



Federalism and Global Governance

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Abstract

It is becoming increasingly clear that the concept of the absolutely sovereign nation-state is a dangerous anachronism in a world of thermonuclear weapons, instantaneous communication, and economic interdependence. Probably our best hope for the future lies in developing the United Nations into a World Federation. The strengthened United Nations should have a legislature with the power to make laws that are binding on individuals, and the ability to arrest and try individual political leaders for violations of these laws. The world federation should also have the power of taxation, and the military and legal powers necessary to guarantee the human rights of ethnic minorities within nations.

1. Making the United Nations into a Federation

A federation of states is, by definition, a limited union where the federal government has the power to make laws that are binding on individuals, but where the laws are confined to interstate matters, and where all powers not expressly delegated to the federal government are retained by the individual states. In other words, in a federation each of the member states runs its own internal affairs according to its own laws and customs; but in certain agreed-on matters, where the interests of the states overlap, authority is specifically delegated to the federal government.

Since the federal structure seems well suited to a world government with limited and carefully-defined powers that would preserve as much local autonomy as possible, it is worthwhile to look at the histories of a few of the federations. There is much that we can learn from their experiences.

2. The Success of Federations

Historically, the federal form of government has proved to be extremely robust and successful. Many of today's nations are federations of smaller, partially autonomous, member states. Among these nations are Argentina, Australia, Austria, Belgium, Brazil, Canada, Germany, India, Mexico, Russia, Spain, South Africa and the United States.

The Swiss Federation is an interesting example, because its regions speak three different languages: German, French and Italian. In 1291, citizens of Uri, Schwyz and Unterwalden, standing on the top of a small mountain called Rütli, swore allegiance to the first Swiss federation with the words "we will be a one and only nation of brothers". During the 14th century, Luzern, Zürich, Glarus, Zug and Bern also joined. Later additions during the 15th and 16th centuries included Fribourg, Solothurn, Basel, Schaffhausen and Appenzell. In 1648, Switzerland declared itself to be an independent nation, and in 1812, the Swiss Federation declared its neutrality. In 1815, the French-speaking regions Valais, Neuchatel and Genève were added, giving Switzerland its final boundaries.

In some ways, Switzerland is a very advanced democracy, and many issues are decided by the people of the cantons in direct referenda. On the other hand, Switzerland was very late in granting votes to women (1971), and it was only in 1990 that a Swiss federal court forced Appenzell Innerrhoden to comply with this ruling. Switzerland was also very late in joining the United Nations (10 September, 2002).

The federal Constitution of United States of America is one of the most important and influential constitutions in history. It later formed a model for many other governments, especially in South America. The example of the United States is especially interesting because the original union of states formed by the Articles of Confederation in 1777 proved to be too weak, and it had to be replaced eleven years later by a federal constitution.

During the revolutionary war against England the 13 former colonies sent representatives to a Continental Congress, and on May 10, 1776, the Congress authorized each of the colonies to form its own local provincial government. On July 4, 1776 it published a formal Declaration of Independence. The following year, the Congress adopted the Articles of Confederation defining a government of the new United States of America. The revolutionary war continued until 1783, when the Treaty of Paris was signed by the combatants, ending the war and giving independence to the United States. However, the Articles of Confederation soon proved to be too weak. The main problem with the Articles was that laws of the Union acted on its member states rather than on individual citizens.

In 1887, a Constitutional Convention was held in Philadelphia with the aim of drafting a new and stronger constitution. In the same year, Alexander Hamilton began to publish "The Federalist Papers", a penetrating analysis of the problems of creating a workable government uniting a number of semi-independent states. The key idea of "The Federalist Papers" is that the coercion of states is neither just nor feasible, and that a government uniting several states must function by acting on individuals. This central idea was incorporated into the federal Constitution of the United States, which was adopted in 1788. Another important feature of the new Constitution was that legislative power was divided between the Senate, where the states had equal representation regardless of their size, and the House of Representatives, where representation was proportional to the populations of the states. The functions of the executive, the legislature and the judiciary were separated in the Constitution, and in 1789 a Bill of Rights was added.

