitous for the rest of the world, that would be severely exposed to a deregulated entrepreneurial initiative, bringing with it a lowering of living, health and environmental conditions, ... and of democracy itself".

¹ K. Mayumi and J. M. Gowdy (Eds.), *Bioeconomics and Sustainability: Essays in Honor of Nicholas Georgescu-Roegen*, 1999

² D. Meadows, D. Meadows (Eds.), *The Limits to Growth: A Report for the Club of Rome's Project on the Predicament of Mankind*, 2001

³ *Our Common Future*, Oxford 1987

⁴ *Blueprint for a Green Economy*, London 1989. Blue Print 2, London, 1991

⁵ *State of the World 2000*, Washington 2000

⁶ *North-South. A Programme for Survival*, 1980

⁷ Samir Amin, *Capitalism in the Age of Globalization*, 1997

⁸ *Human Development Report 2000*, Oxford 2000

⁹ Michel Aglietta, *Régulation et Crises du Capitalisme*, Paris 1997

¹⁰ Nicola Acocella (Ed.), *Globalizzazione e Stato Sociale*, Bologna 1999

¹¹ Dani Rodrik, *Has Globalization gone too far?*, Washington, 1997

¹² Francesco Galgano et al., *Nazioni senza ricchezza, ricchezze senza nazione*, Bologna 1993

¹³ Giuliano Amato, *Antitrust and the Bounds of Power*, Oxford 1997

¹⁴ Guido Rossi, *La sovranità degli stati di fronte ai reati globali*, in *La Repubblica*, Dec. 13, 2000

¹⁵ Robert Triffin, *The World Money Maze: National currencies in international payments*, 1966.

¹⁶ Susan Strange, *Mad Money*, Manchester 1998

¹⁷ Lori Wallach and Michelle Sforza, *Whose Trade Organization?*, Public Citizen Foundation 1999

Alain Lamassoure

MEP and Member of the European Convention*

What are your expectations for the Convention on the Future of Europe?

I expect the Convention to elaborate the Constitution for the great political Europe. It is time to stop the system of treaties and the unanimity decisional process, and propose a real Constitution which will be enforced to the peoples who ratified it.

What role do you see in the Convention for the representatives of the European Parliament?

The Members of the European Parliament have a large experience of the current EU system. And they are used to work with colleagues that have been elected in the other countries. This knowledge of the concrete European practice is a very strong advantage in the Convention.

What prospects do you see for the Convention to produce a Constitution for the EU?

I am optimistic. I noticed that the principle of a constitution, and the word itself, are not rejected any more, by any government: even Tony Blair joined. The big debate should be on the giving up of the unanimity rule: if we force ourselves to satisfy the 28 represented countries we will not move forward. On the other hand, the first one to say we must accept to leave the reluctant countries a bit behind will be accused of sacrilege. It is nevertheless the condition of success.

How do you see the public debate in France on the

work of the Convention?

The public debate remains to be invented. The one organised by the French Government after Nice was particularly disappointing: 99.99% of the French have not even been aware of its existence. How can we break the outrageous indifference of the media encouraged by the jealousy of the national elected members? This is the major challenge of the Convention.

Do you think the Convention will be an issue during the elections?

Unfortunately, no. The big candidates have enough "know-how" to confuse the issue and put some words in order to reassure the pro-Europeans without worrying the eurosceptics. Only one man is clearly campaigning in favour of a federal Europe: François Bayrou, the UDF candidate. His European convictions are close to a majority of French people ideas, but I regret the presidential elections are almost only concentrated on national political issues.

What would you consider as a success for this Convention, what would be a disappointment?

The success would be an agreement for a Constitution that would be enforced to the States that ratified it and which would at last give the Union proper leaders, elected to govern Europe and Europe only. The disappointment would be a new treaty, submitted to unanimous approval, according to which the EU would remain governed by national governments through the Council.

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Contributors

HANS JOACHIM BERBIG
Member of the UEF Federal Committee

JEAN-FRANCIS BILLION
Member of the WFM Council and UEF Federal
Committee

VICTORIA CLARKE
WFM Program Officer

WALTER HOFFMANN
Executive Director of the Center for UN
Reform Education

TAKAHIRO KATSUMI
Member of the Japanese Network for ICC
(JNICC)

GUIDO MONTANI
Secretary General of UEF-Italy

ANTONIO MOSCONI
Member of CESI Council

DOMENICO MORO
Deputy Secretary General of UEF-Italy

WILLIAM R. PACE
Executive Director of the World Federalist
Movement and Convenor of the NGO Coali-
tion for the International Criminal Court

TOMMASO PADOA-SCHIOPPA
Member of the European Central Bank Board

MARC-OLIVER PAHL
Officer of the German Foreign Office in Berlin
and member of the UEF Executive Bureau

DAVID RANDOLPH
Research Associate of the Center for UN
Reform Education

JAYNE STOYLES
Program Director for the NGO Coalition for
the International Criminal Court

NICOLA VALLINOTO
Member of UEF-Italy National Board,
he represented the federalist organisations in
the Genoa and Porto Alegre Social Fora

ANNAMARIA VITERBO
Researcher in International Law

RENÉ WADLOW
Editor of *Transnational Perspectives*

LUCY WEBSTER
Program Director of the Economists Allied for
Arms Reduction