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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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Altiero Spinelli, Founder of the Movement for European Unity

Lucio Levi

It is in the context of the turbulent history of the 20th century that the significance of Spinelli's political design must be interpreted yet today, on the occasion of the 100th anniversary of his birth, it is not enough to view him simply as a protagonist of those years. He was the founder of a new political movement: namely, the movement for European unity. For this reason he can be defined as an "historical man". According to Hegel, historical men "are those who first expressed what men want". They are not philosophers, but "men of action". They "know and want their work, because it corresponds to the age".

In the summer of 1941, when Spinelli together with Ernesto Rossi wrote the *Ventotene Manifesto*, the document which defines his action plan for the United States of Europe, Hitler's swastika flags were waving all over the European continent. After the occupation of France, German troops were attacking the Soviet Union, but the founders of European federalism, though confined on Ventotene, were able to see beyond the apparent horizon and glimpse the future of post-war Europe's development.

It is true that the Spinelli's plan for a European federation is still unaccomplished. Overcoming the crisis of the nation-state through the construction of European unity requires long-term processes of such a complex nature that to achieve them takes longer than any man's natural life-span. Today however, 100 years after Spinelli's birth and 50 years after the creation of the European Community, we can assert that a considerable part of Spinelli's project has been achieved. That he has been admitted into the Pantheon of the Founding Fathers is shown by

the fact that one European Parliament building is dedicated to him. The European Commission, the European Parliament, the European Court of Justice, the European Central Bank now regulate what were once considered the domestic affairs of the nation-states. The powerful growth of European unification highlights the erosion of states' sovereignty and fosters the strengthening of economic, monetary, social and environmental competences at the EU level.

It is in the field of political action that Spinelli's work made a really innovatory impact. He defined the strategy to achieve the European federation. This objective has a dual nature. On the one hand, it is a treaty in which states agree to give up part of their power to a supranational government, and on the other it is a Constitution defining the structure of this union of states. Since the nature of the objective determines the character of the means to be used, Spinelli concluded that progress towards the construction of a European federation would not be possible without the agreement of the states, even though the latter represent the main obstacle to the transfer of powers to the European level.

The model of the Philadelphia Constitutional Convention was constantly in his mind. Following this example, Spinelli specified the characteristics of the constituent method which he saw as the only procedure possible for the successful construction of a European democratic power. It required on the one hand a European constituent assembly representing all the peoples and political forces of Europe. This would be the only body entitled to draft and propose a Constitution with the legitimacy

deriving from its democratic composition. On the other hand, as a democratic assembly it would take its decisions publicly and by majority vote together with procedures permitting a clear identification of responsibilities and therefore enabling democratic and productive decision-making. This is, namely, the opposite of the diplomatic method in which decisions are reached in secret and by unanimity: a process which protects national sovereignty and leads to compromises that have to take the individual interests of every participating state into account.

When the first European institutions were established, Spinelli's strategic goal became the bestowal of the constitutional mandate on the parliamentary bodies which were a significant aspect of those institutions. On the basis of this constitutional strategy, Spinelli twice succeeded in bringing Europe to the threshold of a federal union. First, he tried to put the European army – in course of construction between 1951 and 1954 – under a European political power. Second, in 1984, as a member of the European Parliament he tried again with the draft Treaty of European Union. In both cases it was a parliamentary body – the enlarged Assembly of the European Coal and Steel Community and the European Parliament – that drafted the constitutional document. And in both cases the constitutional project was defeated by a single government: France in the first instance, and then Britain.

The Convention summoned in 2001 to frame a European Constitution was the most recent incarnation of Spinelli's constitutional strategy, though at the same time it contained an innovatory element, namely a constitutional procedure based on co-decision between associated national and European institutions and their governmental and parliamentary organs. On the one hand, member states' governments recognized that Spinelli was right in thinking it is unrealistic to entrust an intergovernmental conference (IGC) with the task of drafting a Constitution for the people's representatives are essential to the process.

On the other hand, any attempt to eliminate the influence of national governments from the drafting of institutional reforms is wishful thinking and destined to fail. A federal Constitution is a pact between both states and citizens. This means that governments and parliaments, national and European institutions, are indispensable partners in the constitutional process.

The limitation of the constitutional revision procedure – as regulated by art. 443 of the Constitutional Treaty and now confirmed by inter-governmental agreement – lies in the fact that the IGC, deciding by unanimity, has the last word as regards ratification. This rule compels the EU to proceed at the speed of the slowest of the 27 member states.

This is the main problem to be resolved by a new Convention. A qualified majority of member states should be sufficient to pass constitutional revisions. As Britain and Poland have opted out of the EU Charter of Fundamental Rights – a genuine constitutional matter – it may be ventured that similar decisions might in future also be taken concerning other elements of a comprehensive project for a European Constitution.

If Spinelli were among us addressing the limits of the Reform Treaty today, he would say: "Never mind, let us go ahead, convene a new Convention". In the past, the rejection of the European Defence Community provided the premise for the EEC. Likewise, after the rejection of the Treaty of European Union, the adoption of the Single European Act created the conditions for Monetary Union. The Reform Treaty which will replace the European Constitution, however inadequately, nevertheless represents a step forward which can raise expectations and generate pressures likely to compel governments to consider more advanced solutions regarding the governance of the European economy, the unification of foreign and security policy, and majority voting in respect of constitutional revision.

On Economy and Politics¹

Tommaso Padoa-Schioppa²

This Forum was given the title “Economy and Open Society”. The expression “open society” comes from Karl Popper and I assume that the organizers of the Forum intended to place the forum discussions in the wake of his thought. A fascinating aspect of Popper’s intellectual work is his idea of error. One can say that most of his thinking is founded on the positive value of error, and on the mechanisms through which error can be corrected. His theory of scientific *knowledge* is based on ‘falsifiability’: that proposition is scientific that can be demonstrated to be false. His concept of *politics* is founded on the same idea: democracy is the regime in which people can get rid of a bad or unwanted government in a bloodless, peaceful manner; it is not the regime which assures the best government, it is the one which provides the means for changing a government judged not good. So, in *economics* too Popper’s idea is that the market is the most efficient and civil mechanism for correcting errors, in this case errors of economic judgment. For the three great categories of human activity and associated life – knowledge, power and, we could say, the faculty to possess or to produce – Popper proposes the same basic idea: the construction of associated life founded on the acceptance of the fact that errors can be made, and that it would be very dangerous to try to build a society on the opposite premise, that of infallibility. This is, in my opinion, the most fascinating element in Popper’s thought.

The juxtaposition of economy and politics is quite old, and refers to the relations (I make

again reference to the three human activities mentioned above) between the economic and the political activity. The category of the first is wealth, the pursuit of a particular interest, that kind of miracle, as Adam Smith explained, by which if everyone is free to pursue one’s particular interest within a system of rules, a surplus of collective well-being is generated: passions, if well guided, turn into virtues. Politics is the sphere of power and general interests.

The key point is then the relation between general and particular interest. This is the very concrete theme that we must face when we operate in one or the other field: economy and politics. I would pose the question in these terms: What part shall general interest play for those who operate for a particular interest, that is, in the world of enterprise?

No doubt, an entrepreneur’s ethics consist first of all in doing his job properly. I remember an interesting sentence in E. Olmi’s film *The profession of arms*, where the condottiere Giovanni Delle Bande Nere says, immodestly: “If I had chosen to be a priest, I would have become Pope”. Meaning: my ethics is to be a good condottiere, hence my duty is to kill, fight and defeat the enemy; if I had done another job, I would have attained excellence in that one too. The entrepreneur’s ethics implies the pursuit of a particular interest.

Three answers can be given to the question, i.e. which part shall general interest play for those who operate for a particular interest?

The first is: no part. I do not agree with this answer. If general interest is a matter for specialists, i.e. for those who work in that special sector that is general interest, then society is ruined. Paul Claudel once said: "*La tolerance? il y a des maisons pour ça*"³ Some argue that there are people who are entrusted with general interest, and the others should not care. I don't think so. On the contrary, I always said and wrote that everybody has the duty to care for general interest, and in particular those who are part of the leading class, i.e. those whose actions and whose judgements have a wider range of influence than the field they operate in. In his essay on the Italian customs, the poet Leopardi tackles this issue, and calls "narrow society" what I just called the leading class: entrepreneurs, managers, judges, journalists, professors, artists, people who have reached a position of responsibility in their field. I do not believe that, for Popper, the open society is a society where 'there are houses for tolerance'.

A second possible answer is: general interest shall prevail over the particular interest in the action of an individual. I view this position as dangerous. Some tragic events of the 20th century are indeed rooted in the idea that there is a general interest, in the name of which a tyrannical regime is justified. There ensues that society, instead of being open, is choked by the oppression of a general interest that, in the end, nobody knows which it is, who chooses it, and how it is chosen.

The economists would say that those two answers are the corner solutions: no room or a systematic pre-eminence. The most convincing answer in my opinion is: the right space. I am aware that this indication is difficult to put in practice, requires to examine things case by case, and poses problems of conscience; but ultimately this is our task as citizens, and I do not believe that difficulty should be considered a disgrace. General interest is not the interest of a few who are

entrusted with it, confined – like tolerance – in a dedicated house called, with a certain disdain, the Palace; it is a part of the interest in each of us, as a person, as an entrepreneur, as well as intellectual, art critic, trade union leader, teacher and so on.

The two worlds, politics and economy, are not strangers to one other, like two solar systems whose gravitational forces have non-interfering fields. If general interest is to have the right space, the right part, and if, on the other hand, in a free economy, the particular interest must be respected by those operating in the institutions for general interest, then these two worlds must speak to each other, and must do so by being aware of their tasks and respecting their interlocutor's. They have to speak to each other, as they used to say in the old days, as willing adults, among whom nothing illegal is committed: they talk and afterwards everybody takes their responsibility; it is right, or better yet a duty, that each explains to the other, with force and determination, his reasons for the interests he is pursuing in the first place, respecting the other sphere of interests that society requires to the same degree.

I could present a few cases where the problem of a correct relationship between politics and economy, between general and particular interest, recently presented itself in concrete terms in the exercise of my function. There are big joint-stock companies, some wholly private, others wholly public, others with a mixed property, which have one element in common: for the sector they operate in, or for their size, or for other reasons, their activity and their property arrangement may, under certain circumstances, be of special significance in the light of general interest. I believe that it is not only a right, but also a duty, for the government to make up its mind about the "ifs" and "whats" of such a general interest, and eventually take it upon itself to represent it in appropriate forms.

Comments

In my present function I found myself in the situation of both defending the reasons of the companies (i.e. of economy) from the intrusion of politics, and having to protect the reasons of politics (i.e. of general interest) from the intrusion of economy: two gravitational systems whose force fields have some points in common.

I would like to stress a key point, to which I have not heard any reference made in recent debates. In its fundamental aspects, the question of a correct relationship between politics and economy in the occurrences of big companies presents itself in very similar terms whatever the property arrangement of a company. Obviously, when the State is the controlling shareholder, the Government has instruments that it does not have when the control is in private hands. But in both cases the State must operate in the interest of the enterprise as such. In my opinion it would not act with fairness if it impoverished the company in the name of the public good, or if, on the contrary, it artificially kept a losing company alive, by providing it with resources taken away from the taxpayers. In any case, this practice is forbidden by the rules of the Treaty of Rome.

Finally, speaking of general interest, the problem gets even more complex if we ask ourselves what the meaning of that adjective is. Depending on the matter one is dealing with, and the public responsibility one is vested with, that adjective may in fact be referred to a City, a Region, the State, the European Union, the world (think of the WTO). Each of these domains is the place of interests that can rightly be called general. The general interest, then, is in turn a mix of different general interests; and often the same interest is 'general' if seen from below and 'particular' if seen from above. The elements of that mix are not ordered nor coordinated with each other, except in a clearly federal order that does not exist today on the Italian

scale, nor on the European, nor, even less so, on the planetary level.

One could think that, while general interest is a mix hard to grasp, particular interest is easy to define, as it applies to a single, unitary, well-delimited subject, like an individual or a company. This too is perhaps an illusion, because an individual is part of a family, a company has many shareholders and stakeholders. Moreover, a particular subject operates in an imperfect world, where other subjects exist and interact with him. Democracy (in the case of politics) and the market (in the case of economy) do not organize human collective life so perfectly as to assure that their rules can solve any doubt on "what to do", and prevent any mistake. On the contrary, according to Popper, they are regimes founded precisely on the premise that error is, as I said in the beginning, in the very nature of human action, and thus requires methods for correcting it, not for eradicating it.

I will take an example from my present experience. I do have strong European convictions and not-less-strong convictions on the matter of markets. I dedicated a large part of my active life to the attempt to contribute to the construction of a united Europe and to the creation of markets where they were not present. Today, the general interest I have chosen to serve is that of my own country, exactly like a mayor must pursue the interest of his own city.

Well, it is not a simple task to operate in line with both the European and the market principles, because at present Europe often forces me to *reduce*, not increase, the openness to the market of companies and practices operating in our country. In applying today the EU directive on takeover bids, the dilemma is whether to leave as it is the Italian law, which is more open to the market than the European – with the

consequence of generating a significant asymmetry between a possible takeover bid against Italian companies and a takeover bid against competitor companies in other countries –, or to reduce the level of openness to the market of Italian law in order to abide to a European directive. An utter absurdity. Another example: the principle of keeping separate the distribution networks and their distributed good or service (electricity, gas, railroad traffic and so on) is applied in the EU in an incomplete fashion, that does not prevent a national quasi-monopolist from exploiting the possession of a network to its own advantage. Italy opened itself to Europe more than some neighboring countries did, and in doing so it has exposed Italian companies to the competition of other companies to which their country of origin guarantees advantages that they do not

have. Another absurdity, and I could give more examples of the same kind.

In conclusion, why is simplicity a merit? Because the world is complicated, and our mind looks for order. We tend to order because the world appears to us as disordered. Disordered economy, disordered politics. If we pretend to bring order to the world, to make it simple, we make a mistake, the very same mistake denounced by the great figures of liberal thinking of the 20th century: Popper, Einaudi, Hayek, Robbins and others. The market is chaotic, it is always unbalanced and dominated by what the economists call *rumors*. The same thing can be said of political life. If we neglect this fact, if our analyses depict the world as naturally ordered, and only perturbed by some mistakes we may make, then we go from simplicity into a simplistic view.

¹The article is the second part of a lecture given in Milan (Italy) on May 11, 2007, in a Forum organized by Bocconi-Corriere della Sera

²The author is presently the Minister of Economy and Finance of the Italian government

³In French, lit. "Tolerance? There are houses for that"; but it is a play on words in French, because 'Maison de tolerance' means 'a legal brothel'

How is the State Changing in the Globalization Process?

Reflections and discussion points for a federalist culture in the 21st century

Giampiero Bordino

According to a widely-shared definition, the State, at least the modern State, consists of three basic elements: a territory, its people, and a sovereign power. If this is true, every analysis of the transformations affecting the State brought about by globalization cannot but take those three elements, which are all present and interact with each other, as subjects for reflection.

The “end of the territories” (according to Bertrand Badie’s definition), transnational mobility and hybridization of peoples and their identities, and the erosion of sovereignty are three phenomena we are immersed in, which affect us personally and continuously, and which, therefore, we have to be aware of and interpret. The federalist culture, that deals with the State and its features, and even proposes (being an ideology) both a model of political structure for the world, and a key for interpreting human history, shall not shun such a task. It must propose a theory and a project for the 21st century, globalized by the economy and completely transformed by scientific progress.

In concrete terms, to start with, what about territories, the spaces we live in and in relation to which we traditionally give a “definition” of ourselves? First of all, the territory is not a *datum* but a construction: historically, there is a political power, the State, that gives it boundaries, makes it become the specific area where its rules and obligations affect the people living in it, gives it a name, thus determining an “inside” and an “outside”.

But globalization and the scientific and technological revolution in transports and communication that made it possible and still fuels it, have started to “de-construct” such territories, conceived in that way. In fact, territories are crossed more and more by transnational streams of goods, capitals, people, information data and signs (images, sounds, values). Such streams – the “outside” entering inside – increasingly escape State’s controls, regulations and directives. The spaces for social relations and activities become more and more numerous (think of the communication space on the Web, or that of finance, or that of the communities of the diaspora), break the continuity and unity of State territories, cross their borders, interconnect through transnational networks parts of those territories.

The State’s second constitutive element – the people – is also increasingly subject to the dynamics of globalization and scientific and technological revolution. The migration processes of various nature and origin, and transnational mobility of professions and labor are the main factors of change. The real or pretended (by national myths and ideologies) homogeneity and unique identity of peoples (made today more and more hybrid by migration processes, by the presence of transnational diasporas, by old or more recent forms of mobility that run across territories and States), is lost. Many hundreds of millions of people all over the world – an ever increasing number in ever more territories – have hyphenated identities (Anglo-Indians,

Chino-Americans, Italo-Australians, etc.) or in any case “floating” identities; they feel as multi-belonging, acquire multiple citizenships, experience the diversity and complexity of languages, cultures, religions, go through several life experiences and models.

De-constructed territories and hybrid, diaspora-experiencing peoples: this is the difficult puzzle politics and States have to deal with in the global era. How to make human groups of different origin, language, culture, religion, live peacefully and profitably together on the same territory – although disarticulated, as we said, into many relational spaces that may even become more and more transnational? How to avoid the risk of identity conflicts and “ethnic cleansing” that such a complexity may imply? Which institutional architecture, which social and cultural policies shall be devised to cope with this?