George Mason, one of the architects of the federal Constitution of the United States, believed that "such a government was necessary as could directly operate on individuals, and would punish those only whose guilt required it", while James Madison (another drafter of the U.S. federal Constitution) remarked that the more he reflected on the use of force, the more he doubted "the practicability, the justice and the efficacy of it when applied to people collectively, and not individually". Finally, Alexander Hamilton, in his "The Federa-

list Papers", discussed the Articles of Confederation with the following words: "To coerce the states is one of the maddest projects that was ever devised... Can any reasonable man be well disposed towards a government which makes war and carnage the only means of supporting itself, a government that can exist only by the sword? Every such war must involve the innocent with the guilty. The single consideration should be enough to dispose every peaceable citizen against such a government... What is the cure for this great evil? Nothing, but to enable the... laws to operate on individuals, in the same manner as those of states do."

Because the states were initially distrustful of each other and jealous of their independence, the powers originally granted to the US Federal Government were minimal. However, as they evolved, the Federal Government of the United States gradually became stronger, and bit by bit it became involved in an increasingly wide range of activities.

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The formation of the Federal Government of Australia is interesting because it illustrates the power of ordinary citizens to influence the large-scale course of events. In the 19th century, the six British colonies that were later to be welded into the Commonwealth of Australia imposed tariffs on each other, so that citizens living near the Murray River (for example) would have to stop and pay tolls each time they crossed the river. The tolls, together with disagreements over railways linking the colonies, control of river water and other common concerns, finally became so irritating that citizens' leagues sprang up everywhere to demand federation. By the 1890s such federation leagues could be found in cities and towns throughout the continent.

In 1893, the citizens' leagues held a conference in Corowa, New South Wales, and proposed the "Corowa Plan", according to which a Constitutional Convention should be held. After this, the newly drafted constitution was to be put to a referendum in all of the colonies. This would be the first time in history that ordinary citizens would take part in the nation-building process. In January 1895, the Corowa Plan was adopted by a meeting of Premiers in Hobart, and finally,

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despite the apathy and inaction of many politicians, the citizens had their way: The first Australian federal election was held in March 1901, and on May 9, 1901, the Federal Parliament of Australia opened. Australia was early in granting votes to women (1903). Its voting system has evolved gradually. Today, there is a system of compulsory voting by citizens for both the Australian House of Representatives and the Australian Senate.

The successes and problems of the European Union provide invaluable experience as we consider the measures that will be needed to make the United Nations into a federation. On the whole, the EU has been an enormous success, demonstrating beyond question that it is possible to begin with a very limited special-purpose federation and to gradually expand it,

judging at each stage whether the cautiously-taken steps have been successful. The European Union has today made war between its member states virtually impossible. This goal, now achieved, was in fact the vision that inspired the leaders who initiated the European Coal and Steel Community in 1950.

The European Union is by no means without its critics or without problems, but, as we try to think of what is needed for the United Nations' reform, these criticisms and problems are just as valuable to us as are the successes of the EU.

Countries that have advanced legislation protecting the rights of workers or protecting the environment complain that their enlightened laws will be nullified if everything is reduced to the lowest common denominator in the EU. This complaint is a valid one, and two things can be said about it: Firstly, diversity is valuable, and therefore it may be undesirable to homogenize legislation, even if uniform rules make trade easier. Secondly, if certain rules are to be made uniform, it is the most enlightened environmental laws or labor laws that ought to be made the standard, rather than the least enlightened ones. Similar considerations would hold for a reformed and strengthened United Nations.

Another frequently heard complaint about the EU is that it takes decision-making far away from the voters, to a remote site where direct political will of the people can hardly be felt. This criticism is also very valid. Often, in practice, the EU has ignored or misunderstood one of the basic ideas of federalism: A federation is a compromise between the desirability of local self-government, balanced against the necessity of making central decisions on a few carefully selected issues. As few issues as possible should be taken to Bruxelles, but there are certain issues that are so intrinsically transnational in their implications that they must be decided centrally. This is the principle of subsidiarity, so essential for the proper operation of federations: local government whenever possible, and only a few central decisions when absolutely necessary. In applying the principle of subsidiarity to a world government of the future, one should also remember that UN reform will take us into a new and uncharted territory. Therefore it is prudent to grant only a few carefully chosen powers, one at a time, to a reformed and strengthened UN, to see how these work, and then to cautiously grant other powers, always bearing in mind that wherever possible, local decisions are the best.

