A WORLD GOVERNMENT: A CRITICAL LOOK INTO THE PRESENT, TO FORESEE THE FUTURE

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I. Introduction

Philosophers, legal scholars, and economists have long contemplated the possibility of establishing a world government: a super-state that will rule over planet Earth and prevent war to achieve the dream of perpetual peace. Both advocates and critics of the idea of world government have adopted an array of contrasting ideologies—from anarchism and liberalism to Nazism and communism—in order to justify their po-

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sitions. Before pursuing the project of establishing a world government, perhaps as an outcome of globalization, policy-makers and scholars must discuss the theoretical question of whether world government is a solution to humanity's problems, or a curse that threatens states' self-determination. In order to consider whether world government is theoretically desirable, this Comment will scrutinize the effectiveness of two current models of unification, the United Nations (UN) and the European Union (EU). These models show that three main factors can either unite or divide nations: the power of money, the sense of oneness, and the power of media. Based on an analysis of the UN and the EU, this Comment reaches the conclusion that a world government is unfeasible, no matter how desirable it is, as long as the right to self-determination exists.

II. THE DEFINITION OF A WORLD GOVERNMENT

In order to lay the foundation for a discussion of the world government, this Comment must take a preliminary step to define what "world government" means. A world government or a world state is simply the embodiment of a common political authority to rule the whole world. This initially translates into transforming the world into a "great nation of states," where a central government decides the destiny of each state. A world government in this sense would not merely aim at peacekeeping but would also provide overall welfare structures—as would a national government. Some scholars—like Glen Martin—contend, against critics, that such a world government could be established without eliminating the diversity of existing cultures or demolishing the peculiarities that make each existing nation unique. Finally, since the

^{1.} Catherine Lu, World Government, Stanford Encyclopedia of Philosophy (July 2, 2012), https://plato.stanford.edu/entries/world-government/.

^{2.} Christopher N.J. Roberts, Human Rights Lost: The (Re)making of an American Story, 26 Minn. J. Int'l L. 1, 34.

^{3.} James A. Yunker, The Idea of World Government: From Ancient Times to the Twenty-First Century 1 (2011).

^{4.} Glen T. Martin, *The "Power" of World Government: The New Holistic Paradigm Embedded in the Earth Constitution* 5 (Jan. 1, 2013), https://www.radford.edu/gmartin/Power.and.CFE.web.version.1Jan.13.pdf.

world government would act as a supra-national state, it would have central legislative, executive, and judicial authorities.⁵

Global governance is not to be mistaken with the world government.⁶ While a world government would rely on global governance mechanisms to rule the world, global governance as such can exist without a world government.⁷

Cosmopolitanism is also a peculiar term with a close connection to the idea of world government. However, it projects the perspective of the people as "citizen[s] of the cosmos" or citizens of the world rather than the perspective of governments.⁸ Cicero wrote that, "[w]hen Socrates was asked to which [country] he belonged, he would say, 'To the world,' for he thought that he was an inhabitant and citizen of the whole world." In this vein, cosmopolitanism does not itself entail the existence of a world government, as cosmopolitan attitudes can exist in the absence of a world government.

Next, it is necessary to note the differences between federation and confederation as common forms of political unification. A federation is created when a number of sovereign constituent units (i.e. states) unite under the auspices of a supreme common government (i.e. a federal government) while retaining some degree of "guaranteed sovereignty" for themselves. ¹⁰ In order to sustain a federation, the constitution usually entrenches this division of power so that it cannot be altered by either the constituent units or the supreme common government. ¹¹ Thus, an important facet of a federation is the ability of the constituent units to regulate their internal affairs in conformity with the supreme federal policies. ¹² In contrast,

^{5.} Yunker, supra note 3, at 62.

^{6.} Klaus Dingwerth & Philipp Pattberg, Global Governance as a Perspective on World Politics, 12 Global Governance 185, 188 (2005).

^{7.} *Id.* For example, the UN and WTO are performing the role of global governance without adopting a central global government.

^{8.} Kwame Anthony Appiah, Cosmopolitanism: Ethics in a World of Strangers xiv (2006).

^{9.} Cicero, Tusculan Disputations 108 (J. E. King trans., 1989).

^{10.} See Clement H. Dodd, Confederation, Federation and Sovereignty, 4 Perceptions: J. of Int'l Aff. (1999), http://sam.gov.tr/wp-content/uploads/2012/01/CLEMENT-H.-DODD.pdf.

^{11.} Andreas Follesdal, *Federalism*, STANFORD ENCYCLOPEDIA OF PHILOSOPHY (June 7, 2018), https://plato.stanford.edu/entries/federalism/.

^{12.} See Michael Burgess, Comparative Federalism: Theory and Practice 13 (2014).

a confederation is a political form in which member states remain completely sovereign and agree to confer some powers to the center¹³—to the extent necessary to achieve a certain purpose.¹⁴ Hence, a confederation's center is weaker than a federal government, as its powers are fully contingent upon the wills of constituent units.¹⁵

Finally, it is worth noting that a world state, like any state, can take on a range of forms. ¹⁶ Medieval thinkers advocated for a world government in a unitary form under which a single monarch or emperor would hold supreme authority over all other lesser rulers. ¹⁷ Modern thinkers, such as Kant, advocated for a global constitutional design similar to a federation. ¹⁸ The next step in the analysis is to assess the contemporary political forms of unification in order to find the most effective political form for a hypothetical world government.