Finally, the third constitutive element of the State: sovereignty. In the traditional definition, it is the power “that does not recognize any other power above itself and is the source of all powers below itself”. In practice, there are now many signals and reasons showing on the one hand a change in sovereignty’s ways and forms, and on the other its increasing erosion. At the root of sovereign power’s mutation and erosion are many factors, not occasional but structural: in a horizontal and functional aspect, the emerging of civil societies, not only national but also global. From below, the rise of regional and local powers; upwards, the development of forms of intergovernmental and, in some significant cases, even supranational power (like the European Union, in the first place). The increasing functional autonomy of civil society – economic actors, intermediate social bodies, associations and so on – is under everybody’s eyes, and many of us experience and practice it every day in our work, profession, political or cultural activities, volunteer work. Civil societies, whose actors (not only big companies, but

professional associations, representatives of the so-called Third Sector, NGOs, etc.) are more and more capable of negotiating with the State their role and normative domain, and give themselves potentially global horizons. They ignore frontiers and jump over them, create transnational networks, link together the “local” and the “global” much more than what State governments can do. To take a meaningful example, NGOs, according to a UN estimate, are today 44,000, are present all over the world and tie together its various parts. Globalization and the scientific and technological revolution feed the growth of civil society more than that of the States, and let a truly global civil society form and develop, a global public opinion the States are more and more often obliged to come to terms with.

Secondly, as we said, State sovereignty is changed and eroded by the growth of local and regional powers, which claim, negotiate and often conquer in the field their own autonomy. Sovereignty is less and less “the source of all powers below itself”, as per the classical definition, because globalization is proposing ever more often to the local levels reasons and opportunities for greater autonomy, if not separation.

Thirdly, sovereignty is eroded from above, both by the increasing number of international treaties and networks, which force the States to explicitly recognize powers above themselves (as in the case of the States which are members of the EU, or of those that have ratified the International Criminal Court). There are today, according to some estimates (see Sabino Cassese, *Beyond the State*), more than 2,000 international organizations (there were only 123 in 1951), more than 100 international courts of various nature and functions, as many quasi-jurisdictional bodies, a very large and growing number of universal norms addressed to both national administrations and individuals. In addition,

big processes of regional integration are under way at continental level (the EU, but also the Mercosur, Asean, the African Union, and so on), which may imply processes of reallocation and sharing of State-like (not just economic) powers and functions. As the French political scientist Zaki Laidi wrote, speaking of a “fractal State”, ever more often – in its relations with civil society, local and regional powers, international and supranational bodies – the State is no longer the “Whole”, as per the traditional *souverainiste* pretence, but only a “part”, and is forced to negotiate its own role and its own power with other “parts” in the form of multi-actor and multi-level governance.

Given this analytical and interpretative framework, and coming to a conclusion, what challenges is facing today such a changing State, eroded in its sovereignty, and grappling, as we saw, with the unprecedented and worrying puzzle of fragmented territories and mobile, diaspora-experiencing peoples? The fact is that traditional States, even the biggest and most powerful ones, are no longer capable of assuring to their citizens, on their own territory, the fundamental “public goods” for providing which they were founded and were, at least in the modern era, legitimized: peace and security, economic development, social cohesion, public welfare, environment protection, education, etc. Those goods, in the globalization era, shall either be produced and assured elsewhere, or can no longer be produced and assured at the level of a single State. In fact, how can good health be assured to one State’s citizens, in the presence of a transnational spreading of diseases or the consequences of environmental disasters occurred elsewhere, in any other part of the world? How to assure security inside one State’s borders, when they become ever more porous, the “outside” can almost always be found inside, and the enemy could live in our own house? All this, among other things, is feeding a regrettable culture and policy of

fear and suspicion, that contributes to bring about an authoritarian degeneration of the State, and a crisis of democracy, both as the system guaranteeing rights, and as a process of participation and inclusion.

We have to acknowledge that today the fundamental “public goods”, which are – we must always remember – also the necessary condition for acquiring and enjoying *private* goods (this was well understood already in the Middle Ages: how can you make business if outlaws control the roads or plague is spreading through the cities?), must be produced at many levels and in many “places” (laws, institutions), including the world. No country, not even the American superpower, can produce and guarantee them alone. And neither the EU could do that, even if it becomes an accomplished federal State.

In conclusion: in the face of those difficult and complex challenges, which proposals and projects are currently on the table? I believe that, if we bar the undesirable prospect of an hegemonic world empire, imposed and in most cases managed by the use of force, there are today on the scene of political ideas only three main theoretical proposals that most of the conceivable theories and projects can be related to: the possibility of a “global governance”; a “cosmopolitan democracy”; and the proposal of a “federal-type state-like organization”. The first, the perspective of a “global governance”, presents unsolved – or somehow removed – questions on two fundamental issues: that of its democratic legitimization, because it entails a governance negotiated between State and non-State actors, where in the end it is not the head-count that leads to a decision, as happens in democracy, but the balancing of organized interests; and that of efficiency, because no “last-resort” power (which also means the possibility of using legal force) is foreseen, and the executive process is essentially left to the actors’ goodwill, or, to be more realistic, to their relations of force.

The second, the perspective of a cosmopolitan democracy, rightly stresses the issue of popular participation and consensus, but removes the issue of power and in particular the assurance that norms at global level are decided and decisions are enforced, as it explicitly excludes from its theoretical horizon the necessity of the availability, and eventual use as a last resort, of legal force.

Finally, there is the proposal of a federal-type statehood, the oldest and most experienced: but, paradoxically, this is a proposal that has to be somehow “re-invented”. The federalist project, as we know it in its theoretical elaboration, on the one hand, and in the practical experience of the States that adopted it on the other, offers answers to the two fundamental aspects of the problem of statehood: its democratic legitimization at the various levels of federal power, by participation and consensus; and efficiency, with the presence of a government endowed with command powers, including last resort power. This being said, it should however be acknowledged that, since both the context

(a globalized world, revolutionized by the science of the 21st century), and the problem (the production of global “public goods”, a worldwide democratic statehood) have no precedent, the federal project for the world is to a large extent to be invented. To this end, it is necessary to open ourselves to other cultures and to become available to search for new interpretation categories and new languages. How to re-read the pre-global federalist theoretical elaboration in the light of the changes under way: the end of territories, the diaspora of people, the erosion of sovereign power? What should be kept of the historical experience of federal States, of “real federalism”, and what should be dropped? How to re-think today the institutional model of multiple government levels, “independent and coordinated”, in the new context of the globalized world? Many questions come to mind, but many answers are not ready yet. There is a big construction yard open in front of us, to which it is worth calling many people, including the “diverse”, to work together in such an endeavor.

Europe Needs a Constitution... Today as much as Yesterday

Pauline Gessant & David Soldini

Concerned about the latest consequences of the European debate, Pauline Gessant and David Soldini, representing les Jeunes européens France and l'Union européenne des fédéralistes, respectively, remind us of the importance of the constitutional objective. The UEF-France and JEF-France are promoting the campaign for the organization of a pan European referendum.

At the recent Brussels summit, the Heads of State and Government gave up the constitutional objective. The European leaders certainly expressed their will to try and preserve a considerable number of constitutional elements. However, as the French president clearly stated, "by giving up the constitution, we return to the logic of the treaties". The constitutional logic has imposed itself precisely because our leaders, under the pressure of the European Parliament and the civil society, have realized the inefficiency of intergovernmental logic. This inefficiency has caused the democratic deficit of the Union and stopped its political development.

However, our nation-states cannot face the difficulties of our century all by themselves. Poverty and underdevelopment, conflicts between nations, the supplies of energy, climate changes and long term development are supranational political issues in need of supranational governance. In order to become an international actor, the Union has to change its status from that of an international organization to that of a state subject.

"Objective Constitution!"

In December 2000, in Nice, France, more than 15,000 Europeans marched in front of our

leader's headquarters, to demand a European Constitution. Hundreds of European civil society representatives, gathered in Nice theatres, came to the same conclusion as the demonstrators: Europe needs a Constitution.

The European leaders, hidden behind concrete walls, were calmly facing the pressure of the citizens and were making the decision to sign a rather bad treaty. A few months after the signature of this insufficient text, during the Laeken European Council, when Belgium held the EU Presidency in 2001, the same leaders faced their double failure: the Treaty of Nice could not allow the European Union to face today's problems and the method of elaboration of the European treaties – intergovernmentalism – could not allow the elaboration of a better text. In order to hide the inconveniences, the leaders convoked a Convention with the aim of rearranging and simplifying the communitarian system and answering the following question: "were not we supposed to adopt a constitutional text?!".

The European Convention, reuniting representatives of the European Parliament, the European Commission, the national parliaments and governments, and listening to the civil society, had the advantage of working under the greatest transparency. This method, close to the constituent one, was entitled to raise a high European interest, as opposed to the intergovernmental method, based on the defence of national interests.

The meetings of the European Convention led to the drafting of a constitutional treaty: a treaty

from a formal point of view, which integrated the constitutional principle. The distance between the Europe imagined by the founding fathers and the real Europe diminished.

European Citizens for a European Constitution

The democratic political wing was unanimously considering Europe's need for a constitution. In spite of the critics – sometimes justified – brought against the text of the Constitution, the idea of a progressive constitutionalisation of Europe seemed to have frightened only the most radical nationalists.

The supporters of a constitutional Europe still have a majority. Eighteen countries have ratified this constitutional text, and the European Parliament has expressed several times its support to the constitutional procedure. The surveys show that more than 60% of the European citizens are for the constitutional principle².

Despite all these facts, the Brussels European Council has once again renewed the intergovernmental logic. This method can bring us back to the negotiation times, except for its antidemocratic character. The European leaders have tried without success to define only the mandate of the Conference. Nevertheless, the efforts made by the German Presidency may prove useless, in front of the sovereignty of some European governments. Are the important concessions to avoid the work carried by the Convention?

The conventional adventure is the most important attempt to follow the path chosen by our founders towards an independent Europe, fighting for peace and progress. We must therefore not give up the constitutional objective which allows us, for the first time in the history of Europe, to bring together the European citizens and their common future.

¹The Laeken Declaration on the Future of the European Union

²On the eve of the European Council meeting, the results of the Spring Eurobarometer were made public, indicating that two thirds of European citizens (66%) support the idea of a European Constitution. That means an increase in support of 3 points with regard to the previous Eurobarometer. Moreover, 69% of the Europeans are "rather" or even "very" optimistic as the future of the EU is concerned

Amato: Europe is a Model of Governance for the World

In an interesting interview published by the multilingual web-zine *Taurillon*, Giuliano Amato, Vice President of the European Convention on the future of Europe, reflecting on the federal nature of the EU, states the following: "I must admit that I discovered Europe not in the political realm but only when I left to study in the United States: getting to learn about a federal system and thereby learning about the added value that a multi-level system of governance with continental dimensions could have. On this basis I subsequently came to appreciate Europe, although it is not a federal state. Paradoxically, this has made me very European but a little stodgy for the old federalists who, affectionate for models of the past, are maybe less able than me to see that Europe is about to offer the world a model of governance which reunites this mix between international and internal law. I have thus celebrated Europe as 'hermaphrodite' which is, in a world of separated sexes, absolutely an improper being". The entire interview can be retrieved from <http://www.taurillon.org/Rays-of-Light-and-Shades-over-Europe>.

The Long-Awaited Day Has Finally Come True

Akira Takagi

On July 17, 2007, World Day for International Justice, the Japanese government formally deposited its instrument of accession to the Rome Statute of the ICC. Japanese Ambassador to the UN Kenzo Oshima handed over the instrument to Nicholas Michel, Under-Secretary-General for Legal Affairs and UN Legal Council and Annebeth Rosenboom, UN Treaty Section Chief. Thus, the Rome Statute will come into effect in October this year.

The ICC was born out of the need to reflect on the scourge of two world wars during the first half of the 21st Century. The international community contemplated a mechanism to bring to justice those individuals who commit serious international crimes of genocide, crimes against humanity and war crimes. In order to establish a fair and effective mechanism to address these individuals, regardless of them being perpetrators or their superiors, the international community came to a consensus to adopt the Rome Statute for the establishment of the ICC in 1998.

The Rome Statute came into force in 2002 when 60 ratifications were achieved. Then, eighteen distinguished judges were selected with careful consideration given to regional and gender proportionality. The Court is currently engaged in diligent investigations on four situations, of which the situation in the Democratic Republic of the Congo has culminated to a decision to hold the first trial against Mr. Thomas Lubanga Dyiro. We must recognize this as an important

development signifying the eradication of the Culture of impunity and the giving birth, instead, to a "Culture of responsibility".

The ICC will be instrumental in Japan's national Human Security policy, one of our fundamental foreign policies. The Court's associate institutions, such as the Trust Fund for Victims, would provide a meaningful reference in the search for a new criminal justice system in Japan, that would incorporate the new practice of providing redress for victims in criminal proceedings.

We strongly expect our government to continue with its support in the development of the Court after its accession, through financial and human-resources contribution as well as by joining the Agreement on Privileges and Immunities of the Court, known as the APIC. We also expect that our government would set an example in promoting universal ratification in Asia so as to reinforce the support for the Court in the Asian region, which is least represented in the Court's executive structure.

Last but not least, the Japanese government should prepare itself to actively participate and contribute in various dialogues concerning the Crime of Aggression, which is to be discussed in the coming review conferences on the Rome Statute. In doing so, the government should seek consultation with the civil society so as to better facilitate its preparation for many years to come.

Universal Regional Representation as a Basis for Security Council Reform¹

Joseph Schwartzberg²

No part of the United Nations system has been the subject of more proposals for reform than the Security Council. Among the dozens of such proposals recently put forward by member states, think tanks, and individual scholars, almost all have focused on ways of enlarging the Council so as to make it more representative; but virtually none seeks to do away with the anachronistic position of the P-5 and the unfair veto power wielded by each of its members. In this paper, I challenge the fatalistic assumption that the privileged position of the P-5 is unassailable and put forward a scheme for Council reform that is radically different from all previous proposals and would result in a fairer, more rational, and ultimately more workable allocation of power. These are, I recognize, bold claims and I do not expect to persuade many of you of the soundness of my arguments in the short space at my disposal. Rather, my hope is to engage you sufficiently to induce you to read my printed paper in detail and with an open mind³. Appended to the paper is the proposed text of a relevant amendment of Chapter Five of the UN Charter.

The proposed scheme calls for a division of the world into twelve more or less coherent regions each of which would hold one Council seat. Each seat holder would cast a weighted vote for the whole of his or her region based on an objective formula, which I shall shortly explain. The regions and their respective weights appear on the map which you can find on page 19.

Four regions would consist of a single state:

the United States, China, India and Japan. Eight would be multi-national. In descending order of regional weight, the latter would be: Europe, an area roughly coterminous with the European Union; Latin America and the Caribbean, corresponding to the area of the Organization of American States, exclusive of the United States and Canada; East Asia, apart from China and Japan, an area inclusive of the whole of the ASEAN bloc plus the two Koreas and some other scattered outliers; Africa south of the Sahara, all of which falls within the African Union; West Asia, all of whose members would be non-Arab members of the Organization of the Islamic Conference; the Arab League; Russia and neighboring culturally European members of the Commonwealth of Independent States; and what I have called the "Westminster League," namely the primarily English-speaking Commonwealth nations of Canada, Australia and New Zealand.

To derive the regional weights a simple formula was employed:

$$W = \frac{P + C + 8.33\%}{3}$$

wherein W stands for the region's weight, P the region's total population, and C the region's contributions to the regular UN budget (levied in direct proportion to total gross regional product), while 8.33% is a constant signifying the presumed equal worth of each region's world view. This presumption would be a pragmatic legal

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fiction analogous to that of the “sovereign equality of nations”. It would have the effect of pulling down the weight of the more powerful regions and increasing the weight of those with less power.

The criterion for determining which nations would be entitled to form a region in their own right would be simple: any nation whose population and budgetary contributions,

expressed as percentages of the world totals, averaged more than 6% would qualify. Only four nations now do so and no other nation is even close.

Table 1 below indicates, for all twelve regions, their total population, gross regional product, and calculated voting weight expressed as percentages of the world totals.