3. Weaknesses of the UN Charter and Steps Towards a World Federation

3.1 Laws must be made binding on individuals

Among the weaknesses of the present U.N. Charter is the fact that it does not give the United Nations the power to make laws which are binding on individuals. At present, in international law, we treat nations as though they were persons: We punish entire nations by sanctions when the law is broken, even when only the leaders are guilty, even though the burdens of the sanctions fall most heavily on the poorest and least guilty of the citizens, and even though sanctions often have the effect of uniting the citizens of a country behind the guilty leaders. To be effective, the United Nations needs a legislature with the power to make laws which are binding on individuals, and the power to arrest individual political leaders for flagrant violations of international law.

The present United Nations Charter is similar to the United States' Articles of Confederation, a fatally weak union that lasted only eleven years, from 1777 to 1788. Like it, the

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UN attempts to act by coercing states. Although the United Nations Charter has lasted almost sixty years and has been enormously valuable, its weaknesses are also apparent, like those of the Articles. One can conclude that the proper way to reform the United Nations is to make it into a full federation, with the power to make and enforce laws that are binding on individuals.

The International Criminal Court, which was established when the Rome Treaty came into force in 2002, is a step in the right direction. The ICC's jurisdiction extends only to the crime of genocide, crimes against humanity, war crimes, and (at some time in the future) the crime of aggression. In

practice, the ICC is open to the criticisms that it is often unable to enforce its rulings and that it lacks impartiality. Nevertheless, the establishment of the ICC is a milestone in humanity's efforts to replace the brutal military force of powerful governments by the rule of law. For the first time in history, individuals are being held responsible for violating international laws.

3.2 The voting system of the UN General Assembly must be reformed

Another weakness of the present United Nations Charter is the principle of "one nation one vote" in the General Assembly. This principle seems to establish equality between nations, but in fact it is very unfair: For example, it gives a citizen of China or India less than a thousandth the voting power of a citizen of Malta or Iceland. A reform of the voting system is clearly needed. (A recent and detailed discussion of these issues has been given by Dr. Francesco Stipo, See Reference 1.)

One possible plan (proposed by Bertrand Russell) would be for final votes to be cast by regional blocks, each block having one vote. The blocks might be: 1) Latin America 2) Africa 3) Europe 4) North America 5) Russia and Central Asia 6) China 7) India and Southeast Asia 8) The Middle East and 9) Japan, Korea and Oceania.

Today, Ambassadors and Permanent Representatives at the United Nations are appointed by national governments. However, in the long-term future, this system may evolve into a more democratic one, where citizens will vote directly for their representatives, as they do in many federations, such as Australia, Germany, the United States and the European Union.

3.3 The United Nations must be given the power to impose taxes

If the UN is to become an effective World Federation, it will need a reliable source of income to make the organization less dependent on wealthy countries, which tend to give support only to those interventions of which they approve. A promising solution to this problem is the so-called "Tobin tax", named after the Nobel-laureate economist James Tobin of Yale University. Tobin proposed that international currency exchanges should be taxed at a rate between 0.1 and 0.25 percent. He believed that even this extremely low rate of taxation would have the beneficial effect of damping speculative transactions, thus stabilizing the rates of exchange between currencies. When asked what should be done with the proceeds of the tax, Tobin said, almost as an afterthought, "Let the United Nations have it."

The volume of money involved in international currency transactions is so enormous that even the tiny tax proposed by Tobin would provide the United Nations with between 100 billion and 300 billion dollars annually. By strengthening the activities of various UN agencies, the additional income would add to the prestige of the United Nations and thus make the organization more effective when it is called upon to resolve international political conflicts.

The budgets of UN agencies, such as the World Health Organization, the Food and Agricultural Organization, UNESCO and the UN Development Programme, should not just be doubled but should be multiplied by a factor of at least twenty. With increased budgets the UN agencies could sponsor research and other actions aimed at solving the world's most pressing problems — AIDS, drug-resistant infectious diseases, tropical diseases, food insufficiencies, pollution, climate change, alternative energy strategies, population stabilization, peace education, as well as combating poverty, malnutrition, illiteracy, lack of safe water and so on. Scientists would be less tempted to find jobs with arms related industries if offered the chance to work on idealistic projects. The United Nations could be given its own television channel, with unbiased news programs, cultural programs, and "State of the World" addresses by the UN Secretary General.