III. A CRITICAL REVIEW OF CONTEMPORARY MODELS OF UNIFICATION

A. The United Nations Model

In any discussion of world government, the United Nations emerges as a natural subject. Scholars may question why the world needs a world government, especially with the enduring influence of the UN since the end of World War II. The answer lies in how effective the UN has proven to be. Accordingly, this Comment will examine the effectiveness of the UN, and then ascertain whether the UN may be a disguised version of a world government.

1. The United Nations: Effective or Defective?

Irrespective of the many hostilities currently taking place in the world, one cannot deny the instrumental role that the UN has played and still plays every day in the world.¹⁹ It has

¹³ *Id*

^{14.} Confederation, ENCYCLOPæDIA BRITANNICA, https://www.britannica.com/topic/confederation-politics (last visited July 29, 2018).

^{15.} *Id*.

^{16.} Lu, supra note 1.

^{17.} Id.

^{18.} Id.

^{19.} Chiara Villani, *The United Nations: Strengths and Weaknesses*, Int'l Ass'n FOR POLITICAL SCI. STUDENTS (Mar. 12, 2015), https://www.iapss.org/wp/

not only succeeded in preventing the outbreak of potential wars,²⁰ but has also promoted human rights throughout the world.²¹ Furthermore, the UN has substantially contributed to the preservation of many of the world's cultural heritage sites and monuments through the United Nations Educational, Scientific and Cultural Organization (UNESCO).²² Accordingly, one might initially think that the UN in its current form performs many of the functions of a world government.

However, "the UN is only as effective as its members allow it to be."²³ There are three main challenges which jeopardize the role of the UN as an international organization that utilizes international law to act as a guardian to the peace, security, and human rights in the world.²⁴ The first challenge concerns States' frequent invocation of sovereignty under Article 2(7) of the UN Charter to refuse any international intervention in their internal affairs. The second pertains to the veto power used by the permanent members of the Security Council. The third challenge concerns the inability of the Security Council to adopt an effective plan to hinder terrorism committed by non-state actors.

First, the frequent and unjustified invocation of national sovereignty before the UN has transformed sovereignty's role from a legal shield into an excuse not to implement UN measures.²⁵ Article 2(7) of the UN Charter provides that:

^{2015/03/12/}the-united-nations-strengths-and-weaknesses/ (noting "during the '60s and '70s when the political commitment of the Security Council helped to prevent the escalation of the US-USSR conflict.").

^{20.} Id.

^{21.} U.N. Office of the Comm'r on Human Rights, Fact Sheet No. 20, Human Rights and Refugees, http://www.ohchr.org/Documents/Publications/FactSheet20en.pdf.

^{22.} The Strengths and Weaknesses of the United Nations, LAWASPECT.COM, https://lawaspect.com/strengths-weaknesses-united-nations/ (last visited July 29, 2018).

^{23.} Strengths and Weaknesses of the UN, MINORITY RIGHTS GRP. INT'L, https://www.minorityrightscourse.org/mod/page/view.php?id=1624 (last visited July 29, 2018).

^{24.} See What We Do, United Nations, http://www.un.org/en/sections/what-we-do/ (last visited July 29, 2018).

^{25.} Winston P. Nagan & Craig Hammer, *The Changing Character of Sovereignty in International Law and International Relations*, 43 COLUM. J. TRANSNAT'L L. 139, 174 n.135 (noting that "Thomas Franck finds the concept of abuse of sovereignty in the context of Security Council Resolution 687, asserting, '[A] Member State's 'uncooperative behaviour' can rise to the level of a threat to

Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.²⁶

State sovereignty is one of the fundamental principles of international law,²⁷ and sovereignty is regarded as the only legal weapon that developing states deploy to protect their territorial integrity and internal affairs against an attack by a developed state.²⁸ However, if every state relied on its sovereignty to defy the UN measures, there would be no international rule of law. For example, the International Court of Justice (ICJ) only relies on the will of the member states to respect its judgment as binding and impose it on themselves.²⁹ As there is no world government or institution that could independently enforce international law by interfering in the internal affairs of the state, the ICJ judgments in some cases only become ink on paper.³⁰ The same implementation problems run through the

the peace and implicate the use of collective measures to compel cooperation with international normative standards beyond those specified as binding obligations of the Charter " citing Thomas M. Franck, The Security Council and "Threats to the Peace:" Some Remarks On Remarkable Recent Developments, in The Development of the Role of the Security Council, Peace-KEEPING AND PEACE-BUILDING 83, 99 (Rene-Jean Dupuy ed., 1993)). The footnote also describes how "Pieter Kooijmans suggests that 'it is an abuse of sovereignty if a Government refuses to co-operate with the [UN], with the possible consequence that the [UN] will be forced to intervene, at a later stage, and at much higher cost for the [UN] as well as for the population, if the crisis becomes really explosive.'" citing Pieter H. Kooijmans, The Enlargement of the Concept "Threat to the Peace," in The Development of THE ROLE OF THE SECURITY COUNCIL, PEACE-KEEPING AND PEACE-BUILDING 111, 120 (Rene-Jean Dupuy ed., 1993). Finally, they observe that "political theorist and skeptic Bernard Crick, who calls sovereignty 'a greater curse and a source of more conceptual confusion than even Clausewitz's dubious doctrine,' despite his distaste for it, does recognize the existence of abuses of sovereignty." citing Bernard Crick, The Curse of Sovereignty, New Statesman, May 14, 1982, at 7.

^{26.} U.N. Charter art. 2, ¶ 7.