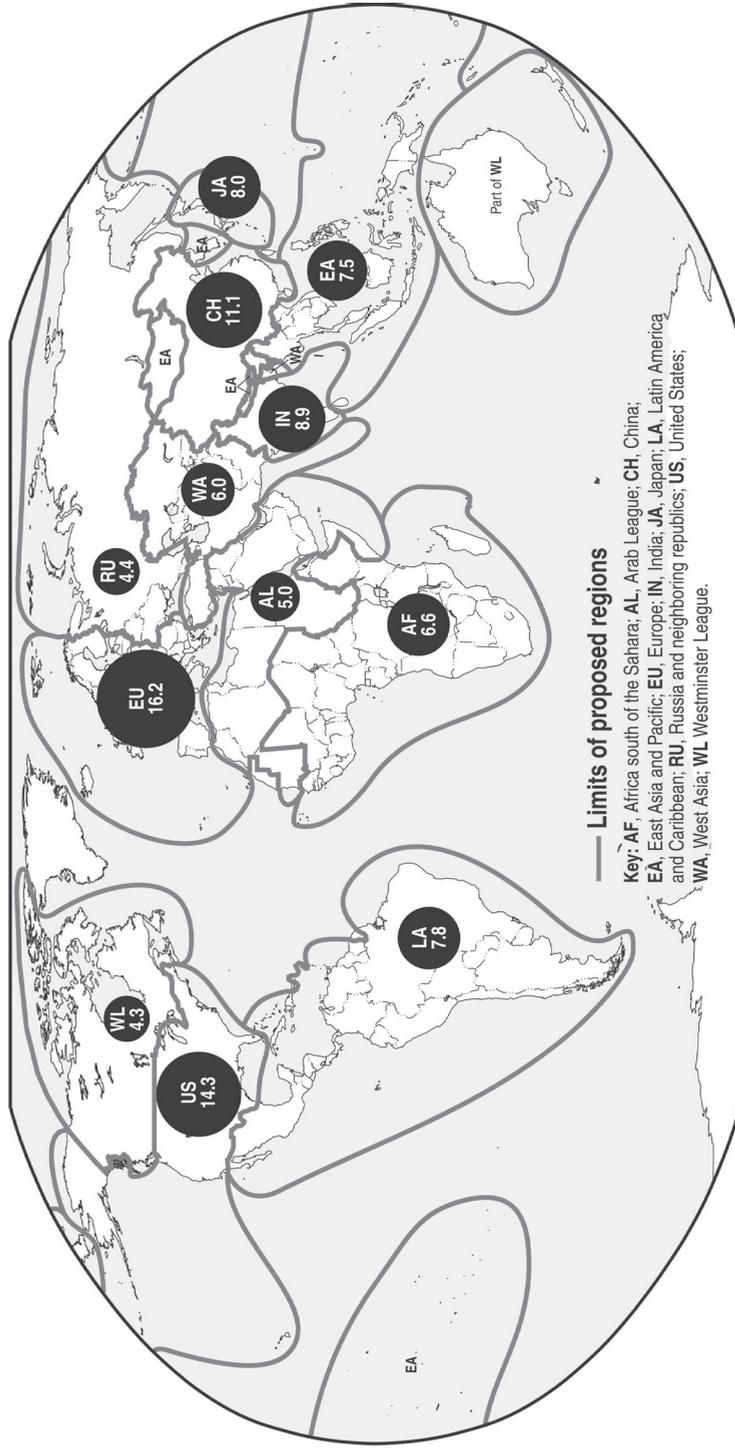
Table 1: Key data for regions to be represented in UN Security Council

Region (brief name)	Population (%)	GRP (%)	Weighted Vote (%)
Europe	8.6	31.7	16.19
U.S.A.	4.7	30.0	14.32
China	21.0	3.9	11.09
India	17.0	1.5	8.95
Japan	2.1	13.7	8.03
Latin Amer.	8.5	6.5	7.77
East Asia	10.5	3.5	7.46
Africa	10.3	1.0	6.56
West Asia	8.2	1.5	6.04
Arab League	4.8	1.8	4.96
Russia (+ European neighbors)	3.5	1.4	4.38
Westminster League	0.9	3.6	4.27
Totals	100.0	100.0	100.0

In population, China, with 21%, leads, while the Westminster League, with not quite 1%, is last. In gross regional product, Europe, with almost 32%, ranks first, while Africa, with only 1%, ranks last. In voting weight, Europe again scores highest with 16.2%; the United States, with 14.3% is a fairly close second; and the Westminster League, with 4.3%, again ranks last. These current weights would, of course,

be adjusted at regular intervals to reflect changes in the relative demographic and economic fortunes of the respective regions.

Council representatives from single-nation regions would be chosen at the pleasure of their respective governments. Selection for the multi-national regions would entail a two-stage process. First, each such region, would, by a method of its own devising,



Map One. WEIGHTED VOTES OF TWELVE MEMBER REGIONS OF HYPOTHETICAL SECURITY COUNCIL

Weighted vote (W) of each region based on total regional population, total regional contributions to UN budget and regional constant according to the formula $W = (P + C + 8.33) / 3$

Comments

nominate from two to five candidates. Then, from each regional state, the General Assembly would elect the representative and the alternate representative of its choice. This process would promote meritocracy in that candidates with poor credentials would generally lose out in competition with those from more highly regarded nations.

To formulate policy on matters coming before the Council, the foreign ministries of all nations within each multi-national region would wish to remain in frequent and regularized contact. Thanks to advances in electronic communication, such a system, unthinkable when the UN was founded, has now become practicable. To guide the actions of their representatives, each multi-national region would also have to devise a set of rules on voting, debating, consulting and other Council behavior. Each such region would formulate its own rules for assigning voting weights to its constituent member nations in deliberations outside the Council; but the general presumption would be to establish formulae similar in principle to the one used for determining regional weights within the Council. My paper discusses a variety of possible scenarios.

Regions would likely establish differing majority requirements for caucus voting in respect to different issues: say a simple majority for procedural votes, a two-thirds majority for most substantive issues (failing which the regional representative would be obliged to abstain when voting in Council), a three-fourths majority for the imposition of sanctions, and a five-sixth majority for resolutions calling for military action. Representatives would be expected to carry out faithfully the instructions from his or her own regional caucus, rather than the will of their own country's government. They would, however, be expected to call attention to minority opinions within their respective regions (or assign that task to the

alternate representative or another qualified diplomat), even when arguing and voting for the position of the majority. Representatives and alternates would be held accountable and be subject to recall for egregious failures in this regard.

The proposed system was designed to be both flexible and maximally inclusive. While a specific set of twelve regions would be proposed by a vote of the General Assembly, a given nation would be free to petition to join a region other than the one to which it was initially assigned and could be transferred to that region, subject to the approval of its other members. Turkey, for example, might petition to be transferred from West Asia to Europe. Alternatively, one might allow nations to belong simultaneously to two regions, with an appropriate division of their national voting weight. My paper identifies several dozen nations that might wish to exercise such an option. In the hypothetical case of Turkey, its national voting weight would be divided equally between the West Asian and European regions.

Before concluding, let me summarize some of the advantages of my proposal for Security Council reform: it would allow universal participation in decision-making; it would be non-discriminatory; it would be objectively determined; it would reasonably reflect national and regional power; it would be flexible; adjustments in weights and changes in regions would not require Charter amendment; it would establish a workable balance between the Global North and the Global South; the regions established would have substantial political, economic and cultural coherence; it would promote meritocracy; and it would institutionalize regional consultation and cooperation. Seven additional advantages are indicated and explained in my printed paper.

Received wisdom tells us that, given the veto

privilege of the P-5, fundamental reform of the Security Council has no chance of acceptance. While I recognize the power of political inertia and acknowledge that change will be difficult, I disagree on several grounds. First, the reluctance of certain great powers to give up the veto will be diminished when they take into account the increase in their relative strength within a system of weighted voting. The United States, for example, has one vote out of fifteen (or 6.7%) in the present Council and would have only one vote out of twenty-four if the recommendations of the High-level Panel on Threats, Challenges and Change had been adopted; but under the proposed voting system its voting weight, at 14.3%, would be more than twice what it is now. That is not a bad trade-off. The weight of

a united Europe would be even greater. China, with a weight of 11.1%, would also gain. While Russia would undoubtedly present a problem, a political deal to secure its cooperation is conceivable. But, potentially more important than diplomacy in generating support for radical reform is the latent and exponentially increasing power of civil society and its likely mobilization in the struggle to create a more just and effective United Nations system. History is punctuated by times when society succeeds in attaining seemingly impossible goals. If sufficiently motivated scientists and engineers could design a spaceship to transport astronauts to the moon and back, statesmen can also convert the Security Council into the political vehicle that the UN now requires.

¹The Slightly edited version of a paper presented at the Annual Meeting of Academic Council on the United Nations System, City University of New York, New York, June 8th, 2007

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³Readers can receive the complete written version of the paper by contacting the author at schwa004@umn.edu

On Global Politics and Petropolitics

Fernando A. Iglesias

A quick glance at the greatest fortunes of the planet, headed by software corporations' CEOs, financial speculators, mass-media owners and Hollywood producers, makes it clear that the creation of wealth is shifting from a hardware-related phase, in which value was generated by the production of objects through manual work, to a software-related phase, in which intellectual work gets the core of economy and society. We already live in a post-industrial context dedicated to the creation and handling of information, knowledge, cultural diversity, communication, innovation and emotions. From Henry Ford to Bill Gates, the change in what Marx denominated "means of production" has been incredibly fast: less than a century has elapsed between the last Ford T and the first PC. A split second in History.

As early as 1980, Alvin Toffler declared that the conflict between Capitalism and Communism was a transitory dispute within an industrial civilization, and predicted that it would be overcome by the truly political fight of the future: a megaconflict of planetary scale between the defenders of the second (industrial) wave and those of the third (post-industrial) one. Even though Toffler was right, industry was not the agent that led the defence of the status-quo; it was – more exactly – the most obsolete branch of industry, which is in charge of energy supply and totally depends on its Majesty Petroleum. It is not by chance that the NY Times' journalist Thomas L. Friedman has recently originated an interesting polemic by enunciating what he called "the First Law of Petropolitics¹". In short, Friedman stated that "the price of oil and the pace of freedom always move in opposite

directions in oil-rich petrolist states". Beyond the general accuracy of Friedman's statement, the use of the "Petropolitics" category marks the emergence of a deep and dangerous asynchrony between the information society – however we call it – and its incredibly antiquated source of energy: fossil oil.

Petropolitics and information society: two antagonistic paradigms

A quarter of a century after the publication of Toffler's "Third wave", the greatest and most urgent threats to the post-industrial global world (depletion of non-renewable resources, global warming, energy dependence, global terrorism, war for resources) come from a decrepit and polluting nationalistic-industrialist order, which intrinsically tends to militarism and confrontation. But let's take a look at the origins of Petropolitics.

The oil industry remains poles apart from the information and knowledge society. An oil barrel is worth nothing if someone takes it from us. On the contrary, computer programs can be copied without losing their original capacity and get more valuable for each individual who uses them. The intangible products of the economy of information are shareable. No matter how avaricious and monopolist their leaders are, the information economy needs cooperation and education to produce goods, and general well-being to sell them. The wealth it creates increases with general wealth and education, whatever the national and social origins of their owners, consumers and producers. The human intelligence on which it is based is a non-polluting and inexhaustible resource. As it is independent of territory, the loss of the

economic centrality of land it has caused has abolished the classical model of conflict of the industrial era: the warlike dispute for territories and raw materials.

There has been no war between developed countries since intellectual workers – white collars – numerically surpassed manual workers – blue collars – in the Sixties. Since then, the economically and politically advanced units have been peacefully extended, due to the needs generated by new technologies, on the one hand, and thanks to the opportunities they created, on the other. Reliable statistics indicate that – on the contrary – welfare states do not exist or are disappearing in nations that are organized according to the nationalistic-industrialist model. They also emphasize that post-industrial countries that have the highest average of foreign interchange have also the lowest levels of inequality. This is not accidental: an economy based on human intelligence implies high education standards and a well-developed social capacity to work in associated ways; two factors that are indispensable for the political process that is at the base of the redistribution of wealth. Exactly the opposite happens within the economies based on raw materials such as oil. Like in every social matrix that depends on non-shareable and exhaustible resources, in mineral-extraction-based countries the economic and political processes assume a zero-sum type: the appropriation of a resource by an agent excludes all the others, which abolishes cooperation and leads to disputes.

The extraction of raw materials is also, for obvious reasons, strongly bound to the territory; therefore it tends to generate conflicts for geopolitical predominance. All these elements (non shareability / zero-sum processes / dependence on the territory) have led to the emergence of several Petropolitical nuclei. They grew from agreements between economic agents of extractive corporations and political agents that command the military apparatus. Since the intervention of people in the generation of wealth is minimal and depends on low

labour-quality in extractive activities, general well-being and the population's capacity to work cooperatively becomes irrelevant. Consequently, the richness falls in the hands of a few; in the case of oil, corporate owners and public authorities who manage the access to and the control of resources. This is the kingdom where Petropolitics arises and has its dominions.

The world of Petropolitics

Wherever Petropolitics dominates, exasperation and conflict replace dialogue and consensus. The society splits between "us" and "them". The territory and the dispute for its control acquire a metaphysical value. No matter what use is made of the extracted wealth, foreigners are presented as a gang, eager to steal "our" resources. Beyond the speeches on nationalism and solidarity, wealth accumulates in the hands of the richest and more powerful. Democracy staggers, if it ever exists, or it never arises, when it does not. In spite of the nationalistic rhetoric that is used to conceal the real interests at stake, the national unity is put under pressure, which opens the way to a new destructive scheme: the intra-national (civil) war for resources, and the ethnic masked ball threatens to move nowadays from African diamonds to Bolivian gas. Political and religious fundamentalisms predominate in the Petropolitics universe. The world is divided between "friends", who are co-opted for the reproduction of the existing power, and "enemies", who are bound to symbolic destitution or physical destruction. Third-world-friendly theories on "unequal interchanges", which attributed underdevelopment to the low prices of raw materials, have shown their irrelevance, because even after decades of vertical ascent of oil prices, that originated an incommensurable flow of wealth towards the OPEC countries, the life conditions of their citizens experienced no significant change. The ambiguous properties of natural resources as factors of progress did not only make the theory of "unequal interchanges" obsolete, but are at the origin of the "curse of natural resources" thesis, an idea that is well confirmed by the fact that countries where

per-capita resources are very low (such as Japan) have been able to develop rich and egalitarian societies, whereas in other countries with very high per-capita average of natural resources (such as Argentina) poverty and inequalities continue to increase. The fact that Latin America is the continent with the greatest amount of natural resources per inhabitant and also the one of bigger inequalities, and that Africa follows in both headings, is a confirmation of the thesis.

Africa, the continent where the weight of natural resources in the GDP is the highest in the world, has become the preferred territory of tribal barbarism. Secular tyrannies and ethnic cleansing are encouraged by corporations that are after diamonds in Sierra Leone and oil in Sudan. While the world was watching Iraq, millions of African died and hundreds of thousands became refugees in the most extensive humanitarian drama of the 21st century. The tribalism and militarization of African societies generated a renewed Middle Age where spears and arrows have been replaced by Kalashnikovs and machine guns. It does not seem accidental that the Middle East, where oil is the basic economic resource, has become the center of world-wide political instability, insecurity and global terrorism.

Recent studies – such as Friedman’s – show a strong correlation between the rise of oil prices after the invasion of Iraq and the worsening of democratic rights and freedom standards. However, although Friedman locates the phenomenon in “oil-rich petrolist states”, the trend is visible not only in Latin American, African and Middle-East societies, but also in the United States of America, which is far from being “petrolist” but where the oil industry is very powerful and is very close to political power.

Petropolitical leadership

How many billion dollars have the big oil companies spent in financing campaigns that presented nuclear energy as a too dangerous option? How much money for presenting bio-fuels and hydrogen as if they were good only for science-fiction books? How many

dollars in delaying investigations on alternative sources of energy? How much in obstructing the development of democratic global institutions that could – say – establish a world-wide tax on fossil fuels and provide monetary resources to the investigation, development and application of renewable and non-polluting sources? Conspiracy or not, the certain thing is that we live in a world that has become completely different from the early-20th-century industrial era, but in which fossil fuels continue to be the basic source of energy. Significantly, the only sector in which the technological revolution has not fulfilled its promises, the energy sector, has generated a Petropolitical nucleus of pre-industrial nationalistic nature that has spread like cancer during the last decade.

Let us look at the map of the world: the first oil exporter is Saudi Arabia, a country dominated by an absolute monarchy, in the region where Osama Bin Laden was born; the second is Russia, a country presided over by the former KGB boss Vladimir Putin; the fourth is Iran, led by the belligerent Mahmoud Ahmadinejad; the fifth is Venezuela, whose leader is the authoritarian Colonel Chávez; at the sixth place are the feudal Arab Emirates; the seventh is dynastic Kuwait; the eighth is the devastated Nigeria; the tenth is the Algeria of the criminal Muslim Brothers; the eleventh is Iraq, that was a private property of Saddam Hussein and the twelfth is Libya that is still Muammar Gaddafi’s property.

This list matches the greatest warlike conflicts of the last decades and the most authoritarian regimes, which allow us to understand the true dimensions that Petropolitics assumes. Yet, it is not all. Symptomatically, the national character of companies (which is an anachronistic relic of national-industrialist times) is a generalized feature of the oil sector. Exxon, Chevron, BP and Repsol (from the First-world), as well as PDVSA and Petrobras (from the Third-world) are basically national corporations. Bi-national (English-Dutch) Shell is the insurmountable maximum of cosmopolitanism that big oil corporations have reached for the time being. In

addition, the national list of oil producers shows the United States in the third position and the United Kingdom in the thirteenth. No need to say that these nations – whose oil companies dominate the global market – have led the disastrous invasion of Iraq, thus acceding to the control of the second largest oil reserve in the world and generating a rise of the price of oil that has made the fortune of the Petropolitical sector. Is this a mere chance or is it the fulfilled demonstration of a cause-effect relationship that affects advanced countries too?

A new global political polarity

Petropolitics has invaded national policies by placing reactionary leaders linked to corporative powers and nationalistic-industrialist conceptions at the head of national structures. This is exactly the role that the Bush dynasty has played in the United States. Also the misfortune of Tony Blair, the man who was the most promising progressive leader of the advanced world, originated in the disasters generated by the Petropolitics kingdom.

When political analysts observe that the USA has been split into two divergent social universes: hyper-connected, cosmopolitan and progressive coasts² mostly dedicated to symbolic production, where Democrats always win, and a disconnected, nationalistic and reactionary countryside, mostly dedicated to agrarian and manufacturing jobs, which always vote for Bush and the Republicans, this is nothing but the confirmation of Toffler's prediction. It simply means that the 21st century has entered America in the form of a fight for hegemony between the Second and the Third wave, that somehow reminds of the fight between the industrial North and the rural South during the 19th century.

A US-only phenomenon? Not at all. Latin America's political scenario is also getting polarized by tensions between – on the one hand – Colonel Chávez (Venezuela) and his allies

Morales (Bolivia) and Correa (Ecuador) (the three are presidents of the only South American nations where oil and gas are the predominant economic resources), and – on the other hand – the other governors of the subcontinent. Argentina, the other country where nationalism and authoritarianism have recently spread (although to a lesser extent), has – for the first time in its history – a president coming from a region (Patagonia) that concentrates 84% of the national oil production.

Nonetheless, Petropolitics is not just a South-plus North-American dilemma. The tension between nationalistic industrialism and the post-industrial world has become visible worldwide as a global polarity. Now, Petropolitical sheikhs who pretend to govern the world are facing a coalition of forces (its most powerful elements being the European Union, Japan and Canada) that are basically favourable to global agreements on environmental and financial regulations, that support the reinforcement of supranational institutions (such as the European Union, the International Criminal Court and the UN), and strongly oppose Petropolitical unilateralism and militarism.