Besides the Tobin tax, other measures have been proposed to increase the income of the United Nations. For example, it has been proposed that income from resources of the sea bed be given to the UN, and that the UN be given the power to tax carbon dioxide emissions. All of the proposals for giving the United Nations an adequate income have been strongly opposed by a few nations that wish to control the UN through their purse strings, especially by the United States, which has threatened to withdraw from the UN if a Tobin tax is introduced. However, it is absolutely essential for the future development of the United Nations that the organization be given the power to impose taxes. No true government can exist without this power. It is just as essential as is the power to make and enforce laws that are binding on individuals.

3.4 The United Nations must be given a standing military force

At present, when the United Nations is called upon to meet an emergency, such as preventing genocide, an ad hoc force must be raised, and the time required to do this often means that the emergency action is fatally delayed. The UN should immediately be given a standing force of volunteers from all nations, ready to meet emergencies. The members of this force would owe their primary loyalty to the UN, and one of its important duties would be to prevent gross violations of human rights.

In the perspective of a longer time-frame, we need to work for a world where national armies will be very much reduced in size, where the United Nations will have a monopoly on heavy armaments, and where the manufacture or possession of nuclear weapons, as well as the export of arms and ammunition from industrialized countries to the developing countries, will be prohibited. (See reference 3).

Looking towards the future, we can foresee a time when the United Nations will have the power to make and enforce international laws which are binding on individuals. Under such circumstances, true police action will be possible, incorporating all of the needed safeguards for lives and property of the innocent.

The veto power of the Security Council must be eliminated.

One can hope for a future world where public opinion will support international law to such an extent that a new Hitler or Saddam Hussein or a future Milosevic will not be able to organize large-scale resistance to arrest, a world where international law will be seen by all to be just, impartial and necessary, a well-governed global community within which each person will owe his or her ultimate loyalty to humanity as a whole.

3.5 The veto power of the Security Council must be eliminated

We should remember that the UN Charter was drafted and signed before the first nuclear bomb was dropped on Hiroshima; and it also could not anticipate the extraordinary development of international trade and communication which characterizes the world today. The five permanent members of the Security Council, China, France, Russia, the United Kingdom and the United States, were the victors of World War II, and were given special privileges by the Charter as it was established in 1945, among these the power to veto UN actions on security issues. In practice, the veto power of the P5 nations has made the UN ineffective, and it has become clear that changes are needed. If the Security Council is retained in a World Federation, the veto power must be eliminated.

3.6 Subsidiarity

The need for international law must be balanced against the desirability of local self-government. Like biological diversity, the cultural diversity of humankind is a treasure to be carefully guarded. A balance or compromise between these two desirable goals can be achieved by granting only a few carefully chosen powers to a World Federation with sovereignty over all other issues retained by the member states. This leaves us with a question: Which issues should be decided centrally, and which locally?

The present United Nations Charter contains guarantees of human rights, but there is no effective mechanism for enforcing these guarantees. In fact, there is a conflict between the parts of the Charter protecting human rights and the concept of absolute national sovereignty. Recent history has given us many examples of atrocities committed against ethnic minorities by leaders of nation-states, who claim that sovereignty gives them the right to run their internal affairs as they wish, free from outside interference. One feels that it ought to be the responsibility of the international community to prevent gross violations of human rights, such as genocide; and if this is in conflict with the concept of national sovereignty, then sovereignty must yield.

In the future, overpopulation and famine are likely to become increasingly difficult and painful problems in several parts of the world. Since various cultures take widely different attitudes towards birth control and family size, the problem of population stabilization seems to be one which should be decided locally. At the same time, aid for local family planning programs, as well as famine relief, might appropriately come from global agencies, such as WHO and FAO. With respect to large-scale migration, it would be unfair for a country which has successfully stabilized its own population, and which has eliminated poverty within its own borders, to be forced to accept a flood of migrants from regions of high fertility. Therefore, the extent of immigration should be among those issues to be decided locally.

Security, and controls on the manufacture and export of armaments will require an effective authority at the global level.