^{27.} Suzanne Xiao Yang, China in UN Security Council Decision-Making on Iraq 50 (2013).

^{28.} See id.

^{29.} See supra notes 19-25.

^{30.} Villani, supra note 19.

veins of all UN decisions, unless they fall under the exception of Chapter VII, which authorizes the Security Council to undertake an action with respect to "threats to the peace, breaches of the peace, and acts of aggression." However, one should not be deceived by the sign of hope present in that exception. For, while there is no sovereignty dilemma under Chapter VII, there is still a veto dilemma under this chapter.

The second weakness concerning the UN's functioning is related to the veto power that only the five permanent members-United States, France, United Kingdom, China, and Russia—possess. Despite its historical origins, it does not seem to comply with Article 2(1) of the UN Charter, which stipulates that all member states are equal sovereigns under the UN.³² There are three recent examples of the veto dilemma. First, Russia's veto on a U.S.-backed resolution that would have called for an investigation into the chemical weapons attack in Syria in 2017.³³ Second, China and Russia's veto on a multilateral UN action in Syria—in spite of the massacre taking place—in 2012.34 Lastly, the most recent U.S. veto of Egypt's draft resolution rejecting President Trump's recognition of Jerusalem as Israel's capital. This veto emphasized that the world's decisions are not made by the United Nations, but rather by one or another of its permanent Security Council members.³⁵ In summary, the apparent contradiction between the veto power and the equal sovereignty of nations appears to be a structural flaw in the UN system. This structural flaw allows the most powerful states to manipulate global governance in deciding exclusively on the most sensitive UN Security Council measures—measures which also concern the rest of the world.

^{31.} U.N. Charter art. 39-51.

^{32.} Id. art. 2, ¶ 1.

^{33.} Omer Aziz, Can the United Nations Do Anything to Stop the Slaughter in Syria?, ATLANTIC (Apr. 12, 2017), https://www.theatlantic.com/internation al/archive/2017/04/russia-syria-united-nations-putin-haley-trump-chemical-weapons-assad/522591/.

^{34.} Mick B. Krever, Why Won't the U.N. Security Council Intervene in Syria?, CNN (Jan. 13, 2013), http://www.cnn.com/2012/01/13/world/meast/unsecurity-council-syria/index.html.

^{35.} Michelle Nichols, U.S. Vetoes U.N. Call for Withdrawal of Trump Jerusalem Decision, Reuters, Dec. 18, 2017, https://www.reuters.com/article/us-usa-trump-israel-un/u-s-vetoes-u-n-call-for-withdrawal-of-trump-jerusalem-decision-idUSKBN1EC25N.

Due to this hierarchical paralysis, Germany, Japan, Brazil, and India (the G4) have proposed a reform which aims at including themselves and two African countries as permanent members and others as non-permanent members.³⁶ Moreover, they suggest abandoning the veto and instead relying on a two-thirds majority rather than a unanimous vote.³⁷ However, scholars believe it is unlikely that the UN will undergo such a reform.³⁸

Finally, transnational terrorism and the illicit arms trade constitute the third challenge.³⁹ The current UN system is impotent with regards to terrorism—as it is a non-state transnational actor.⁴⁰ According to Villani, the reluctance of member states to form an international army in accordance with Article 43 and 45 of the UN Charter in order to face terrorism is mainly due to financial reasons.⁴¹ Thus, economics seem to play an extensive role in the effectiveness or ineffectiveness of the UN. Finally, the current UN Charter appears to need revision, since Chapter VII only applies to wars between states,⁴² and does not recognize non-state actors in an era where non-state actors constitute the prevailing evil. These deficiencies provoke the desire for a world political system which would be able to provide transnational policing against terrorism.

^{36.} UN Relevance, Strengths and Flaws, Euronews (Sep. 28, 2012), http://www.euronews.com/2012/09/28/un-relevance-strengths-and-flaws.

^{37.} Id.

^{38.} *Id*.

^{39.} Villani, supra note 19.

^{40.} Id.

⁴¹ See id

^{42.} U.N. Charter art. 40 provides that: "In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures."

2. Could the UN be a Disguised Version of a World Government?

In 2009, Lord Christopher Monckton⁴³ in his presentation about a Climate Change treaty proposed in the UN Climate Change Conference in Copenhagen warned that, "[t]hey are about to impose a communist world government on the world."⁴⁴ Lord Monckton is one of many commentators and critics who believe that the UN's real desire is to establish a world government.⁴⁵ They contend that the 2030 Agenda, under Goal 10, calls on national governments and all people to "reduce inequality within and among countries" through sharing wealth and addressing income inequality.⁴⁶ The agenda proposes a shift in the production and consumption of goods and services among states to make them more sustainable.⁴⁷ It also looks forward to engaging developing countries in international economic decision-making.⁴⁸ This has led in-

^{43.} Monckton is the former science advisor to British Prime Minister Margaret Thatcher. He delivered his presentation at Bethel University in St. Paul, Minnesota, in 2009.

^{44.} Monckton stated, "I read that treaty. And what it says is this: that a world government is going to be created. The word 'government' actually appears as the first of three purposes of the new entity. The second purpose is the transfer of wealth from the countries of the West to third world countries And the third purpose of this new entity, this government, is enforcement." William F. Jasper, *The United Nations: On the Brink of Becoming a World Government*, New Am. (Oct. 11, 2012), https://www.thenewamerican.com/world-news/item/13126-the-united-nations-on-the-brink-of-becoming-a-world-government.