Oil has replaced carbon as the main source of energy and the central *raison-d'être* of authoritarianism and war. In this sense, it should be reminded that the French-German dispute for coal was at the base of two world wars and that its settlement through the creation of the Coal and Steel Community was the advent of an uninterrupted period of peace and prosperity for Europe. If the future has to have a chance in the face of the forces of the past and if the third wave has to prevail over the second and first ones, world federalism and global democracy have to see to the pacific defeat of the Petropolitical nucleus of power. May the world follow Europe and use the lessons on political unity given by the 20th century to abolish Petropolitics.

¹See "The First Law of Petropolitics" by Thomas L. Friedman, in *Foreign Policy*, May-June 2006

²Which includes Chicago, Boston and the Northern Lakes region

Arctic Oil and the Law of the Seize

René Wadlow

There is a touch of the 19th century scramble to divide Africa among European colonial powers in Russia's decision to drop a capsule containing a Russian flag on the Arctic sea floor not far from the North Pole on August 2nd. In preparation for the 1885 Berlin Conference which was to draw the boundaries of the African colonies, there was a mad rush to place national flags on all the commercial outposts so that France, England, Germany, Spain, Belgium and Portugal could claim prior possession of the area.

The Russian flag provoked an immediate three-day Arctic trip of the Canadian Prime Minister, Stephen Harper, followed by strong statements from Norway which has Arctic claims, and an expedition from Denmark, whose Greenland possessions allow it to claim that the disputed Lomonosov Ridge, a 1,240-mile underwater mountain range, is attached to Greenland. The Danish Minister of Science and Technology, Helge Sander, said "No matter how many flags you plant or how many prime ministers you send, that doesn't become a valid parameter in the process". However, to make sure that the Danish flag is seen, Denmark has plans for two more expeditions to justify its claims. Not to be left behind, the US Coast Guard is sending a ship this year, the cutter Healy, to map the sea floor on the northern Chukchi Cap, an underwater plateau that extends from Alaska some 1,500 miles northward.

The Russian expedition was led by Arthur Chilingarov, an Arctic explorer who is also a vice-president of the Russian Parliament, the

Douma, so that the dropping of the flag is a symbol that will be brought quickly to the attention of Russian lawmakers. The expeditions reflect the growing rivalry between Russia, the USA, Canada, Norway and Denmark for the Arctic's underwater riches, an estimated 10 billion dollars of riches, in particular, oil and gas. Iceland has also presented claims but is a less active participant in the scramble.

The irony of the scramble is that the race is intensifying because global warming is shrinking the polar ice, making oil exploitation economically possible. More oil use will intensify global warming. There are also possibilities of valuable minerals on the Arctic seabed as well as untapped fishing stocks.

Fortunately, there are UN structures which should prevent a free-for-all battle based only on political influence. The Third Law of the Sea Conference created a UN body – the Commission on the Limits of the Continental Shelf¹ – whose mandate is to decide the claims concerning the continental shelf. The Commission is made up of independent experts drawn from states which have ratified the 1982 Law of the Sea Convention. Thus, there are no US members on the Commission as the USA has not ratified the Convention, due to narrow nationalistic fears in the US Senate. There are efforts currently underway to revive Senate action on the Law of the Sea Convention, but even if the USA ratifies, there will not be a vacant seat on the Continental Shelf Commission for some time. As with all UN bodies made up of independent experts, some members are more independent than

others, and some are more expert than others. The Continental Shelf Commission is to base its decisions on geological evidence, but politics is never far away.

The rather complicated Continental Shelf issues arise from the results of the Third UN Law of the Sea Conference which began in Caracas in 1974 and whose Convention came into force in 1982. There had been two earlier UN Conferences on the Law of the Sea in 1958 and 1960 but with rather narrow legal agendas. By the time of the Third Conference, many colonial countries had become independent and wanted a role in what was presented at the time as the most important legal gathering since the 1945 San Francisco Conference launched the UN. Moreover, many “geographically disadvantaged” nations such as those who were landlocked or with short coasts were determined not to be left out. Geography often won over Cold War ideology as Swiss and Nepalese diplomats led the landlocked caucus.

The momentum for the Third Law of the Sea Conference had begun with a historic speech in the UN General Assembly in 1967 by Ambassador Arvid Pardo of Malta who developed the idea of the common heritage of mankind for the sea-bed and the ocean floor beyond the limits of national jurisdiction. Pardo also had a strong ecological concern stressing that “nations must do together what they cannot do singly. Since none of them can conserve the ocean environment and prevent pollution individually, they must do it together”.

US international law scholars, in particular Louis Sohn, professor of international law at Harvard, had played an important role in setting the intellectual foundations for the conference. The US Draft Ocean Treaty presented in 1970 was very international and generous in a common heritage of mankind direction. Later, the Treasury Department and

the Office of Management and Budget gutted the US Draft, leaving however the innovative sections on the settlement of disputes to which Sohn had largely contributed.

The Law of the Sea Conference which ran from 1974 to 1980 – “the longest running show on Broadway” as some called it – was held at a time when many diplomats felt that there would be a world-wide struggle for resources. There was the 1973 Arab oil boycott and the resultant steep rise in petroleum prices. Howard Hughes had just launched a new ocean mining vessel, the Hughes Glomar Explorer, which many saw as a sign that only the most technologically advanced – either private or State-owned companies – would have access to hard minerals on the sea floor, in particular manganese nodules which contain copper, nickel and cobalt as well as manganese.

The fear of a resource battle led governments to place as much of the seabed as possible under national control – leading to what some called “the law of the seize”. Under the Convention, every State has the right to exploit the ocean floor and the seabed up to 200 nautical miles off its coast, provided that the area does not overlap with the seabed of other States. In addition, States can establish the right to further seabed if they can prove with geological evidence that their continental shelves extend more than 200 miles beyond their coasts. Underwater mountains as in the Arctic can be considered as part of their continental shelf if they are linked or were linked to the above-sea continental shelf.

A State must present its evidence to the UN Commission on the Continental Shelf, but only after ratifying the Convention on the Law of the Sea. All States involved in the Arctic Ocean continental shelf have ratified the Convention except the USA. Thus, the Commission on the Limits of the Continental Shelf takes on added importance.

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The only alternative to the application of the Law of the Sea Convention would be a new treaty among only those States concerned with the Arctic Ocean sea bed. The precedent for such a treaty is the Treaty on the Antarctic in which 12 countries ratified a treaty to create a legal framework to govern the southernmost continent. Some, such as Scott Borgerson, who teaches maritime studies at the US Coast Guard Academy and is a fellow at the Council on Foreign Relations, are looking to the Antarctic Treaty of 1959 as a model to prevent an Arctic race for oil by avoiding the provisions of the Law of the Sea Convention which the USA has not signed.

Since the Antarctic Treaty is bedside reading for only a few, it is useful to look at its provisions and to see if it can be a useful precedent². The Antarctic Treaty was drafted largely as a way to avoid a clash of sovereignty among seven states, some of whose claims to territory in Antarctica overlap, in particular Chile, Argentina and the United Kingdom. The claims were highlighted in 1958 which the United Nations proclaimed as International Geophysical Year, and there were at least twelve national expeditions that year in the Antarctic.

It is believed that the Antarctic continent once existed in close juxtaposition with Australia, South Africa, South America, and India in an original super-continent, Gondwanaland. Since the latter areas are all well endowed with minerals, it is assumed that the Antarctic must be likewise. While extraction would be difficult and expensive, the price of oil and minerals could make extraction financially worthwhile.

The success of the 1958 International Geophysical Year encouraged hopes of making the spirit of scientific co-operation more permanent, leading to the 1959 Antarctic Treaty among twelve states – those with sovereignty claims and five additional states which had participated in the expeditions of the Geophysical Year.

The Treaty has four notable components. First, it established the world's first nuclear-free zone, preventing the placing of nuclear weapons and nuclear waste. The Treaty did not rule out the civilian use of nuclear energy, and so the USA installed a nuclear power plant at its McMurdo Base. It failed to live up to its expectations and was decommissioned in 1978. Since it was decommissioned, it then became radioactive waste, and the material had to be shipped back to the USA at almost the same cost as originally building it.

Second, the Antarctic Treaty has frozen land claims, such as those of the UK, Chile and Argentina which overlap. The USA and the Soviet Union by contrast did not make any claims but did not recognise the claims of others. The Treaty froze the issue. No new claims were to be made but the current claimants were not forced to give up what they already claimed. Meanwhile, for those states that did not recognise any of the claims, the Treaty permitted them to continue their policy of non-recognition.

Third, the Treaty guaranteed international co-operation in scientific investigation. There is an exchange of information regarding scientific programs, as well as co-operation among scientific personnel.

Finally, there is a strong international mechanism to supervise the implementation of the Treaty. This international mechanism also contains an obligation among the nations concerned to settle their disputes peacefully by negotiation and inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice.

The Treaty has worked well. While political disputes come and go, the challenges of science remain. In the mid-1970s during the negotiation on the Law of the Sea Convention, Sri Lanka proposed that the Convention should apply to the Antarctic. This idea was beaten back by the

12 states party to the Antarctic Treaty; the UK, USA and USSR having a good number of allies or clients. Thus it was agreed that the Antarctic should not be dealt with by the Law of the Sea negotiations nor by its Convention. A few states, in particular Malaysia had raised the issue in the mid 1980s in the UN General Assembly, but were never able to build up momentum to really question the Treaty – a deal among a small number of powerful states. The Antarctic Treaty of 1959 is a product of a bygone era. It was created at a time when many states were still colonies of European powers and so were largely ignored in international politics. Thus a handful of developed states could determine the outcome of a large area without recourse to advice from Asia or Africa. Today, such a treaty among only a few states is less possible even if

the outcome of the Antarctic Treaty has been largely positive.

Concerning the North Pole, the Arctic states – Canada, Denmark, Finland, Iceland, Norway, Sweden, Russia, and the USA – participate in an intergovernmental body, the Arctic Council concerned largely with environmental questions. Could the Arctic Council serve as a focus for drafting a wider treaty among these states to deal with sovereignty claims, shipping lanes, the development of oil and mineral resources, and the welfare of nearly one million indigenous peoples living within the Arctic Circle? This is one of the questions facing the international community. The quality of the answers given will have to concern more than international lawyers.

¹For a description of the work of the UN Commission on the Limits of the Continental Shelf, its members and some of its past efforts, see its official website www.UN.org/Depts/los/cles_new/cles_home.htm

²For those who would like to study it at length, see Emilio Sahurie, *The International Law of Antarctica*, Dordrecht, NL, Martinus Nijhoff Publishers, 1991, 612 pp.

The Trade-Unions' World Organization is Born

Grazia Borgna

The long journey towards unity

All along its history, the international trade-unions' movement has been marked more by division than by unity, which remained mostly an aspiration.

In between the two World Wars and, with some changes, also after the second, there existed three international organizations:

- The International Confederation of Free Trade Unions (ICFTU), since 1949
- The International Confederation of Christian Trade Unions, which at the end of the 1960s, after being deconfessionalized, became the World Confederation of Labour (WCL, in French CMT)
- The World Federation of Trade Unions, expression of the communist trade unions.

This trade-unions' outline lasted until 1973 when, following an agreement between the Free and the Christian Trade Unions in Europe, the European Trade Union Confederation (ETUC, in French CES) was founded. It was devised as an independent organization with a unitary and pluralist vocation.

In 1989, with the fall of the Berlin Wall, the situation changed radically. Almost all of the newly-founded trade unions in the areas of former Soviet influence joined the ICFTU or the WCL. This process ends with Russia's three Confederations of trade unions joining the ICFTU, in December 2000. A similar route was taken also by other trade unions in other continents.

In such a new context, the 18th World Congress

of the ICFTU, held in Miyazaki, Japan, from December 5 to 10, 2004, announced its decision to set up a new world confederation of trade unions, that would be originated from the unification of the two international Confederations, ICFTU and WCL-CMT, and from the inclusion of many more independent organizations of trade unions, not affiliated to any of the two internationals. The Congress of Vienna is thus held on November 1 to 3, 2006, and it gives origin to the International Trade Unions Confederation (ITUC-CSI).

There is to point out that in this new historical phase the European trade-union organ has to redefine its sphere of competences and its identity. The ETUC-CES will keep its role as autonomous interlocutor of EU institutions and as counterpart in negotiations with the European entrepreneurs, but it will have to take upon itself the challenge of setting up a coordination structure able to include the organizations of Eastern European countries too. The last ETUC-CES Congress, hold in Seville in spring 2007, gave the European trade-unions organ a new role: that of "European regional arm" of the ITUC-CSI, with a wider competence than its previous role of representative of today's members. In fact, it will now have to coordinate with the Eastern European countries, up to Russia's trade unions' confederations, a task which was previously carried out by the ICFTU.

But beside those complex organizational problems, the world trade-unions movement shall face a series of problems that will inevitably be determinant for its future: the

role of a world trade-unions movement in the economic and political scenario characterized by globalization; the fight against poverty and for human, social, environmental and labour rights; its relations with governments and international institutions; its relations with multinational companies and their excessive power, in order for them to come to an effective social responsibility for their activity; its relations with the world's trade unions' federations. All of them are delicate issues that the ITUC-CSI is planning to deal with. The goal of the new world organ, as stated by the Congress that instituted it, is that of becoming "the instrument of a new trade-unions' international role in favour of all workers"; to this end it asks its members "to unite in a common effort so that their solidarity and their influence be the instrument for a better future in a more equitable world".

According to the resolution approved by the Congress, the issues that the ITUC plans to deal with as a priority are:

Another globalization

The Congress commits the ITUC "to radically change" globalization, so that it turns to the advantage of the workers, the unemployed and the poor. A governance of the global economy is necessary, which harmonizes the three pillars, i.e. economic, social and sustainable development; guarantees the universal respect of workers' fundamental rights; provides a dignified work to all; brings an end to mass poverty and substantially reduces inequality within and among nations; promotes growth based on an equitable distribution of income. According to the Congress, a new globalization shall acknowledge the agenda by the International Labor Organization (ILO) for a dignified work and shall aim, as a minimum requirement, at the fulfilment of the UN Millennium Goals. In the new globalization model "it is necessary to levy an international tax on foreign-currency transactions", both

for financing development and for curbing speculative financial movements that cause disastrous social consequences. The provision of efficient public services for all shall be guaranteed as well: "Governments are responsible for guaranteeing the right to education and an equitable access to health and other essential services, including clean water and sanitation". In addition, the Congress states, an efficient and democratic governance of the global economy requires an in-depth reform of international organizations, such as the IMF, the World Bank and the WTO, in order to get a better transparency and democracy in the decision-making processes: it is essential that all the organizations recognize the primacy of human rights over the rules of financial, commercial or economic nature.

Social responsibility

The Congress acknowledges that multinational companies constitute a key element of globalization, which makes cooperation among governments and the international regulation of enterprises ever more necessary and urgent. An efficient exercise of the right to association and of the right to collective bargaining becomes ever more difficult in a context where companies yield the threat to delocalize and their increased power of dictating the working conditions, eluding their responsibility towards the workers, the community, the society and the environment where they operate. The Congress underlines how the existing national institutional and juridical conditions for regulating the activity of enterprises prove to be ever more inadequate, and how binding norms, as well as additional collective agreements, are urgently needed for bringing about companies' responsibility and corporate governance. A greater responsibility must be assigned to companies for the social, environmental and human-rights impact of their activities; the State and the other parties must be allowed to resort to the law and to the imposition of sanctions.

Labour rights

Labour rights constitute an integral part of human rights in the workplace; hence the full and universal respect of labour rights constitutes a key objective for the ITUC, even more urgent in the globalization context. Only where workers are able to organize themselves and to freely bargain, the Congress points out, can they get access to an equitable share of the wealth they create, contributing to equity, consensus and sustainable development. The violation of labour rights, still widespread, constitutes a source of unfair competition in the global economy and must be avoided, both for economic and human-rights-related reasons: repression is a threat to liberty everywhere.

In the Congress' opinion, the exploitation of more than 50 million workers, mostly women, in the "export processing zones" all over the world is a concrete proof of how governments are surrendering themselves in the face of the pressure from an unruled international competition that implies the disregard of labour rights.

Anti-discrimination and security

The Congress commits the ITUC to operate for putting an end to any form of discrimination, so that individuals can live and work in conditions of equality, dignity and justice. The full and efficient application of the principle of equal pay for equal value of one's work must be guaranteed. Given that a

widespread gender-discrimination persists in the working environment and in the society in general, made even worse by many aspects of globalization, the Congress asks that the gender perspective be integrated fully and across-the-table in all the ITUC's policies, activities and programs. Also, it commits itself to support the respect of diversity in working places and in the society in general, and to actively promote measures aiming to fight racism and xenophobia, in particular in workplaces and in the labour market.

In addition, the historical battle of the trade-unions' international movement against child labour and for children's access to education must be continued. Together with the NGOs sharing its objectives, the ITUC will fight child labour, giving the priority to eliminating its most dangerous forms and in particular the exploitation of children.

There is then the commitment for health and security in working places, in order to stop the loss of more than 2 million lives every year due to accidents and professional diseases. The Congress asks that the access to a healthy and secure job be recognized as an undeniable right of all workers; it believes that the involvement of the workers and their representatives reduces accidents and professional diseases, and asks the ITUC to promote national and international initiatives, together with employers and governments, for improving health and security conditions.

Labour Rights in China

Renata Pantucci

A recent public debate held in Milan (Italy) with Chinese dissident Han Dongfang and Italian Labour Confederation's Secretary General Guglielmo Epifani, provides a starting point for throwing light on the issue of China's workers' denied rights; an issue undoubtedly overlooked so far, not forgetting, as Lucio Levi observes, that general democratization in China is an important goal – as well as a requirement – in the process towards world federalism.

In parallel with a rapidly expanding economy, China experiences growing problems of exploitation and lack of safety, as well as a dramatic increase in the gap between social classes. Traits of authoritarianism and antidemocratic behavior of the present Chinese political regime can be found abundantly in China's official trade union, which has some 150 million members, and is the only one recognized and accepted by the government. It is a union devoid of democratically elected delegates, and whose only aim is to avoid disorders and protests.