The steps needed to convert the United Nations into a World Federation can be taken cautiously, one at a time. Having seen the results of a particular step, one can move on to the next. The establishment of the International Criminal Court is an important first step towards a system of international laws that act on individuals. Another important step would be to give the UN a much larger and more reliable source of income. The establishment of a standing UN emergency military force is another step that ought to be taken in the near future.

4. Obstacles to a World Federation

It is easy to write down what is needed to convert the United Nations into a World Federation. But will not the necessary steps towards a future world of peace and law be blocked by the powerholders of today? Not everyone wants peace. Not everyone wants international law *

The United Nations was established at the end of the most destructive war the world had ever seen, and its horrors were fresh in the minds of the delegates to the 1945 San Francisco Conference. The main purpose of the Charter that they drafted was to put an end to the institution of war. It was hoped that as a consequence, the UN would also end the colonial era, since war is needed to maintain the unequal relationships of colonialism. Neither of these things happened. War is still with us, and war is still used to maintain the intolerable economic inequalities of neocolonialism. The fact that military might is still used by powerful industrialized nations to maintain economic hegemony over less developed countries has been amply documented by Professor Michael Klare in his books on Resource Wars.

Today, 2.7 billion people live on less than \$2 a day — 1.1 billion on less than \$1 per day. 18 million of our fellow humans die each year from poverty-related causes. In 2006, 1.1 billion people lacked safe drinking water, and waterborne diseases killed an estimated 1.8 million people. The developing countries are also the scene of a resurgence of other infectious diseases, such as malaria, drug-resistant tuberculosis and HIV/AIDS. †

Meanwhile, in 2011, world military budgets reached a total of 1.7 trillion dollars (i.e. 1.7 million million dollars). This amount of money is almost too large to be imagined. The fact that it is being spent means that many people are making a living from the institution of war. Wealthy and powerful lobbies from the military-industrial complex are able to influence mass media and governments. Thus, the institution of war persists, although we know very well that it is a threat to civilization and that it is responsible for much of the suffering that humans experience.

Today's military spending of almost two trillion US dollars per year would be more than enough to finance safe drinking water for the entire world, and to bring primary health care and family planning advice to all. If used constructively, the money now wasted (or worse

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^{*}The interested reader can find the "Hague Invasion Act" described on the Internet.

[†]It would be wrong to attribute poverty in the developing world entirely to war, and to exploitation by the industrialized countries. Rapid population growth is also a cause of poverty. Nevertheless, the enormous contrast between the rich and poor parts of the world is partly the result of unfair trade agreements imposed by means of "regime change" and "nation building", i.e. interference backed by military force.

than wasted) on the institution of war could also help the world to make the transition from fossil fuel use to renewable energy systems.

The way in which some industrialized countries maintain their control over less developed nations can be illustrated by the resource curse, i.e. the fact that resource-rich developing countries are no better off economically than those that lack resources, but are cursed with corrupt and undemocratic governments. This is because foreign corporations extracting local resources under unfair agreements exist in a symbiotic relationship with corrupt local officials.

As long as enormous gaps exist between the rich and poor nations of the world, the task turning the United Nations into an equitable and just federation will be blocked. Thus, we are faced with the challenge of breaking the links between poverty and war. Civil society throughout the world must question the need for colossal military budgets, since, according to the present UN Charter, as well as the Nuremberg Principles, war is a violation of international law, except when sanctioned by the Security Council. By following this path we can free the world from the intolerable suffering caused by poverty and from the equally intolerable suffering caused by war.

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5. Governments of Large Nations Compared with Global Government

The problem of achieving internal peace over a large geographical area is not insoluble. It has already been solved. There exist today many nations or regions within each of which there is internal peace, and some of these are so large that they are almost worlds in themselves. One thinks of China, India, Brazil, Australia, the Russian Federation, the United States, and the European Union. Many of these enormous societies contain a variety of ethnic groups, a variety of religions and a variety of languages, as well as striking contrasts between wealth and poverty. If these great land areas have been forged into peaceful and cooperative societies, cannot the same methods of government be applied globally?

Today, there is a pressing need to enlarge the size of the political unit from the nation-state to the entire world. The need to do so results from the terrible dangers of modern weapons and from global economic interdependence. The progress of science has created this need, but science has also given us the means to enlarge the political unit: Our almost miraculous modern communications media, if properly used, have the power to weld all of humankind into a single supportive and cooperative society.

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