^{45.} See Sean Adl-Tabatabai, UN Agenda 2030 Revealed: They Want A One World Government, Your News Wire (Mar. 10, 2016), http://yournewswire.com/un-agenda-2030-revealed-they-want-a-one-world-government/. See also UN Move Toward World Government with First-Ever Globally Televised Leadership Debate, Daily Bell. (July 12, 2016), http://www.thedailybell.com/news-analysis/un-move-toward-world-government-with-first-ever-globally-televised-leadership-debate/.

^{46.} Letter from the President of the G.A. to All Permanent Representatives and Observes to the U.N. (Aug. 12, 2015), https://www.un.org/pga/wp-content/uploads/sites/3/2015/08/120815_outcome-document-of-Summit-for-adoption-of-the-post-2015-development-agenda.pdf.

^{47.} Id.

^{48.} Id.

ternational journalists such as Alex Newman⁴⁹ to interpret the agenda as a blatant demand for a world government.⁵⁰

It appears that these authors misinterpret the language of the agenda and confuse global governance with world government. Although this confusion stems from the Agenda's language of universality and global egalitarianism, the agenda explicitly stated in Goal 16.8 support for global governance institutions.⁵¹ As discussed in the introduction, global governance refers only to an array of legal and organizational instruments for international coordination, and not to a world government as such.

Some might argue that the UN is indeed a world government since it appears to have all of the characteristics thereof. First, the UN has the ICJ as its principal judicial organ.⁵² Second, the General Assembly is responsible for universal representation—so it looks like a world parliament.⁵³ Lastly, the Security Council could be perceived as the executive branch of the world since its role is the maintenance of international peace and security.⁵⁴

Notwithstanding these facts, the UN does not qualify as a world government since it lacks the most fundamental element: a centralized government with concrete authority over nations.⁵⁵ Pursuant to the UN Charter, states are sovereign and the UN does not have authority to intervene with their

^{49.} Alex Newman is an American journalist and consultant who writes about economics, finance, banking, business, and politics for diverse publications in the United States and abroad.

^{50.} Alex Newman, *UN Agenda 2030: A Recipe for Global Socialism*, New Am. (Jan. 6, 2016), https://www.thenewamerican.com/tech/environment/item/22267-un-agenda-2030-a-recipe-for-global-socialism.

^{51.} Letter from the President of the G.A., *supra* note 46.

^{52.} Main Organs, United Nations, http://www.un.org/en/sections/about-un/main-organs/ (last visited July 29, 2018); The Six Main UN Organs, United Nations Assoc. of Slovn., http://www.unaslovenia.org/en/un/organs (last visited July 29, 2018).

^{53.} U.N. Visitor Ctr., Fact Sheet: This Is The United Nations: The Six Main Organs, https://visit.un.org/sites/visit.un.org/files/FS_This_is_the_UN_2013.pdf

^{54.} Id.

^{55.} Lu, supra note 1; Roberts, supra note 2.

internal affairs.⁵⁶ The UN does not transform the world into a federated system, much less decide the destiny of any nation.⁵⁷

The UN is an international organization that functions as a form of global governance but does not qualify as a world government. Moreover, it seems that the UN's failure to enforce international law on multiple occasions gives some credibility to Hugo Grotius's argument about the unfeasibility of enforcing international law except through a world government.⁵⁸ Surprisingly, converting the UN into a world government, in the form of a federation, was in the long-term plans of the U.S. Congress.⁵⁹ In Resolution 64, Congress stated that:

It is the sense of the congress that it should be a fundamental objective of the foreign policy of the United States to support and strengthen the United Nations and to seek its development into a world federation, open to all nations, with defined and limited powers adequate to preserve peace and prevent aggression through the enactment, interpretation, and enforcement of world law.⁶⁰

B. The EU Model: Impressive or Unimpressive?

The case of the EU is no doubt impressive, and perhaps even a microcosm of a world government. In order to critically review the EU model, this Comment next provides a brief overview of its form and bodies to see if a world government could follow its blueprint.

The EU is not a confederation or a federation, but a supranational institution that operates with a unique form of governance that shares common ground with both federations

^{56.} U.N. Charter art. 2, ¶ 7 ("Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."). Chapter VII concerns taking an action with respect to threats to the peace, breaches of the peace, and acts of aggression.

^{57.} Contra Lu, supra note 1.

^{58.} Campbell Craig, *The Resurgent Idea of World Government*, 22 Ethics & Int'l. Aff. 133, 133 (2008).

^{59.} See Joseph Preston Baratta, The Politics of World Federation: From World Federalism to Global Governance app. H, at 578 (2004).

^{60.} H.R. Con. Res. 64, 81st Cong. (1949).

and confederations.⁶¹ Despite having some characteristics of a federation such as a centralized legislative, executive, and judiciary authorities,⁶² the EU is not considered a federation since it does not have a centralized state in Brussels and all of its powers are conferred upon it by the EU countries.⁶³ Sbragia contends that the increasing powers of the EU parliament, the existence of a single currency, a single market, and a common trade and monetary policy suggest that the EU may be evolving into a true federation, following the same path of integration as many existing federations.⁶⁴

The EU is composed of many unique organs, but the three most important that are comparable to federal or state organs are the EU Parliament, the European Commission, and the Court of Justice of the European Union (CJEU).