Before his arrest in 1989, Dongfang had tried to found an independent trade union (the *Autonomous Beijing Workers Federation*), but after the bloody events that took place in Tiananmen Square, his organization was dissolved. Thereafter, his contacts with local representatives of the official trade union, and particularly his vain attempts to establish acceptable working conditions in coal mines, led him to conclude that the trade union was not reformable, least of all 'from the top'.

Being a convinced non-violent activist,

Dongfang started basing his action on media battles, which he is still fighting more or less clandestinely from Hong Kong (where he resides and is hardly 'tolerated' by the authorities), insisting on the demand that the laws in force be applied. In fact, it is important to notice that laws protecting workers do exist in China; only, all too often, they fail to be applied. For instance, there is a law which limits the weekly working hours to 40, with a maximum of 36 hours overtime. Nonetheless, in many areas people work 10 hours a day seven days a week. How to respond to such violations? Certainly not by resorting to strike, which is forbidden by the law unless the lives of workers are in danger, but by turning directly to courts. This is why Dongfang is encouraging the viewers of his TV program Radio Free Asia (20-30 millions on average) to go to court personally and individually to demand, no more no less, the observance of the laws sanctioning infringements of fundamental rights to health and safety.

From a strictly international point of view, it should also be stressed that China should conform to the international standards provided by the organizations it belongs to. According to Epifani, welcoming China into the International Labour Organization without imposing it to observe the laws on human rights, such as those prohibiting child labour and night shifts for women, has been wrong. On the other hand, we must recognize that the international community – the EU included – has been putting pressure on Beijing for some years to make China change its tune. Moreover, several western trade unions have

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established relations with the official Chinese trade union. Their presence is very important, especially for the ethical dissuasion they can exert on businesses; even by going as far as to create scandals... Many businesses strongly value their public image, and the fear of being pointed at as exploiters can be decisive.

All in all, there is no reason to be too pessimistic. According to Dongfang, an economy cannot develop if it keeps regarding human beings as mere tools. The human person must regain a position of centrality. The Communist Party itself is realizing this, as proved by the fact that it shows a ferocious face on the one hand,

but promises to put in place a fairer system on the other.

As Epifani rightly stresses, capitalism has always boosted individual freedom. So far, China has based its economic development on the imitation of foreign models, on mass production, infrastructures and heavy industry – unlike India, for example; but it will have to start developing know-how of its own and counting on technological innovation, sooner or later. Thus, the culture of innovation and the need to play on creativity and risk will inevitably determine an expansion of freedom.

Is Denis de Rougemont's Federalism still Alive?

Bruno Boissière

The hundredth anniversary of the birth of Denis de Rougemont, in 2006, offered us an opportunity not only to commemorate this great European but also to re-discover his works in relation to today's developments and perhaps, more precisely, to look at the future in the light of his original philosophy. In fact, since "the future is our business", we have to ask ourselves what we want to do with the intellectual and personal legacy of the exceptional personality we honour within this article.

The federalism of Denis de Rougemont

"Neither individualists nor collectivists, we are personalists", he proclaimed in the Manifesto of the New Order (1931), a small group of intellectuals whom D. de Rougemont joined. Indeed, de Rougemont places the Person at the centre of his federalist vision. The person respects the principle of subsidiarity in the organization of society, from top to bottom. He liked to quote the expression of the American diplomat D. Moynihan, referred to the US but transposable to Europe: "Never devolve to a larger unit what can be done by a smaller one. What the family can do, the municipality must not do. What the city can do, the States must not do. And what the States can do, the Federal government should not do".

At the basis we find the person, responsible and free, not the individual who has no sense of solidarity. The person, then the family and the borough, communities of first proximity, are the foundations of the federalist society promoted by de Rougemont.

The regions themselves, "clusters of boroughs",

are areas of civic participation, which may form networks across the borders of nation-states, up to finally building federations the size of Europe. In this way, step by step, a Europe of federated regions would be achieved, united on the basis of a common culture but preserving its inner diversity. In other words, de Rougemont's federalism aims at the unity of Europe but not at making it uniform.

Ecology, regions, federated Europe: one future

So, we can see that de Rougemont's "personalist" federalism goes far beyond the institutional dimension of federalism. No wonder that in the last period of his life de Rougemont proposed the slogan: "Ecology, Federated Europe, One Future", and not "one battle"; he explained that a battle can be lost, whereas a future will certainly come true.

De Rougemont's advice is to begin from our environment and our actual communities. But, the nation-state being the common obstacle to ecological and regional solutions, it is advisable to go beyond the nation-state, that is to say, to create an interaction between regions that share common interests, and then arrive at the federation of the continent.

Denis de Rougemont, a man of the future?

In his text "A Light that Never Fails", Alexandre Marc, a friend and disciple of thought and action of de Rougemont, tells that three days before his death the man who would be one hundred years old today confided to him on the phone: "We have not done much yet. You hear me, Alexandre? We have achieved nothing yet. Everything must begin from scratch... and

then go further...; find the efficiency which has been lacking so far. Do you hear me?" Though he was two years older, Alexandre Marc promised to go a little further; a little step but in the right direction, towards the light which patiently inspired and guided both of them..., a light which never dies. One may recognize in these last words de Rougemont's "active" pessimism; in such circumstances he entrusted all his hopes to his friend, an integral federalist, and to their own disciples.

What about ecology in Europe?

Indeed, over more than thirty years, Ministries of the quality of life have been created in most European States, followed by departments of the environment and ecology. Ecological parties are now in existence in municipal councils and assemblies, at the regional and national levels, and even at the European Parliament and in State governments.

The candidates of traditional parties also, on the eve of the elections, accept to sign ecological charters and pledges. World summits are called to weigh and discuss environmental issues. More and more EU legislation is written in the perspective of a "sustainable development", a formula that de Rougemont might have called – even though nobody can speak for him now that he has left us – "a square circle", for it is still understood by the political economic class as "durable development", when we know that the resources of the planet are not inexhaustible.

Very likely de Rougemont, who had placed much hope in the mobilisation of citizens, and especially of the young, to protect the environment from the aggression of society, would feel sadly disappointed, considering the reports on the consequences of climate change which no independent expert seems to call in question, and which, in the long run, may become synonymous of global crisis, if nothing or not enough is done to fight its causes.

Probably he would have denounced the blindness of governments in the face of the warming up of the planet, and would have opposed their projects to resume the building of nuclear power plants. Faithful to his attitude of active pessimism, he would have gathered a large number of personalities of the world of science and culture to find a world solution to this global problem. Being fully aware of the limitations of international institutions, due to the lack of efficiency of inter-governmental negotiations, he would have relied as a last resort on the reaction of citizens, spreading to the whole planet his formula "civism begins with the respect of forests".

And the regions?

During the last decades we have observed a development of regionalism under various forms in European countries, not only in Central and Eastern Europe after the fall of totalitarianism, qualified as "democratic centralism", but also in unitary states reluctant to adopt any notion of federalism, such as the United Kingdom (Scotland and Wales) or in "regionalized" countries where the progressive development of this process comes closer to a federal system, for example in Spain.

In fact, local and regional powers are already institutionalised in the European Union, as testified by the creation of a consultative group called the Committee of Regions. We are still far from a Senate of the Regions of Europe, as de Rougemont imagined it. But the regions of the federal States that are members of the EU, such as Germany and Belgium, share in the European legislative process through a specific mode of representation within the Council of Ministers.

Moreover, in an increasing number of member-states, the European MPs are elected on regional lists and not on one national list, as is now the case in France! Inter-regional and trans-border cooperation now works on specific programmes. These examples show

that, by degrees, regional interests take root in Europe. But the regional struggle is still going on in countries where the strong identity of some regions remains ignored by the national Jacobin system which still prevails in them.

On the contrary, vigilance remains necessary in some countries, such as Belgium, where the claim for independence is winning support in the political class of one of their regions; and here we must keep in mind de Rougemont's warning, that a region must *never* become a small nation-state, and that there cannot be autonomy without solidarity (what about Montenegro, Kosovo and so on?). From this point of view, the attitudes of some so-called federalist parties such as, among others, Italy's Northern League, who refuse to participate in cohesion efforts towards less favoured regions, shall be disqualified.

And what about federal Europe?

Even if the European Union has adopted several elements inspired by federalism, such as a bicameral system with a directly-elected assembly of the people and an assembly of the states, a supranational executive and a supreme court, this *sui generis* construction remains marked by some characteristic traits of a Confederation. In fact, a union founded on inter-governmental treaties, where a unanimous vote remains the rule for adopting or revising them, makes its operation less than democratic and very inefficient, especially with 27 member-States. All the treaties, the latest draft of a Reform treaty included, have, on

purpose, excluded the word "federal" to qualify the European system, and prefer the formula "an ever closer union between the peoples of Europe".

The constitutional project drafted by the European Convention, most of which will survive in the Reform Treaty which is being currently negotiated, is inspired instead by the will of Europe's citizens and States. We can recognize here in embryo the double legitimacy which characterizes a federal democracy. Moreover, the Convention's project was proposing "United in diversity" as the motto of the Union, which is kind of a definition of federalism. De Rougemont's federalism, placing the person at its heart with citizenship and human dignity, would have rejoiced for the fact that the Union has proclaimed a Charter of fundamental rights, which will become legally binding under the new Treaty.

What remains to be done?

At the end of this survey, one can affirm that De Rougemont's federalism, which I have taken the liberty to sum-up in three words: "Ecology, Regions, Federated Europe", remains at the heart of today's Europe, even when its society is in crisis, and in spite of its temporary setbacks and its sometimes fragile achievements. It is up to each of us to persevere and translate Denis de Rougemont's unforgettable philosophy in our actions, so that he is indeed recognized as "the man of the future", according to Alexandre Marc's definition.

Spinelli's Commitment for the European Constitution

John Pinder

The directly elected EP and the making of the Draft Treaty on European Union

Spinelli was, three decades after his initiative for creating a European Political Community (EPC) in the early 1950s, once again at the centre of a major endeavour to federate Europe. But this time the Monnet method of building federal Europe by a series of steps had provided him with a directly elected Parliament to act as a constituent, and, aged seventy five, he now had not only an idea for achieving it in the form of a treaty to establish a federal European Union but also a capacity for leadership through persuasion as well as example; and, in order to get the Parliament's structures and party groups on board for the voyage, he realised that he should begin by securing the commitment of a sufficient core of individual MEPs to the idea.

He opened his campaign in May 1980 in a debate on the budget, when he judged that their treatment by the Council had irritated MEPs sufficiently, by declaring that the Council's behaviour regarding the budget was such that the Parliament must initiate reform of the institutions: if this was to be done by the governments ignoring the Parliament, the result would be an intergovernmental reform that would change nothing; if by Parliament, it would deliver stronger, supranational institutions capable of dealing with the problems. He followed this with a letter to all MEPs and an invitation to a dinner at the Restaurant Crocodile, which was attended only by three other Italians, three British and two Germans, who did however found the Crocodile Club to promote the idea. Membership grew,

regular weekly meetings were held and by the end of the year some eighty had expressed interest. A resolution was drafted for MEPs to sign, proposing an ad hoc working party representing all political groups and currents of opinion, to devote itself to the task of drawing up a constitution to present to the member states; and by June there were a hundred and seventy nine signatures, from all the significant party groups. But the largest group, the Christian Democrats, was under-represented, evidently because, having been prominent in the Parliament's federalist initiatives, they saw Spinelli as an interloper: In discussion with them, however, Spinelli discovered that they would be satisfied if the resolution proposed a full parliamentary committee rather than a less formal working group, which he was ready to concede – and which was surely an important improvement.

The Parliament approved the resolution and the Committee on Institutional Affairs started work in January 1982, with a strong membership, balanced among the party groups and including three chairs from other committees. Spinelli wished to emphasise broad support rather than over-identification with himself. So chapters on the several aspects were drafted by six co-rapporteurs from the different party groups, within the framework of a basic general draft provided by himself as general rapporteur, underlining the principles of democratic and effective institutions and of competences attributed according to the principle of subsidiarity. The Committee repeatedly discussed and revised all the reports, until a full draft report was collated and edited

by Spinelli, and it was debated, amended and approved by a large majority in the Committee. This vast task was completed and presented to plenary session, which, after discussing 185 amendments and adopting a few of them, approved the resolution in September 1983 by 202 votes to 37.

Four lawyers then worked with Spinelli on drafting a legal text, which included Article 82 stipulating that the Treaty could enter into effect when ratified by over half the member-states containing two-thirds of the Community's population. That was of course designed to prevent the whole enterprise from being torpedoed, like the EPC in 1954, by the veto of one or two member states. Knowing that this would be controversial, Spinelli had kept it until this stage so that MEPs could both appreciate the importance of the project and be confident that its implementation was legally well enough founded. That strategy was vindicated on 14 February 1984 when the plenary approved the legal text by the yet larger majority of 237 to 32.

The Parliament's Draft Treaty

Apart from Article 82, by-passing the veto on treaty amendment, the various provisions of the Draft Treaty establishing the European Union did not break with the method of building on the foundations of the European Community. Indeed many of the provisions have been put into effect in subsequent amending treaties. The distinction was, rather, in the scale of what was proposed, designed as a radically new departure to create a more powerful, democratic and effective Union.

Thus the European Union would inherit all the laws, practices and institutions of the European Community that were compatible with the new Treaty. The European Council would decide its own working methods and a new function would be to nominate the President of the Commission, who would select the list of other Commissioners to be presented

for approval by the Parliament. The Council would decide mainly under the procedure of qualified majority and in legislative codecision with the Parliament. The Commission would be strengthened and the Court of Justice aided by a Court of First Instance. The division of powers between Union and member states would follow the principle of subsidiarity. There would be a monetary union and timetable for completion of the internal market; and the provision for environmental and social policies would be more explicit. The distinction between agricultural and other expenditure would be abolished and the Union would have power to raise its 'own resources'. These provisions were all in the line of the Community's federal development. But cooperation in defence and political aspects of foreign policy was to be the responsibility of the European Council, which was to determine its own procedures, i.e. to work on a basis of consensus until it should decide otherwise.

Spinelli had carefully planned the next steps, towards winning enough support to ensure ratification of the Draft Treaty. The Parliament secured backing from the European associations of employers and trade unions as well from other elements of civil society. The Treaty was presented to member states' parliaments, was generally well received and was approved as it stood by the Belgian and Italian parliaments. But the breakthrough came when, two months after the European Parliament had approved the Treaty, Spinelli together with the President of the Parliament, Piet Dankert, and of the Institutional Committee, Mauro Ferri, visited President Mitterrand. Spinelli believed that French leadership would be the key to success. So he outlined the unique role that France, and hence Mitterrand himself, could play in launching the process of ratification and he proposed that Mitterrand should make a statement to that effect in his speech to Parliament in May 1984 as the current President of the European Council. Mitterrand was evidently impressed by what Spinelli said

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because he ended that speech by expressing his support for the Draft Treaty, adding that 'France is available for such an enterprise'; that he, as President, was willing, on behalf of France, 'to examine and defend your project, the inspiration behind which it approves; and, implicitly accepting the by-passing of the veto through Article 82, that consultations should begin leading up to a conference 'of the member states concerned'.

Meanwhile Parliament's delegation had visited Bonn, where Spinelli found parties and members of the Bundestag largely supportive. But the reaction of the Chancellor's office was that the time was not yet ripe to consider alternatives to all the member states going forward together, with particular mention of the occupying powers, i.e. the UK as well as France. The preference for steps taken by all member states was a settled element in Germany's European policy; and it may well be that the political situation in the Soviet Union, where Gorbachev was to succeed to the leadership in a year's time, weighed heavily with Chancellor Kohl, who had long combined what seemed to many to be, for his generation, the contradictory ambitions of achieving both European and German unification – the latter requiring the consent of all four occupying powers.

Mitterrand then secured the agreement of the European Council in June to set up an Ad Hoc Committee of the heads of governments' personal representatives, which became known as the Dooge Committee after the Irish Senator who chaired it, to prepare the ground for the proposed conference; and Mitterrand appointed as his own representative Maurice Faure, who had been one of the signatories of the Rome Treaties and could be relied on to draft a report for the Committee incorporating the main features of the Draft Treaty. This he indeed did in the Committee's Interim Report, presented to the European Council in December 1984, with the reservations of the

British, Danish and Greek members expressed in numerous dissenting footnotes.

Spinelli had by now identified Germany as the 'weak point' among the states whose support for the Draft Treaty was necessary; and Kohl proposed postponement of the decision on the Committee's final report, with presentation only to the foreign ministers in March and to the European Council not until June. Spinelli perceived that this delay was a danger for the Draft Treaty.

From Draft Treaty to Single European Act

The destiny of the Draft Treaty had indeed been profoundly affected by another decision of the European Council under Mitterrand's Presidency: to appoint Jacques Delors as President of the Commission starting in January 1985. Delors was determined to get the Community moving again after two decades of relative stagnation but, like Monnet, he sought what he thought politically possible while being at the same time necessary, whereas Spinelli put all his effort into making his vision of the necessary possible. So Delors spent the latter part of 1984 visiting the heads of member states' governments to ascertain which they would accept among what he identified as four major necessary projects: monetary union, common defence policy, reform to make the institutions more effective and democratic, or completion of the internal market. Needless to say, the one that gained unanimous assent, including that of Mrs Thatcher, was the single market. So Delors began his Commission Presidency preparing, with great speed and energy, a very detailed White Paper on a programme for completing the internal market by 1992, for presentation to the European Council in 1985.

Spinelli was encouraged when Delors told him, in September 1984, that he was now convinced that institutions were decisive. But Delors was doubtless thinking of institutional reforms that would be required to make a project such as the single market effective, rather than those of

the Draft Treaty as a whole; and this offered a way through Kohl's dilemma by providing for a significant reform which all the member states were likely to accept.