The EU parliamentary system is comprised of the European Parliament members.⁶⁵ More than 500 million Europeans are represented by 751 members at the EU Parliament.⁶⁶ These members "can vote in elections, contact their MEP, petition the European Parliament or launch a citizen's initiative requesting the European Commission to prepare a legislative proposal."⁶⁷

The European Commission functions as the executive branch of the EU.⁶⁸ The Commission is similar to the executive branch of national governments, and its head is also called the president.⁶⁹ It is composed of one commissioner from each member state.⁷⁰ The role of the Commission is to pro-

^{61.} Kimmo Kiljunen, The European Constitution in the Making 21–26 (2004).

^{62.} Institutions and Bodies, Europa.eu, https://europa.eu/european-union/about-eu/institutions-bodies_en (last updated May 22, 2018).

^{63.} Alberta Sbragia, Director, European Union Ctr., Keynote Address at the European Community Studies Association Canada (ECSA-C): The Future of Federalism in the European Union (May 27–29, 2004).

^{64.} Id. at 2-3.

^{65.} The European Parliament: The Citizen's Voice in the EU (2016), http://www.europarl.europa.eu/pdf/divers/EN_EP%20brochure.pdf.

^{66.} Id.

^{67.} *Id*.

 $^{68.\} TC$ Hartley, The Foundations of European Union Law 27 (8th ed. 2014).

^{69.} RESEARCH HANDBOOK ON THE ECONOMICS OF EUROPEAN UNION LAW 19 (Thomas Eger & Hans-Bernd Schäfer eds., 2012).

^{70.} Hartley, supra note 68.

pose and enforce EU legislation.⁷¹ Moreover, the Commission represents all EU countries in international organizations and negotiates international agreements for the EU.⁷² Further, it formulates annual budgets to be approved by the Parliament and Council.⁷³ Finally, it supervises the expenditures of the EU countries by submitting them to the scrutiny of the Court of Auditors.⁷⁴ To sum up, its role revolves around protecting EU interests that cannot be dealt with effectively at a national level.⁷⁵ However, it is worth noting that the Commission cannot fulfill its functions without the cooperation of national governments.⁷⁶ The Commission as a body is accountable to the European Parliament.⁷⁷

The Court of Justice of the European Union (CJEU) acts as the main judicial body for the EU.⁷⁸ It plays a prominent role in interpreting EU law to ensure that it is uniformly applied in all EU countries.⁷⁹ Moreover, it settles all legal disputes between state governments and EU institutions.⁸⁰ It also has the competence to accept complaints about rights infringement from individuals and organizations and to take an action against an EU institution.⁸¹ In other words, the CJEU has the ability to annul EU legal acts if they violate EU treaties or fundamental rights, irrespective whether they were issued by the EU government, the Council, Commission or even the European Parliament.⁸²

^{71.} Id.

^{72.} European Commission, Europa.eu., https://europa.eu/european-union/about-eu/institutions-bodies/european-commission_en (last updated Apr. 7, 2018).

^{73.} *Id*.

^{74.} *Id*.

^{75.} Id.

^{76.} Id.

^{77.} Research Handbook, *supra* note 69.

^{78.} Court of Justice of the European Union (CJEU), Europa.eu, https://europa.eu/european-union/about-eu/institutions-bodies/court-justice_en (last updated June 20, 2018).

^{79.} See id. (describing the function of the Court of Justice of the European Union).

^{80.} Id.

^{81.} Id.

^{82.} Id.

Notwithstanding the possibility of its eventual transformation into a federal state, the EU has a unique governance system that Martti Koskenniemi clearly described as follows:

National governments govern at home; the Commission in Europe, and the UN administers a world society—the international community so dear to international lawyers. Perhaps the thickness of government diminishes as we proceed from the domestic to the global.⁸³

In conclusion, the EU's structure does not seem to resemble a world government since it does not confer upon the EU the power to decide the destiny of each member state where they remain largely sovereign.

1. European Countries United under the European Union

In 1849, Victor Hugo dreamed of the day where Europe would be united:

A day will come when . . . all of you, nations of the Continent, will, without losing your distinctive qualities and your glorious individuality, be blended into a superior unity, and constitute an European fraternity A day will come when those two immense groups, the United States of America, and the United State of Europe, shall be seen placed in presence of each other, extending the hand of fellowship across the ocean . . . for the good of all, these two irresistible and infinite powers, the fraternity of men, and the power of God.⁸⁴

If only Hugo had lived until the second half of the twentieth century, he would have witnessed his predictions coming true. The European Union traces its origins to the European Coal and Steel Community, which was established in 1951 as way to integrate coal and steel industries.⁸⁵ Surprisingly, it

^{83.} Martti Koskenniemi, Global Governance and Public International Law, 37 Kritische Justiz 241, 241 (2004) (citation omitted).

^{84.} Victor Hugo, President of the Peace Congress at Paris, Inaugural Address of the President (Nov. 1849), *in* William Jay et al., *The Peace Congress at Paris*, 1849, 8 ADVOC. PEACE 133, 138 (1849).