Delors had the advantage of a close relationship with Mitterrand, including recent service as finance minister in his government; and this, combined with the Presidency of the Commission, helped to give him privileged access to Kohl. So it was perhaps not surprising that before the meeting of the European Council in June, both Kohl and Mitterrand made it known that they favoured reforms such as a move towards qualified majority voting in the Council, increases in power for the Commission and the Parliament, and an extension of Community competences, corresponding to what was to be required for what became the Single European Act rather than the full Draft Treaty.

This evidence that Mitterrand had abandoned the Draft Treaty was extremely disturbing for Spinelli, who underwent a major cancer operation on 22 May which seriously weakened him throughout the summer and prevented him from travelling until October. Mrs Thatcher, who preferred trying to create the single market through a 'gentlemen's agreement' rather than treaty amendment, was against the proposal for an intergovernmental conference. But the Italian presidency called a vote, in which the six founder states plus Ireland prevailed over the negative votes of Britain, Denmark and Greece. While this was encouraging, the IGC was based on the Commission's White Paper and the Dooge Committee's report, not the Parliament's Draft Treaty. So the main institutional reforms incorporated in the Single European Act agreed by the European Council in December 1985 were confined to provision for qualified majority voting on single market legislation, a "cooperation" procedure that gave the Parliament a foot in the door to legislative power and an assent procedure for accession treaties and association agreements; and there

were some new competences in fields such as the environment, social policy and a fund to support the Community's less-developed regions, together with a commitment to the aim of monetary union.

Spinelli's first journey after his operation was to Bonn, in early October, where he was well received at the Bundestag, which had however delayed delivering its report, recommending that the Draft Treaty be the basis for the government's position, until after the IGC had been completed – perhaps because the Christian Democrats wished to express their support for the more federalist project while not embarrassing Kohl before the day of decision on the Single Act in the European Council. Spinelli followed this with a visit to Brussels for lunch with Delors, who said that not only Britain but also France and Germany were now opposed to the Draft Treaty and that the Commission, more realistically than the Parliament, was seeking a compromise; and after the European Council's meeting, Delors told the Parliament that what had been agreed was not enough, but nevertheless a significant step.

The Single European Act was signed in February 1986. Spinelli tried, despite his failing health, to rally MEPs into promoting a campaign to secure support from a group of member states for giving the Parliament a constituent role after the next European elections. But MEPs no longer had the stomach for it. So he died on the twenty third of May, believing that the result of all his efforts had been 'only a miserable little mouse, which many suspect is a dead mouse'.

Spinelli's legacy

The legacy of the second great episode of Spinelli's European federal odyssey, from 1970 to 1986, was twofold. He put the idea of a European constitution back on the political map from which it had been deleted since the mid-1950s, and he made a major contribution

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to the relaunching of the process of the Community's federal development, after the stasis initiated by de Gaulle.

Delors, in his *Mémoires*, was to express himself as 'surprised and hurt' that Spinelli had criticised the Single European Act so severely, pointing out that, without the impact of the Draft Treaty, he would not have been able to insert so many 'factors of progress' in it. The SEA did indeed initiate a period of dynamism in the Community during which important federal elements of the Draft Treaty came into effect. The Act's apparently modest institutional reforms led on, through subsequent treaties, to the application of the principles of qualified majority voting and codecision for most legislative decisions; to nomination by the European Council of the Commission's President subject to approval by the Parliament; and to the establishment of the Court of First Instance. Subsidiarity became a basic principle for the division of responsibilities between the member states and what is now called, as in the Draft Treaty, the Union. The Single Act's commitment to 'the progressive realisation of economic and monetary union' was honoured by the creation of the euro and the European Central Bank, for which British and Danish vetoes were circumvented by what amounted to a specific application of the principle of Article 82; and there is now an Amsterdam Treaty provision for this precedent to be followed by member states wishing to go farther and faster towards a federal polity.

All this confirmed the constructive synergy of Monnet's and Spinelli's approaches to the building of a federal Europe. It had been

Monnet's creation of the ECSC and initiation of the proposal for an EDC that gave Spinelli the opportunity to promote his project for a federal EPC; and from this in turn emerged the project of the common market for the relaunching of Monnet's Community process, with the successful extension of its scope in the EEC. It was thanks to the provision in the ECSC and subsequent Treaties for direct elections that Spinelli was able to go so far towards realising, in the form of the Parliament's Draft Treaty, his vision of the citizens' representatives drafting a federal constitution, which led on to the federal elements in subsequent treaties, as well as keeping the aim of a federal European constitution on the agenda.

Spinelli recognised this synergy when he said, on the day after the Parliament's first massive vote in favour of the Draft Treaty in September 1983, that "Monnet has the great merit of having built Europe and the great responsibility to have built it badly", and while it was surely not feasible in 1950 to "build Europe well" in the full sense that Spinelli doubtless had in mind, his radical initiatives in 1951-53 and 1981-84 not only kept the aim of a European federal constitution on the agenda but were also major impulses towards building the Union better. Twenty years later the Convention put the idea of a constitution on the agenda again, though as the name for a less federal and more complicated project than the Parliament's Draft Treaty, and the outcome is almost certain to be some further federal steps. So the final destination of his odyssey is not yet in sight. But his life remains an inspiration for those who are continuing the journey, and in particular for those who wish to complete it.

The “Spinelli” Treaty of February 1984

The start of the process of constitutionalising the European Union

Paolo Ponzano

1. Introduction/Summary

On 14 February 1984, at the urging of Altiero Spinelli, the European Parliament approved a draft Treaty as the start of the process of constitutionalising the European Union. This initiative led first to the revision of the Treaties establishing the European Community (the Single Act, the Treaties of Maastricht, Amsterdam, Nice) and later to the Constitutional Treaty of 29 October 2004.

Altiero Spinelli made his constitutional attempt (i.e. to provide the European Community with a kind of constitutional text) at a time when the European Community was embroiled in negotiations about the amount of Britain’s contribution to the European budget, reforming the common agricultural policy and increasing the very resources of the Union itself (not to mention negotiations on Spanish and Portuguese membership). As we can see, they were the same problems that gripped the Union in 2005 during the difficult discussions on the financial perspectives for the years 2007-2013.

The European Parliament was frustrated by the fact that, despite being elected by direct electoral suffrage, it did not have real powers of political influence in the European decision-making process (with the sole and essentially negative exceptions of the power to reject the budget adopted by the Council and the power to censor the Commission, but without being able to influence its investiture). Departing from his purely advisory role, Altiero Spinelli decided to prompt the European Parliament to become the “main

weapon” of the constituent process within the Community and to revive the dynamics that were at least supposed to result in the radical reform of the European institutions as conceived by the 1957 Treaties of Rome, if not in the immediate adoption of a European “Constitution”. In other words, he decided to take the initiative to lend new impetus to the process of European integration through the drawing up of a “new Treaty” rather than a simple change of detail in the existing Treaties.

2. The Spinelli Project

Re-reading the draft voted on by the European Parliament in February 1984 under the decisive impulse of Altiero Spinelli allows us to rediscover its extraordinary relevance and, at the same time, its precursory influence on the successive amendments to the Treaties of Rome. The relevance of the Spinelli Project lies at once in the method of drafting the Treaty and in the content of many of its provisions.

In the early 1980s, not unlike the situation today, the process of European integration found itself stuck in discussions about Britain’s financial contribution, agricultural policy reform and increasing its own resources. Moreover, the Community was starting its third expansion to embrace Spain and Portugal without making provision meanwhile to reinforce its institutional mechanisms and powers. On the other hand, the European Parliament had been elected by direct universal suffrage in 1979 even though its essentially advisory powers remained unaltered. The exception of the power to reject the budget

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had proved to be a blunt weapon since the Council had been able to adopt a new budget similar to the one rejected by Parliament. The European Commission's power of censorship would also prove to be equally blunt since the Member States would have been able to appoint a Board of Commissioners not necessarily as welcoming to the European Parliament as the former (given that, unlike today, the Parliament did not have the power to approve the nomination of the new Commission). Therefore, the European Parliament was in danger of becoming, as was revealed, "an Assembly invested with an increased moral and political responsibility, but lacking in competences enabling it to exercise them". Like a good strategist, Altiero Spinelli made himself the commentator of this unsatisfactory situation and in a speech to the European Parliament in 1980 he launched a political initiative to give the European Community new powers and its institutions the means of exercising them. It was in that very speech on 25 June 1980, when the budget adopted by the Council was rejected, that Altiero Spinelli urged the European Parliament to take charge of the future destiny of the European Community and to launch the initiative of undertaking a "global reform" of the Rome Treaties.

In the interest of brevity, I shall limit myself to going over the fundamental steps of Altiero Spinelli's initiative:

- a) creation of the "Crocodile Club" as a transversal group of innovative European Parliamentarians (reminiscent of the watershed between innovators and conservatives already present in the Ventotene Manifesto);
- b) creation of an "Ad Hoc Commission" within the European Parliament in charge of drawing up the draft of the Treaty;
- c) bringing pressure to bear on such prominent political personalities as Enrico Berlinguer, Willy Brandt, Leo Tindemans and finally, after the vote of the European

Parliament, François Mitterrand, who Spinelli felt was the political personality most likely to support the Treaty both as the President of France and because of his personal leanings. Spinelli's strategy came to fruition when Mitterrand delivered his speech on 24 May 1984 in Strasbourg: "On behalf of France, I declare it ready to examine your project, whose spirit suits it".

Re-reading it today, Mitterrand's declaration can be interpreted in the light of other factors, as behind the statement by the President there was also a French interest in supporting the Spinelli Project, as was revealed by J.M. Palayret, who consulted the French diplomatic archives of the time. This interest lays in using a more ambitious European Union project to counterbalance English minimalism and keep open the option of a two-speed Europe (or one of variable-geometry), as Article 82 of the Spinelli Project suggested (once there was a majority of States representing 2/3 of the population, it provided for governments to decide, by common accord, the date on which the Treaty entered into force and the relations with States that had not ratified it). As we can see, this clause is more ambitious than declaration No 30 attached to the Constitutional Treaty of 29/10/2004, even though it is driven by the same desire to "sidestep" the unanimity rule.

3. The essential elements of the Spinelli Project

Re-reading the text of the Treaty of 14 February 1984 shows that most of its innovative provisions were included in successive Treaties or in the text of the Constitutional Treaty of 29 October 2004. Let's go over them briefly:

3.1 The method used by Spinelli

Altiero Spinelli was the first to argue that a Constitutional Treaty could not be drafted by an intergovernmental conference according to the traditional diplomatic method. Governments made this theory their own

when, after the Treaty of Nice, they entrusted a European Convention with the task of preparing a new draft Treaty. Furthermore, in the Spinelli Project there was the germ of participation by national parliaments and civil society, such as emerged later in the European Convention and its methods of work.

3.2 The general structure of the Treaty

The Spinelli Project takes shape as a new institutional Treaty of the European Union and not as a mere revision of existing Treaties (unlike the Single Act, the Treaties of Maastricht, Amsterdam and Nice, but like the Constitutional Treaty of 29/10/2004). Therefore, rather than merely amending existing treaties, Altiero Spinelli really started the “constitutional” process of the Union.

3.3 Surmounting the various forms of political cooperation/integration

Article 1 of the Spinelli Project provides for the creation of a European Union that goes beyond the three European communities existing in 1984, the European monetary system and political cooperation. It is thus an approach that is equivalent to suppressing the three pillars provided for by the Constitutional Treaty of 2004 (which will be maintained by the new Treaty that will come out of the current Intergovernmental Conference).

3.4 European citizenship

Article 3 of the Spinelli Project introduces the concept of Union citizenship in parallel with national citizenship, the two being closely connected. This concept was revived by the Maastricht Treaty on the European Union and maintained in successive Treaties.

3.5 Fundamental rights

Article 4 introduces the idea of the fundamental rights that derive from the common principles of the National Constitutions, as well as from the European Convention for the Protection of Human Rights and Fundamental Freedoms. This article refers not only to the classic rights

of the ECHR, but also to the new economic and social rights guaranteed by the National Constitutions (as would be done later by the Charter of Fundamental Rights promulgated in Nice in 2000 and integrated into the Constitutional Treaty of 2004).

3.6 Sanctions against Member States

To guarantee that fundamental rights are respected, Article 4(4) introduces the principle of penalties against States that are in breach of the democratic principles or the fundamental rights themselves. This provision anticipates the articles later introduced in the Amsterdam Treaty following the penalties bilaterally applied against Austria by certain Member States.

3.7 The institutionalisation of the European Council

Article 8 of the Spinelli Project introduces the European Council as one of the Institutions of the Union for the first time (whereas the Treaties of Rome make no mention of it and successive Treaties entrust the European Council with a few functions, but without making it an Institution of the Union). It would take the Constitutional Treaty of 29/10/2004 to “institutionalise” the European Council. In this area, too, the Spinelli Project proved to be the precursor of future constitutional developments.

3.8 The methods of operation of the Union

Article 10 of the Spinelli Project provides for two methods of operation of the Union. On the one hand, there is common action in accordance with the classic Community method (Commission proposal, majority vote of the Council, co-decision of the European Parliament); on the other hand, cooperation between the Member States in accordance with the intergovernmental method. The innovative element of the Spinelli Project is that the Union can move from intergovernmental action to the Community method by decision of the European Council (see Article 11). This

provision anticipates the so-called “bridging” clauses introduced in successive Treaties to permit the passage from one decision-making procedure to another more in keeping with the Community method.

3.9 The principle of subsidiarity

Article 12 of the Spinelli Project introduces the idea for the first time that, in the area of concurrent powers, Union action is necessary if it proves to be more effective than the action of the Member States, particularly when the dimensions of the action of the Union or its effects extend beyond national frontiers. It is the first clear definition of the so-called principle of subsidiarity that would later be introduced into European law by the Maastricht Treaty.

3.10 Legislative co-decision between the Council and the European Parliament

The Spinelli Project introduces the concept of *European law* (taken up again by the Constitutional Treaty of 29/10/2004) voted on by the two branches of the legislative body (the European Parliament and the Council). European law is adopted by a procedure of co-decision between the European Parliament and the Council, as later provided for by the Maastricht Treaty. The Spinelli Project also makes provision for a *Concertation Committee* between Parliament and Council, with the participation of the Commission, as introduced successively by the Maastricht Treaty (based on the German model of the Conciliation Commission between the *Bundestag* and the *Bundesrat*).

3.11 The investiture of the Commission

The Spinelli Project provides for the Commission to start functioning after receiving a vote of investiture by the European Parliament. This provision was also included and perfected in successive Treaties.

3.12 The Council of the Union

Article 20 provides that the Council of the Union should consist of Ministers who are

specifically and permanently responsible for European issues. This provision is a forerunner to the legislative Council provided for in the draft Treaty of the European Convention, although this was not resurrected in the Constitutional Treaty of 29/10/2004.

3.13 The Luxembourg Compromise on majority voting

An innovative clause of the Spinelli Project that was not included in successive Treaties is Article 23(3) provided for the maintenance of the “Luxembourg Compromise” to prevent majority voting for a transitory period of ten years (should a vital national interest be recognised as such by the Commission). Nevertheless, traces of this provision, which confirms Spinelli’s political realism, can be found in the so-called “bridging” clauses, which provide for the passage from unanimity to qualified majority after a certain number of years (see Article 67 of the Treaty on European Union). Even the transitory revival of the so-called Ioannina mechanism in the new Treaty that will come from the IGC is inspired by the philosophy of the Spinelli solution.

3.14 The designation of Commissioners by the President

This provision of the Spinelli Project (Article 25) was not taken up again in successive Treaties. Nevertheless, it is an idea that had already been formulated by Valéry Giscard d’Estaing during the European Convention and proposed again by Sarkozy in his speech in September 2006 in order to appoint a Commission freed from nationality and not subject to the regular rotation of the Member States. In this case, too, this is a proposal that was ahead of its time.

3.15 The primacy of European law

Article 42 of the Spinelli Project sanctions the primacy of European law over that of the Member States. This provision, which results from the decisions of the Court of Justice, was taken up again in Article 6 of the

Constitutional Treaty of 29/10/2004.

4. Elements of the project which have not been acknowledged so far

Other innovative provisions of the Spinelli Project were not acknowledged in successive Treaties or in the Constitutional Treaty of 2004. For example:

4.1 The system of financial equalisation

Article 73 of the Spinelli Project made provision for a system of financial equalisation to alleviate excessive economic imbalances between the regions of the Union. Inspired by the German federal system as a way of attenuating differences between the *Länder*, this provision was not acknowledged in successive amendments of the Treaties.

4.2 The entry into force of the Treaties

Article 82 of the Spinelli Project provided for the possibility that the Treaty should enter into force even in the absence of ratification by all the Member States. A majority of States representing two thirds of the population could decide on its entry into force and on relations with States that had not ratified it. This clause set out to modify the unanimity ruling imposed today by Article 48 of the Treaties. Even though not acknowledged in successive Treaties, it triggered other solutions put forward to sidestep the need for unanimous agreement (see, for example, the solution proposed in the "Penelope" Project drafted by a group of European officials directed by F. Lamoureux at the request of President Prodi).

4.3 Revision of the Treaties

Article 84 provided for a procedure to revise the Treaties through an agreement between the European Parliament and the Council in

accordance with the procedure applicable to organic laws. This provision aimed to relieve Member States of the power to revise the Treaty and to suppress the need for unanimity. This procedure has recently been put forward again by MEP Andrew Duff for the new Constitutional Treaty.

4.4 The system of revenues

Article 71 of the Spinelli Project foresaw the possibility of creating new revenues for the Union without needing to amend the Treaty (an organic law being sufficient). Moreover, the Commission would be authorised by law to issue loans. This proposal, highly innovative at the time, remains so even today.