^{85.} W. Peter Howlett, Book Review, 66 Bus. Hist. Rev. 624, 624 (1992) (reviewing John Gillingham, Coal, Steel, and the Rebirth of Europe, 1945-1955: The Germans and French from Ruhr Conflict to Economic Community (1991)).

seems that the Kantian power of money did play the most prominent role in uniting diverse European nations under the most impressive union on Earth.86 Today, the European Union has become an economic and political partnership among twenty-eight member countries in which member remains sovereign and independent and their national identities are preserved.87 The European Union remains the best example of the contention that peace can be born out of war, as it was created after World War II to foster economic cooperation and to prevent further conflict among European countries.88 One of the attributes of its success is that the union did not swallow up the peculiar identity of every nation.⁸⁹ In 1993, European Union nations developed a single market and after the collapse of communism, the single market achieved its full potential with declaring the freedom of movement of goods, services, people, and money.⁹⁰ When the global economic crisis hit Europe, the EU assisted some countries with their difficulties through establishing the "Banking Union."91

The media has played a phenomenal role in uniting diverse European nations through emphasizing a sense of oneness and a European identity. 92 As the German philosopher

^{86.} See Immanuel Kant, Toward Perpetual Peace: A Philosophical Sketch, in Toward Perpetual Peace and Other Writings on Politics, Peace, and History 67, 92 (Pauline Kleingeld ed., David L. Colclasure trans., 2006) (1795) (finding that the power of money might be the most reliable in uniting diverse populations despite their cultural, religious, and linguistic differences).

^{87.} See Klaus-Dieter Borchardt, The ABC of European Union Law, Eur. Union 24 (2010), https://www.ab.gov.tr/files/ardb/evt/1_avrupa_birligi/1_2_kurumlar/the_abc_of_the_european_union_law.pdf.

^{88.} See Hugo Grotius, The Law of War and Peace in Three Books 19 (Francis W. Kelsey trans., 1925) (1625) ("War itself will finally conduct us to peace as its ultimate goal.").

^{89.} See Desmond Dinan, Ever Closer Union: An Introduction to European Integration 3–7 (3d ed. 2005) (detailing various ways how individual nations have retained their identities as members of the European Union).

^{90.} The History of the European Union, Europa.eu, https://europa.eu/european-union/about-eu/history_en (last updated Oct. 24, 2017).

^{91.} Kalin Anev Janse, *How the Financial Crisis Made Europe Stronger*, WORLD ECON. FORUM (Mar. 16, 2016), https://www.weforum.org/agenda/2016/03/how-the-financial-crisis-made-europe-stronger.

^{92.} See, e.g., The Role of New Social and Digital Media in the European Sphere, Futurelab Eur., http://www.frittord.no/images/uploads/files/Position_Paper_-_The_Role_of_New_Social_and_Digital_Media_in_the_Europea

Jürgen Habermas notes, this created a double sense of belonging for most Europeans: simultaneously belonging to their individual nations and to the EU.⁹³ Thus, the history of the EU shows that the spirit of trade constituted the initial basis for the EU, and then the media cultivated a sense of oneness among the inhabitants of various European nations to promote the social cooperation necessary to sustain the EU.

2. Euroscepticism: The European Union on the Verge of Fragmentation

a. Euroscepticism

Euroscepticism has its origins in Margaret Thatcher's criticisms of European integration. Since Thatcher, Euroscepticism has become a synonym for any direct criticism of the European integration in general, and opposition to the single market in particular. Some scholars, however, have connected it with the view that European integration should remain strictly limited to intergovernmental cooperation rather than a supranational delegation of sovereign states responsibilities.

Falsepdf (last visited July 30, 2018) ("Social media opens up a new public space for debating the European Project. It has the potential to involve a large number of people, through channels that can be more effective than those of national news outlets (be they broadcasters or newspapers). Social media is less dependent on profit, as users are at once consumers and creators of content. Furthermore, social media has the potential to overcome the language barriers that up to this point have fragmented the European media landscape. Twitter, through allowing the interaction of multiple conversations concerning pan-European issues, is better at facilitating a common understanding of identity and participatory democracy.")

^{93.} JURGEN HABERMAS, THE CRISIS OF THE EUROPEAN UNION: A RESPONSE 35 (2012) ("Citizens are involved in a twofold manner in constituting the higher-level political community—directly in their role as future EU citizens and indirectly in their role as members of one of the national peoples."); see also Phillip Allott, Epilogue: Europe and the Dream of Reason, in European Constitutionalism Beyond the State 202, 225 (J. H. H. Weiler & Marlene Wind eds., 2003) (finding traits of commonality among individuals within the European Union).

^{94.} Cesáreo Rodríguez-Aguilera de Prat, Euroscepticism, Europhobia and Eurocriticism: The Radical Parties of the Right and Left *vis-à-vis* the European Union 21 (John Marten Barnard trans., 2013).

^{95.} Id.

^{96.} Id. at 22.

With the rise of the Arab Spring and the spread of religious extremism, political unrest, and terrorism in the Middle East, Eurosceptics found a perfect atmosphere for their philosophy. Eurosceptics contended that, as many Arabs fled their countries into the EU, the refugees not only imposed an obligation on the EU to provide shelter and jobs, but also burdened Europe with battling terrorist attacks. In other words, they perceived refugees as threats to EU integration and its relatively homogeneous cultural identity. While EU integration was born out of an aspiration to a sense of oneness, Euroscepticism seems to grow and flourish when people with completely different cultural identities enter the borders of the EU. Thus, it is not only Islamophobia that is feeding Euroscepticism, but a general xenophobia as well.

b. Let the Fragmentation Begin!

In 2016, the United Kingdom decided to leave the European Union in a historical vote, widely referred to as "Brexit." ¹⁰¹ In this vote, the majority of UK active voters decided that the UK would be better off by breaking loose from the EU and the single market. ¹⁰² According to one study, two factors contributed to this historical decision: Islamophobia and the refugee crisis, and the economic crisis that some feared would result from the refugee crisis. ¹⁰³ The UK's Eurosceptic move created ripples that influenced other European

^{97.} See Ali Albassam, Europe's Refugee Crisis: Assessing the Factors Preventing a Coordinated EU Response 15–19 (Dec. 15, 2015) (unpublished M.A. thesis, University of San Francisco), https://repository.usfca.edu/thes/161.