5. Conclusions

A rough estimate shows that about two thirds of the innovative provisions of the Spinelli Treaty have been acknowledged in successive Treaties. As far as the remaining third is concerned, about half were incorporated into the Constitutional Treaty or are being debated today as provisions to be included in the new Treaty expected to enter into force in 2009. This re-reading of the Treaty of 1984 not only proves the vital importance of the Spinelli Project, it also underlines its farsightedness. Altiero Spinelli began the process of constitutionalising the Treaties and proposed innovative solutions that have, for the most part, been acknowledged or recognised as valid solutions for the new Constitutional Treaty. Even though initially Spinelli lost the immediate battle of the Single Act of 1986, we can say that today he is winning the fight to give the European Union a Treaty that is essentially, if not formally, constitutional and that will contain most of the solutions imagined by him and voted on by the European Parliament in February 1984.

Spinelli and World Federalism

Chris Layton

When I learnt that Altiero had cancer, in the early 1980s, I wrote a sympathetic note to him, telling him in passing that after twenty five years working for Europe I had now decided to focus on promoting an effective system of world Government. This was his response, on a small Post Card:

"I have always thought that some system of world government is necessary to solve the world problems of peace, the economy and the environment. But first one must adopt a Benthamite position and consider, rationally, what are the conditions which are needed to bring such a Government into being. And then one man, at least, must move to a Nietzschean position and say: '*Hier stehe ich, Gott sei mit mir*' and devote his life to achieving the goal".

This direct and formidable message was classic Spinelli. It showed first that his life of dedication to European federation was matched by an awareness that this must be seen as a step to world federation – a lesson our Italian federalist friends have never forgotten.

It revealed also his method – to meditate on the historical necessities that offer the opportunity for radical change and then to act. Jeremy Bentham was the English enlightenment philosopher whose "Utilitarianism" proclaimed that political economy should seek the "greatest good of the greatest number". To Altiero it meant, in short, rational calculation of the greater good. "Nietzschean" meant acting with

the unhesitating spirit and passion of the Superman. The classic example of this thoughtful preparation for bold deeds lay in his historical reflections on Parliaments and his action once in the European Parliament. As a Commissioner, not yet in the Parliament, and long before direct elections, he remarked to me: "Look at what happened to the English Parliament. It was only when Edward III needed money that he summoned the burgesses from the English towns. He and his successors went on needing money so they had to keep convening parliament and in return give it a share of power. We must do the same in Europe. The parliament must use control of the budget to get real power".

Altiero's first goal, when elected to the European Parliament, was to get on the budget committee. He was soon elected chairman. The directly elected parliament was still advisory and had, it seemed, no legislative power, but it did have to agree to the modest "non-obligatory" expenditure within the budget (i.e. not agriculture!). Within two years Altiero, working with all parties, had persuaded the Parliament to block the budget. The disruption made the members of Parliament realise that they could influence events and recognise Altiero as a leader. The crocodile club and the Treaty on Political Union were the logical next step. He had acted to apply his historical lesson – finding the practical leverage to apply his federalism, and empowering his fellow MEPs with his decisiveness and strength.

Altiero's call for one Superman to change

the world did not reflect the historical reality of building Europe. He certainly played a Herculean part in inspiring Italy's and Europe's Federalists, but no one can deny that Monnet, Spaak, Delors, Kohl and others played crucial roles in building the Union. Altiero died believing that the European Single Act was a pathetic failure to realise his vision. He was wrong. Delors had made a crucial breakthrough, spotting, in the Single Market, the "condition" which could be used to persuade Thatcher to allow the return to majority voting. Through this and subsequent treaties a significant part of the Political Union Treaty have been put into effect. The vision lives on, being implemented by others step by step.

What then of his challenge on world government? Two "conditions" seem essential for its realisation. One is grave dangers which can manifestly not be overcome by nation states or the old laws of power politics. The other is willingness by people and key leaders to make an imaginative response. In the 1980s it seemed for a moment that such conditions for a step towards world government existed. At Reykjavik Presidents Reagan and Gorbachev agreed to abolish all nuclear weapons. Gorbachev proposed a revival of the Security Council as a real peacekeeper with the moribund Military Staff Committee brought back to life. Though the west quickly retreated from this staggering perspective, for a few years East-West disarmament and the falling of the iron curtain seemed to open a new hope for a shared peace, with a peace dividend which might be used to close the appalling gap between the haves and have-nots of the world. Instead, the fall of the Soviet Union was met in the West, and especially in America, by a damaging triumphalism while the United States has begun to act out the fantasy of hegemonic – yet paranoid – imperial power. The window of opportunity of the 1980s was not used to reform or democratise the United Nations

or create the world authority which would manage the abolition of nuclear weapons. With China rising and Russia increasingly authoritarian and defensive, the demons of world power politics are out of the cupboard once again.

Today the world faces new unstable dangers which demand progress to world government: the breakdown of fifty years of non proliferation of nuclear weapons, the terrorist threat, the competition for remaining oil, the need for regional security structures and true peacemaking to overcome violence in regions such as the disintegrating Middle East. Above all Climate Change now threatens the survival of humanity in a way which cannot be met by a national response.

Our twenty-first century world is, economically and culturally, a globalising world. But the institutions of world governance have not matched this pace. The mission of Europe is to apply to the world the methods used for its own salvation – the progressive development of federal institutions to create a zone of peace and shared prosperity. In Iraq it threw away its first key opportunity to stand for the global rule of law.

Climate change, however, offers a more fundamental existential challenge to all humanity, just as two world wars confronted Europeans with an existential challenge to create new institutions and relationships with one another. Mastering climate change requires effective global Government: institutions which will embody commitments to cut greenhouse gas emissions to the level necessary to halt climate change, execute and take decisions, enforce implementation, adjudicate disputes and contain a democratic element which provides accountability and mobilises opinion behind the rule of law.

With imperial America obstructive and reluctant, the European Union must take the

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lead, seeking partners in the world's South for a just and equitable climate deal which will allow poorer countries their share in sustainable development. Just as Six countries pioneered today's European Union through the European Coal and Steel Community, so a Climate Community of willing states could lead the way, later drawing in all members of the United Nations. And this in turn could offer a model for wider global governance.

As for Altiero's personal appeal, I cannot claim to have committed my whole life to the struggle for world government. But in the 1980s it seemed to me that India and Europe together, two great federal democracies from North and South of the world, might provide

the engine, as France and Germany provided an engine for the European Community. I explored this with Indian politicians whose response was "yes, but can you get key European leaders?". Monnet's former committee was still in existence. I could not persuade them yet to give this top priority.

Today once again I believe that India and Europe could be key players in the construction of a Global Climate Community. A private gathering of key Indians and Europeans in Potsdam in October will test this out. Have we the zeal and skill to pull off a Spinelli coup – a catalytic move which will play a useful part in global progress towards world government?

The EP's Strategy for the Establishment of the European Union

Altiero Spinelli

On 4 February 1986, three months before his death, Spinelli delivered a speech at the EP – we reproduce here an excerpt of it – where he outlined the strategy for relaunching his constitutional project rejected by governments. His political testament is topical today as regards the problems raised by the rejection of the European Constitution and its replacement with a Reform Treaty.

All the European Parliament's new initiatives (contacts with national parliaments, social interest groups, the general public, etc.) must be grouped together to form one strategy, the basic steps of which have been laid down by the European Parliament on a proposal from the Committee on Institutional Affairs.

[...]

- a) we must fight to ensure that the mandate to be proposed to national parliaments and, in the case of France, to the electorate by means of a referendum on reform of the Community and political cooperation, is recognized as being conferred on the new European Parliament which will be elected in 1989, by means of a majority of the Community Member States amounting to 2/3 of the Community's total population; this would get round the problem of Europe being 'put together' by national bureaucracies, i.e. by an intergovernmental conference;
- b) This mandate will not involve a new, specific, short Treaty but instead will involve a definition of the features of the Union's Constitution (subsidiarity, effectiveness and democracy) and a definition of the consequences in the event of several countries failing to join the Union; It will be the task of the new elected Parliament to bring this mandate to a conclusion, knowing that its draft will be subject to ratification instead of being 'demolished' by an Intergovernmental Conference of senior bureaucrats;
- c) In order that a number of governments should agree to recognize this mandate, it is advisable

that it should be given public support in their respective countries. A consultative or 'policy' referendum is the best formula (as proposed by De Gaulle, Giscard and Andreotti and implemented by Wilson and the Norwegian, Danish, Irish and Spanish Governments). I do not think that it is possible to visualize decision-making referenda, since this would involve constitutional reforms, but the constitutions of various countries do not prohibit consultative referenda. However, it would be advisable – and moreover not very difficult – to carry out a study on this subject. If insurmountable difficulties were to arise in some countries, it would be possible simply to hold a formal vote in the national parliaments;

- d) The task of this new European Parliament would be to draw up the text of the mandate and try to persuade national parliaments, governments, parties, social interest groups, the general public, the Commission, etc.;
- e) In order to have chance of success, Parliament must state its intentions clearly and firmly. If instead it makes veiled, ambiguous pronouncements, leaving it until the very end to reveal the crucial choices to be made, it will lose the fight and the action needed will not even get under way.

Thirty years ago these obstacles could be largely ignored and it was perhaps wisest not to discuss them and instead to tackle the problems of the resistance put up by national bureaucratic structures only when the 'battle' was over. Today these well-known obstacles face us and cannot be ignored. Failure to denounce them for what they are will be tantamount to capitulation.

The 60th Anniversary of the WFM

Mercedes Bresso

Ten years ago, for the first time in their history, the WFM and the UEF held a joint meeting in Montreux on the occasion of the 50th anniversary of their foundation. It was possible to call that meeting because of the widespread conviction that the reasons for the separation between European and world federalists were no longer valid. What divided federalists after the end of WWII was their differing view of the priorities to be pursued: the European federalists' regional aim contrasting with the world federalists' global objective.

Yet the Montreux Declaration contained a clear statement that "the foundation of regional federations – insofar as they do not become an end in themselves or run the risk of crystallizing into blocs – can and should contribute to the proper functioning of the world federation". I think that this view is shared today by both European and world federalists.

Since the *Ventotene Manifesto*, written in 1941, European federalists have recognized the final objective of their political commitment to be the achievement of a world federation. On the other side of the equation world federalists conceive regional federations as being intermediate stages on the road to world federation. But I would like to underline that regional federations can also act as a brake on the tendency toward world centralism, since the subsidiarity principle suggests that nations should be represented at regional level and the great regions of the world be represented at world level.

I have been struck by another far-sighted assertion in the Montreux Declaration, namely the idea that federalism is the political priority of our time. "We world federalists", the Declaration stated, "are convinced that the establishment of a world federal government is the crucial problem of our time. Until it is solved, all other issues, whether national or international, will remain unsettled. It is not between free enterprise and planned economy, nor between capitalism and communism that the choice lies, but between federalism and power politics. Federalism alone can assure the survival of man".

There is a striking analogy between these words and a passage in the *Ventotene Manifesto*, where we can read: "The dividing line between progressive and reactionary parties no longer coincides with the formal lines of more or less democracy, or the pursuit of more or less socialism, but the division falls along a very new and substantial line: those who conceive the essential scope and goal of the struggle as being the ancient one, the conquest of national political power, and who, albeit involuntarily, play into the hands of reactionary forces, letting the incandescent lava of popular passions set in the old moulds, and thus allowing old absurdities to arise once again, and those who see the main purpose as being the creation of a solid international state". Ideas like these are absolutely essential in offering us an orientation towards the future of humankind.

During the long years of the Cold War, the

UN was paralysed by the cross-vetoes of the superpowers. While the bipolar world order, born out of WWII, certainly promoted European unification within the Western bloc, it also hindered any genuine progress towards world unification. The division of the world into opposing blocs left no room for the actions of the world federalists. For forty years their pioneering, far-sighted activities could not, for objective reasons, go beyond outlining their ultimate aims and exploring the eventual features of a peaceful world order. Today, with the collapse of that great ideological barrier which for decades gave rise to distrust and hostility between the blocs, with each side investing in terrifying tools of mass destruction, the world has now entered a transitional period characterised by contradictory trends. On the one hand, we are witnessing the collapse of cohesion within states and international organizations – a trend which is particularly strong in the former communist sphere of influence but is also visible everywhere in the world.

On the other hand, co-existing with this trend we have globalisation fostering the formation of regional organizations of states – the EU is the world leader in this respect – opening the way towards a new world order based on law and UN reform.

The end of the Cold War has revealed the obsolescence of the present UN institutions founded 60 years ago. We have now entered a new phase of international co-operation. Already by the end of the 20th century a new generation of international organizations had appeared: the WTO, created to govern the global market, and the International Criminal Court, established to defeat the culture of impunity and to pave the way for the rule of law at international level.

The ICC represents the greatest achievement of the WFM in its 60-year existence. It has played a leading role in the development of a

trans-national NGO movement unrestricted by state borders. This is an important political and organizational innovation. The creation of the NGOs' Coalition for the ICC, for example, introduces an extraordinarily efficacious new pattern of action which made it possible for it to exert a real influence on the course of a world diplomatic conference. I think that we can confidently claim that the alliance between the Coalition and like-minded states provided the necessary critical mass for the creation of the ICC.

Federalists today are united in their common commitment against the old demons of nationalism and their drive to strengthen and democratise the EU and the other similar regional organizations as well as the UN. It was the awareness of the complementarity of the objectives of the European and world federalists which led the UEF at the Genoa Congress in 2004 to forward the application for full membership of WFM. This is the first WFM Congress in which there are no longer British, French and Italian delegates but only UEF delegates. The unification of the European and world federalists is one of the most important achievements we celebrate in this 60th anniversary of the foundation of the WFM. Unity is strength. Without themselves being able to speak with one voice it would be difficult for federalists to ask governments to transfer their power to the European and world levels.

We should recognize that the process of unifying the European and world federalists is still incomplete, since not all UEF national sections have yet decided to become WFM members and not all the European WFM chapters are UEF members. But the unification process has started and is in progress. The recent decision of UEF-France to become a WFM member through the UEF shows it. Precisely because they are the strongest federalist organizations in the world, the UEF and the WFM share great responsibilities. The

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complete achievement of their unification is a task for the next decade.

In conclusion, if we were to take a quick glimpse into the future, we would realize that under the twin banners of free international trade (World Trade Organization) and the protection of human rights (International Criminal Court), matters which were once considered domestic affairs of the states are now regulated by international organizations. The vigorous growth of globalisation highlights the erosion of state sovereignty and fosters the

strengthening of economic, monetary, social and environmental international institutions.

But the fact that those institutions can act without democratic legitimation remains an unresolved problem. "In our age everything has been globalized except consent", wrote George Monbiot. "Only democracy has remained relegated to the national state". International democracy and the need for a World Parliament are therefore the great tasks awaiting the young generations of federalists.

* Message of the UEF President for the 60th anniversary of the WFM

25th Congress of the World Federalist Movement Held in Geneva

Nicola Vallinoto

From August 27th to 31st, 2007, the 25th Congress of the World Federalist Movement was held in Geneva at the site of the World Meteorological Organization. The Congress was attended by 160 delegates and observers from 20 countries (Argentina, Belgium, Cameroon, Canada, Denmark, Finland, France, Germany, Japan, Great Britain, India, Iran, Italy, Madagascar, Mexico, Norway, New Zealand, the Netherlands, United States, Switzerland).

The Congress, after the meeting of the outgoing Executive Committee, started the discussion on the reform of its statutes, and then went on with its sessions in four commissions, a public meeting in the United Nations building in the afternoon of August 28th, and the commemoration of the WFM's 60th anniversary held in Montreux in the afternoon of August 30th at the Grand Hotel Suisse Majestic, where the Movement was founded in 1947. For this occasion, many messages of greetings have arrived, among which those by Kofi Annan, Hans Blix, Mercedes Bresso, Jo Leinen, Federico Mayor (former UNESCO President).

As to the reform of the statutes, the Congress decided not to support the proposal of abolishing the Congress and replacing it with meetings of the Council, nor to support the change of the Executive into a body only composed of five top managers and officers of the International Secretariat, thus spoiling the WFM's democratic nature. The proposal was withdrawn, and so a Congress will continue to be held every four (or at the most five)

years, and a Council meeting every year. Instead of one President, there will be two Co-Presidents.

The Congress works were held in plenary sessions, and were later continued in four commissions dealing with the following issues:

1. Justice and rule of law at the international level, and human rights
2. Peace, human security and conflict prevention
3. UN reform and global governance, and federalism at the regional and world level
4. Global environmental and economic governance, management of global commons and the effects of economic and social globalization.

The Congress confirmed the WFM commitment in the campaigns for the ratification of the Treaty establishing the International Criminal Court, that has attained the number of 105 states, and for assigning to the UN the "Responsibility to Protect" (i.e. humanitarian intervention for) populations threatened by genocide.

The commission on the environmental and economic governance approved several resolutions proposed by Italian federalists: Alfonso Iozzo and Antonio Mosconi presented a resolution "for a new Bretton Woods and for a new economic world order", proposing a world currency unit as a first step towards a world currency; Roberto Palea proposed the creation of a World Agency for the Environment, to be devised on the institutional model of the European Coal

and Steel Community, endowed with real powers and financial autonomy based on the revenues from a Carbon Tax to be levied in the industrialized countries. On the same issue Peter Luff presented a resolution for the creation of a Community for the Global Climate, initially set up by a group of willing States. All these resolutions have been unanimously approved by the Congress.

The commission on UN Reform saw the greatest participation and is also the one where two diverging positions about the Security Council reform have clashed: Lucio Levi's proposal of its transformation into a Council of the Great Regions of the world, and Joseph Schwartzberg's one of a regional representation based on a weighted vote according to a formula taking into account, beside the states' population and representation, also their economic contribution to the UN. This latter proposal, supported by the American and Canadian delegates, roused to negative reactions many other French, Italian and Argentine delegates, who consider the economic criterion as a coming back to an out-of-date principle: that of the voting right based on income. In the final document the Congress approved a compromise resolution, which includes the proposal of a regional reform of the Council and the weighted vote, without mentioning, however, any criterion for determining the weighted vote.

Among the other proposals, that by Domenico Moro, director of the Spinelli Institute, to open the Ventotene Seminar to young world federalists has been well received, as well as that by Fernando Iglesias to provide a simultaneous translation in order not to damage those who do not fully master the English language, and that by many youngsters to drastically reduce the Congress' expensive registration fee.

During the Congress, an organization

meeting was held for the Campaign for a UN Parliamentary Assembly, coordinated by Andreas Bummel, of the Committee for a Democratic UN, which has been launched at the world level this year.

The seminar at the Palais des Nations was for many one of the best symposiums on the status of the UN and the quest for democratic global governance that WFM has organized. The impact of human rights law, and especially the Rome Statute of the International Criminal Court, on the evolution of international law into world law was eloquently presented. The continuing division between the 'development' and 'peace and security' sectors of the UN, also present in WFM since its founding, were poignantly raised at the symposium.

The last part of the Congress was devoted to electing the members of the new bodies and to admitting three new associations as associated members: Planetafilia (Mexico), Democracia Global (Argentina) and Sapiens Movement (New Zealand). Some of the members elected in the Council are: James Arputharaj, Keith Best, Jean Francis Billion, Edward Chobanian, Tony Fleming, Toshio Kozai, Lucio Levi, Peter Luff, Rebecca Luff, Ton Macel, Francisco Plancarte, Barbara Walker, Fergus Watt and Lucy Webster, while Fernando Iglesias, Peter Davidse, Takahiro Katsumi, Jean-Paul Pougala and Mahmoud Shariar Sharei have been co-opted. The Council has been tasked to elect the two Co-Presidents. The new Executive Committee elected by the Congress is composed of: President, the Canadian Senator Lois Wilson, who remains in office until the next Council; Treasurer, Edward Chobanian; President of the Council, James Christie, assisted by Lucy Webster and Mitsuo Miyake; President of the Executive Committee, Keith Best; President of the Statutes Committee, Tony Fleming; elected members are Lucio Levi, Bente Nielsen and James Arputharaj. Bill Pace remains the Executive Director, with two permanent offices and several hired

employees in New York and The Hague.

In conclusion, there is to remark the WFM division in two movements: one “top-down”, based in New York, headed by Bill Pace, who was the most active promoter for the creation of the International Criminal Court, and one “bottom-up”, comprising the individual national organizations that pursue objectives not supported, as it would be necessary, by the center: like the campaign for the UN Parliamentary Assembly, or the campaign for the control of small arms trading. The objective of the newly elected Council will

be precisely that of trying to unify those two modes (“top-down” and “bottom-up”) so as to transform the WFM into a movement with a greater participation, less elitist and open to the aspirations of the global civil society for a world where democracy, human rights and social justice will prevail. Lucio Levi’s proposals to hold political debates before Council meetings, with speakers chosen among the members of WFM organizations, and to change the agenda of the Council and Executive Committee meetings so that political resolutions could be discussed and approved, go in such a direction.

A Dissenting Opinion

William Pace

Nicola Vallinoto has provided a valuable, brief and selective account of 25th WFM Congress recently convened in Geneva. The WFM International Secretariat (IS) hopes we will receive many other reports and perspectives of our historic 60th anniversary gathering.

The IS respectfully disagrees, however, with Nicola’s concluding paragraph. The “bottom-up” vs. “top-down” description of WFM is, we believe, inaccurate and... escapist. As I described in my report to Congress, while the Movement agrees on overarching principles, the “divisions” in WFM on specific issues and strategies are many and multi-dimensional. Regional vs. global, maximalist vs. minimalist, reform the UN vs. establishing a constituent assembly for a world federation, peoples assembly vs. UN parliamentary assembly, step by step vs. only pressing for giant leaps towards world federation, reform of the Security Council vs. transformation of the Security Council, federalizing the Movement vs. preserving national member organization control, creating strategic coalitions vs. concentrating on transforming WFM into a worldwide mass movement – these are only some of the main divisions that have characterized our Movement since 1946. To reduce this fascinating philosophical and political debate to a simplistic dualism is disingenuous. There are many, many paths to world peace through world federation. The IS is pursuing as many of these paths as we can in concert with the policies and governing bodies of our Movement.

Spinelli and European Unity

Lucio Levi

Giorgio Napolitano

Altiero Spinelli e l'Europa

[*Altiero Spinelli and Europe*]

Bologna, Il Mulino, 2007

The President of the Italian Republic, Giorgio Napolitano, has written a book on Altiero Spinelli, published on August 31st, 2007, on the occasion of Spinelli's 100th anniversary. For Italian federalists it is not surprising that President Napolitano paid such a significant homage to the founder of the European Federalist Movement. He was President of the European Movement in Italy for many years. From 1999 to 2004, while the European Convention that drew up the European Constitution was in session, he was President of the European Parliament's Constitutional Affairs Committee. His first official visit out of Rome a few days after his election to the Presidency was to Ventotene island, for the commemoration of the 20th anniversary of Spinelli's death on May 21st, 2006.

The book sheds light on the convergence of the different political routes of these two men. Napolitano built his political career within the Communist Party, which after the fall of the Berlin wall changed his name and became the Democratic Party of the Left, and now represents an important component of the European alignment of political forces supporting European unification. It is the commitment of men like Napolitano, who since long ago have conceived European unity as a political priority, that has led not only their political parties, but also their country, to play a leading role in the construction of European unity.

Spinelli, on the other hand, was convicted by a fascist special tribunal when he was a young leader of the communist youth organisation, but during his confinement he abandoned communism and chose federalism. From then on he decided to devote his life to the cause of European federalism. He was aware that his choice implied to work far from the limelight, in the background, where the future is prepared patiently. But his inclusion in Europe's Pantheon of the Founding Fathers shows that there is another way to the construction of European unity. Even though contemporary historiography and sociology emphasize the role of great mass-organizations, like political parties, trade-unions and so forth, the role of Spinelli and that of the European Federalist Movement demonstrate that individuals and small groups can have a real impact on great political events such as the construction of a union of states.

This also shows that the political commitments of Spinelli and Napolitano were heading in the same direction.

One World or None

Karen Hamilton (*The Rev. Dr.*)

Ross Smyth

One World or NONE: How Canadians

Can Take the Lead to Abolish War

and Democratize the UN

Montreal, Price-Patterson Ltd., 2006

"World government is not only possible, it is inevitable, and when it comes, it will appeal to patriotism in its truest sense, in its only sense, the patriotism of men who love their national heritages so deeply that they wish to preserve

them in safety for the common good” – Sir Peter Ustinov .

“Unless some effective supranational government can be set up and brought quickly into action, the prospects of peace and human progress are dark and doubtful” – Sir Winston Churchill.

“With all my heart I believe that the world’s present system of sovereign nations can lead only to barbarism, war and inhumanity” – Albert Einstein.

These three quotes form a substantive part of the back cover of Ross Smyth’s recent book, *One World or NONE*, and it is clear why they do so. Ross Smyth is a committed world federalist of long-standing and deep experience, and in this book he brings both his commitment and his experience forth in great detail. He does so for the purpose of inspiring present and future generations to the kind of expression of the need for and possibility of global governance that these three quotes express. Mr. Smyth hopes that quotes like these and the many other quotes of speeches and parts of speeches that he sprinkles throughout his book will inspire world federalists, current and yet to be, to learn from history and past global experience to work and vision for such realities as a UN that is a democratic world parliament. Mr. Smyth particularly focuses on inspiring Canadians to work and vision towards doing away with the veto at the Security Council, to establishing a peace air force or airline for the UN, to helping implement an international tax for financing the UN, to abolishing nuclear weapons and to putting in place a target of 0.7% of Canadian GNP for foreign aid. Ross Smyth focuses, in his discussion of these crucial issues, on inspiring Canadians, but world federalists too throughout the globe will resonate to his call.

One World or NONE is an extremely detailed journey through Ross Smyth’s life and

development as a world federalist. He has clearly kept track of and notes a tremendous number of details of, not only speeches, but also meetings and events. And does he ever name names! Many politicians, leaders and outstanding world federalists frequent the pages of this book. Joe Clark, Gwynne Dyer, Brian Mulroney, Pierre Trudeau, Norman Cousins, Maurice Strong, Tommy Douglas, Lester Pearson, Lloyd Axworthy, James Christie, Peter Ustinov and so many more are named by Smyth as specific implementers of the world vision of federalism or as those who had leadership roles in the context in which global events were unfolding. We are clearly, to paraphrase the famous Christian theologian, “Standing on the shoulders of the world federalist saints”.

The purpose of Ross Smyth’s book is clear, the amount of historical detail and the number of quotes symptomatic of extensive record-keeping. The style of the book, however, is somewhat problematic. In several places Mr. Smyth uses the recitation of a dream in order to make his point about the need for world federalism or the dire situation that the world will be in without it. The ‘dream device’ just does not work. It seems artificial and confusing, both internally within the dream being related, and in terms of the placement of the dream in the particular chapter. Also confusing is the way in which the book switches back and forth between further past and more immediate past events and contexts. It makes for a difficult reading. There are also some formatting and print flaws in the book that challenge the reader in unhelpful ways.

My main criticism, however, is that the book is almost entirely a recitation of names and dates and events, with quotes from speeches occasionally inserted. Ross Smyth’s experience is so clearly extensive, his knowledge of the people, places and events of past decades equally extensive, but any analysis of both what has worked and what has not worked in terms of building a world federalist vision and reality is missing. Even the last chapter of

the book, so promisingly named “Developing a World Democracy”, has some ideas of where we need to be going, but very little detail about how we might get there. It seems a shame that there could not be more benefit from such vast experience of events and people for present and future world federalists.

For those reading *One World or NONE*, let the inspiration come from such quotes on page 132 as that of The Rev. Dr. James Christie, past-president of WFM-Canada and current Council Chair of WFM, “World federation is our objective; we must not lose sight of it. There are countless good organizations with good objectives throughout our country and the world. But ours is one that seeks to bring the good together. The World Federalist idea is not only the idea of the century – it is the idea for the whole future of humanity”.

Let the inspiration come from such quotes as those on the back cover of Mr. Smyth’s book, those quotes given above. And it is most certainly in the nature of a digression, two digressions, in fact, but I always particularly resonate to the words of our former international President Sir Peter Ustinov, to his particularly articulate expression of who we are and what we do and I do not think that is just the case because I live in Toronto, Canada, a city Ustinov described as “New York run by the Swiss” or because Sir Peter called me “The Reverend Mother”. And dear Ross Smyth, I am so glad that on page 151, in the midst of a kind of tribute, in the midst of the recitation of his death, to the humour of Peter Ustinov as a way to accomplishing a federalist vision, you quote Bill Pace, Executive Director of WFM saying that, “Sir Peter and Saint Peter are enjoying a good joke right now”. Actually, though it is not well known, that line was a part of my expression of the inspiration of a world federalist ‘saint’ and my commitment to trying to carry forward the work and the way of understanding the common good. Let the inspiration continue for us, everyone!

The Rise (and Fall?) of American Democracy

Ernesto Gallo

Sean Wilentz

*The Rise of American Democracy.
Jefferson to Lincoln*
New York, Norton, 2005

Sean Wilentz is a most famous American historian and political activist; an outspoken supporter of the Democratic Party, and a fierce critic of G.W. Bush administration. Well-known for his liberal positions, he is supposed to represent a new wave of studies in political history, one that has re-interpreted several core moments of American past with a peculiar focus on labour, society, and “local” histories.

This book is a detailed and monumental (1,044 pages) reconstruction of early American history, from independence to the Civil War, interpreted with the lens of the rise of democracy in political debates, manoeuvres, and competitions, at both federal and state levels.

While giving voice to exponents of various social classes, regions, and races, Wilentz still focuses on political leaders, as it is clear also from the title itself. His account begins with Jefferson (“It is extraordinary how much Jefferson and his collaborators did achieve in eight years. All of Jefferson’s original legislative agenda became law”, p. 137) and ends up with Abraham Lincoln (“[a] mixture of seemingly preternatural moderation, hard-nosed political realism, and sincere conviction”, p. 736), two key-leaders in early

American history, whose actions have been rather criticized in recent literature. On the contrary, Wilentz tries to show how their outstanding personalities have been crucial for the development of American democracy.

As it happened with Tocqueville – a direct witness of such period –, the author mainly aims at addressing the delicate issue of the origins and ascentdancy of American democracy. To his mind, democracy is not just an institutional device; it is a process and a struggle, a conflict and a way of understanding rights, society, and people: briefly, an attitude towards other citizens, involving egalitarian practices and ideas. It emerges, slowly but steadily, through the struggles and debates of the early XIX century, and achieves a key-point with the abolition of slavery under Abraham Lincoln. Wilentz gives a detailed account of the presidents, their supporters, ideas, and electoral battles. Prominent people are not important *per se*; they rather represent the embodiment of different ideas and conceptions of politics and democracy, which came across in the first half of the XIX century.

It is much more difficult to assess his overall approach to early American history. Certainly his narrative is extraordinarily rich, rather simple, and deeply informed. Certainly he goes well beyond traditional political history, and gives details and sketches of events which are sometimes disregarded by traditional historiography. Two core remarks seem however of crucial relevance.

First of all, he seems to neglect the role played by economic factors, and especially by the modes of accumulation. We might understand early American history as a competition between two main camps, North Eastern industrial interests on the one hand (from Hamilton to Lincoln), and the representatives of trade, small enterprise and farming on the other (that is, Jefferson, Andrew Jackson,

and to some extent Madison himself). Their synthesis will be a more centralized liberal administration, represented by Lincoln, which prevails over a third actor, that is, Southern pro-slavery landowners, with the victory of the North in the Civil War (1865). Such interpretation, which draws on authors such as Barrington Moore Jr., Howard Zinn, Walter LaFeber, and others, tends to concentrate on economy and labour, which, in Wilentz's book, are to some extent set aside. Socio-economic actors are relevant, but in the end, according to Wilentz, leaders, parties, and their daily competition for votes and power play a decisive role.

Secondly, the book tends to assume democracy as a final aim and value of a long-term trajectory, and might therefore be seen as a possibly teleological interpretation of American political history. It's hard to think of any of the 'founding fathers' in clearly democratic terms, unless we assume it in mainly procedural terms. In other words, Wilentz's interpretation is a 'liberal' one, which seems to coincide with the values and interests of the Democratic Party, but might appear rather disappointing if we understand democracy in more radical and socially grounded terms. His heroes, especially Thomas Jefferson and Andrew Jackson, have been often and deeply attacked in recent American literature. Especially the 'Jacksonian democracy' has been often interpreted as a mixture of demagogic, populist, pro-slavery and pro-small business elements; the outcome of a purposely weak 'agency', mainly aiming at allowing room for private business, at the expense of federal welfare, natives, and blacks. While it is actually difficult to assess the most profound nature of that period, it's interesting to consider Wilentz's effort to go back to politics and political ideas. He seems to suggest that politics should claim for its autonomy, and such remark might be particularly important nowadays. In a way, Wilentz conveys a political message, and indirectly invites the current Democrats to

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play a more active role in American affairs – as in his view Jackson and his fellows did.

Going beyond the complex fabric of historical events, we might therefore read this book with an eye on current events, also in the light of the 2008 White House electoral race. As yet, no candidate of either party has put forward innovative and far-reaching proposals regarding both domestic and foreign policy. Both camps seem trapped mainly by the interests of their respective business communities; while some commentators believe that

America is not yet ready for a woman, or a black president. Wilentz's book seems to point out that the real issue at stake has to do with political projects and proposals. Certainly Jefferson had black slaves, and represented vested economic interests. However, his political stature – let alone his outstanding culture and love for science – was by far higher than the one of his XXI century followers. The US needs new 'founding fathers', equal to the challenges of democracy in a different and globalized world. We could infer Wilentz's underlying message to be in these terms.



Globalization, Federalism and World Government

Amitai Etzioni

Professor of Sociology at Columbia University for twenty years, Amitai Etzioni is now Professor at The George Washington University, where he is the Director of the Institute for Communitarian Policy Studies. In 1990, he founded the Communitarian Network, a no-profit, non-partisan organization dedicated to shoring up the moral, social and political foundations of society. He is considered as the leader of the communitarian movement.

Professor Etzioni, what are the relationships between the emerging global civil society and international institutions?

The development of the global architecture must proceed on both “legs”, each supporting the progress of the other. There is a need to develop transnational social networks, social movements, INGOs, and other modes of laying the foundations for a global civil society. At the same time, all societies need to be invested in some institutions, such as legal and political ones. These are the places where differences may be worked out in a peaceful manner, and where the shared decisions reached may be enforced. Above all, in the longer run, it is up to the global institutions to ensure that no people will carry war to another. This is a function of the state, not the civil society. At the same time if we have only institutions but no social foundations, these institutions will lack the public support and the value consensus they require.

Do you think that the idea of a World Government is acceptable as a tool to control globalization?

The Old System, built on nation states and the old type of international organizations, run by representatives of national governments, is very cumbersome, inefficient and slow. It is less and less able to respond effectively to numerous problems that are transnational. These include terrorism, pollution, white slavery, transnational crime and many others. They surely include curbing the side-effects of economic globalization.

How such a political structure can materialize within the UN institutions?

The UN cannot serve as a world government until it is vastly reformed. It also is basically an intergovernmental organization, governed by representatives of states, and hence very cumbersome. In the longer run, we need supranational bodies somewhat like the International Criminal Court. The UN has a role to play as a place where global dialogues do occur, peace-keeping missions are sometimes launched, and legitimacy is bestowed on some national actions and stripped from others. But it cannot, unless greatly modified, serve as an effective world government.

How do you assess the federalist paradigm as a potential instrument to understand and control the globalization process?

The federal paradigm provides a model for world government because it combines shared, “central” (in this case global) missions – with ample room for local (in this case national) missions.

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