^{98.} Id. at 18.

^{99.} Id.

^{100.} See id.

^{101.} See, e.g., Anushka Asthana, Ben Quinn & Rowena Mason, UK Votes to Leave EU After Dramatic Night Divides Nation, Guardian (June 24, 2016), https://www.theguardian.com/politics/2016/jun/24/britain-votes-for-brex it-eu-referendum-david-cameron.

^{102.} See BREXIT: The Impact on the UK and the EU, Glob. Counsel. 4–5 (June 2015), https://www.global-counsel.co.uk/sites/default/files/special-reports/downloads/Global%20Counsel_Impact_of_Brexit.pdf (describing impact of then-potential Brexit vote).

^{103.} Harold D. Clarke, Matthew Goodwin & Paul Whiteley, Why Britain Voted for Brexit: An Individual-Level Analysis of the 2016 Referendum Vote, 70 PARLIAMENTARY AFF. 439, 439, 443–444 (2017).

countries like France, Netherlands, Sweden, Italy, Austria, Germany, and Denmark to call for a similar referendum. 104

If the UK wrote the first chapter of the story, Catalonia is currently writing a more sophisticated chapter in the story of EU fragmentation which reveals the weakness of the EU system. This incident proves that the EU, as a guardian of the integrity of all its member states, is not capable of preventing the fragmentation of one of its members. Assuming it was capable, the EU's mere attempt at preserving the integrity of Spain would constitute, by the same token, a breach of the right of self-determination of Catalonia and the Catalan people. Accordingly, Catalonia's declaration of independence from Spain under the guardianship of the EU constitutes one of the hardest challenges for the supporters of the idea of a world government.

On a separate note, according to Ioannou, Jamet, and Kleibl, Euroscepticism is largely due to the lack of employment and the rise of government debt levels in some EU member states, which led to the spread of mistrust in the EU project. The economic spillovers are living proof of the fact that the economic atmosphere in one EU country largely affects the domestic opinion in another. Thus, domestic economic conditions and their effects on other EU countries' economic atmosphere influence domestic support for the EU project or in feeding Euroscepticism. Moreover, economic issues reveal a structural flaw in the EU system itself since the Union lacks the authority to regulate taxation and the expenditure of tax revenues at the EU level. In other words, the EU lacks

^{104.} See, e.g., Kate Lyons & Gordon Darroch, Frexit, Nexit or Oexit? Who Will Be Next to Leave the EU, Guardian (June 27, 2016), https://www.theguardian.com/politics/2016/jun/27/frexit-nexit-or-oexit-who-will-be-next-to-leave-the-eu.

^{105.} See Robert Howse & Ruti Teitel, Humanity Bounded and Unbounded: The Regulation of External Self-Determination under International Law, 7 L. & Ethics of Hum. Rts. 51 (2013).

^{106.} Id.

^{107.} Demosthenes Ioannou, Jean-François Jamet & Johannes Kleibl, *Spillovers and Euroscepticism* 1 (European Cent. Bank, Working Paper No. 1815, 2015).

^{108.} Id.

^{109.} Id.

^{110.} Taxation, Europa.eu, https://europa.eu/european-union/topics/taxation_en (last updated May 24, 2018).

redistributive justice—the only adequate tool that could indeed protect the members against the curse of economic spillovers. This furthers the argument that economics or "the power of money" plays a significant role in uniting or dividing nations. Lastly, although the EU is an effective union to a great extent, it has not reached the stage of becoming a complete, robust social union of European nations yet 112—and fragmentation remains a very real possibility.

Finally, the conflict between national sovereignty and the EU plays a significant role in Euroscepticism. 113 Since Europeans are dual sovereign subjects under Habermas's thesis, it is difficult to foresee which side will prevail in case of any conflict of political interest between the EU and the member nations.¹¹⁴ However, by tracking some of the political conflicts between the EU and national levels, it appears that the national level prevails most of the time in a defensive attempt to preserve its national identity.¹¹⁵ Thus, the EU model showcases that most of the world's nations are likely to accept international governance as long as it does not hinder their particular national identities. Furthermore, the current challenges for the EU provide some insight into the future of a world government or any similar unification project. By way of analogy to the EU, Brexit, and Catalonia, one could imagine the end of a world government through the fragmentation of many parts of the world a few days, months, or years after its establishment. In other words, there seems to be no place for a world government—no matter how desirable it is—as long as the right to self-determination of states and people exists.

Despite the drawbacks discussed above concerning the EU, it is undoubtedly an impressive unique model that is worthy of praise. Although the EU model suffers some structural

^{111.} See João Sérgio Ribeiro, Distributive Justice Through Taxation: European Perspective, 2 JURISPRUDENCIJA 80, 85 (2006), https://www.mruni.eu/upload/iblock/de1/8_ribeiro.pdf.

^{112.} See Frank Vandenbroucke, The Case for a European Social Union: From Muddling Through to a Sense of Common Purpose, in The Future of Welfare in a Global Europe 489, 490–92, 502–03 (B. Marin ed., 2015).

^{113.} Mehlika Ozlem Ultan & Serdar Ornek, Euroscepticism in the European Union, 4 Int'l J. Soc. Sci. 49, 52 (2015).

^{114.} See Habermas, supra note 93, at 35; Allott, supra note 93.

^{115.} See Vlad Perju, Double Sovereignty in Europe?: A Critique of Habermas's Defense of the Nation-State, 53 Tex. INT'L L.J. (forthcoming 2018).

flaws that makes it prone to fragmentation, its global governance mechanisms and unique form sustain the EU integration to a large extent. In fact, if one had to choose between the UN and the EU on which model has proved to be more successful, the EU would undoubtedly win the contest.

IV. A New Proposal: A United Unions of Nations, or UUN

This Comment next briefly surveys some prominent philosophers who have paved the way for scholars to criticize the current political unification models, and enabled this Comment to reach a new proposal.

Concerning the power of money, Thucydides discerned that every nation naturally bows to one God and one God only, which is power. Maintaining power and the desire to acquire more power is the primary goals of nations throughout history and until this moment. However, with the rise of capitalism, power transformed into the spirit of trade, as understood by Kant who referred to nature's role in uniting people through self-interest—a necessity of trade. It Since the spirit of trade cannot coexist with war, states oblige themselves to promote peace and alliance for the sake of economic cooperation. Hence, Kant believed that "the *power of money* is likely the most reliable" in uniting nations and achieving perpetual peace in spite of their differences. It

Regarding the role of media in implanting a sense of oneness and cultural homogeneity, Dr. Martin Luther King Jr. highlighted the importance of preserving diversity while aiming at achieving the oneness of both mankind and the world. ¹²⁰ He emphasized the power of media and technologi-

^{116.} Thucydides, History of the Peloponnesian War (Richard Crawley trans., 1910) ("Of the gods we believe, and of men we know, that by a necessary law of their nature they rule wherever they can. And it is not as if we were the first to make this law, or to act upon it when made: we found it existing before us, and shall leave it to exist for ever after us; all we do is to make use of it, knowing that you and everybody else, having the same power as we have, would do the same as we do.")

^{117.} Kant, supra note 86, at 92.

^{118.} Id.

^{119.} Id.

^{120.} Martin Luther King, Jr., "In a Single Garment of Destiny": A Global Vision of Justice (2012).

cal advancements in bringing a sense of unity to the world.¹²¹ Kant also believed that nature plays an important role in dividing people to prevent the formation of a world government for the sake of individuals.¹²² This is through the hatred that spikes among humanity due to differences in languages and religions.¹²³ Lastly, Schmitt revealed that the relationship between states is a friend-enemy relationship.¹²⁴ By way of analogy, the sense of oneness would also lead to the contrary result, namely, uniting nations.

The EU model seems to be worth following since it operates effectively overall, despite its drawbacks. The intriguing question that comes to mind is whether the world could employ such a successful model at the international level, or whether it would work better in combination with the UN model. The likely result is unclear.

Accordingly, this Comment proposes the adoption of a new United Unions of Nations that would replace the UN model. The establishment of this model shall undergo a process of three stages which would take into account this Comment's findings with regards to the effects of the three factors.

The first stage is to transform each regional group of the UN into a *sui generis* political form equivalent to the EU. In the UN system there are five regional groups, namely: the African Group, the Asia-Pacific Group, the Eastern European Group, the Latin American and Caribbean Group, the Western European and Others Group, with the United States as an observer. This Comment proposes some modifications to these groups to reflect the oneness and similarities of its people.

First, it would be an insult to Earth's nations to have an equivalent sovereign as their observer. Thus, this author would include the United States in the Western European and Others Group. Second, the Arab nations, currently included in either the African Group or the Asia-Pacific Group, tend to

^{121.} Id.

^{122.} KANT, supra note 86, at 91

^{23.} Id.

 $^{124.\ \}mbox{Carl}$ Schmitt, The Concept of the Political 49-58 (George Schwab trans., 2007).

^{125.} United Nations Regional Groups of Member States, Dep't for Gen. Assembly & Conference Mgmt., United Nations, https://www.un.org/depts/DGACM/RegionalGroups.shtml (last updated May 9, 2014).

share more of a sense of oneness. Hence, it would be better to transform the Arab league into an Arab Union and incorporate it into the above framework. 126 Third, each of the remaining groups should transform into a union according to their relative degree of homogeneity. The result would be a world divided into six unions, each of which resembles a version of Kojève's Latin Empire, sharing a sense of oneness and common fate.¹²⁷ Each union would have a commission, a parliament, and a judiciary. Further, each union would form a single market that allows the free movement of goods, services, and workers. The common ideology behind each union would enshrine a sense of similarity that would be tremendously emphasized through the media on one hand and the spirit of trade within each union that would create a peaceful atmosphere of real solidarity on the other. Moreover, each union would decide the fate of its member states and its region. If there were internal threats to peace and security among any of the union's member states, the union should decide the best means to deal with its peculiar vexing issues without resorting to the UUN. The reason lies in the superior ability of each union to understand the cultural, economic, and even the anthropological needs for its region.¹²⁸

The second stage would be concerned with establishing and promoting a spirit of trade among the different unions under the auspices of the UUN. This would become the most prominent link among the unions—as a sense of oneness will likely be absent at the union-of-unions level of organization. The WTO provides the model for facilitating trade among unions, both as new agreements are forged and as a model for dispute resolution.

^{126.} See Robert Howse, Kojeve's Latin Empire, Hoover Inst.: Policy Review (Aug. 1, 2004), https://www.hoover.org/research/kojeves-latin-empire (discussing Alexandre Kojève's proposal to create a continental European political entity based on a shared culture). Compare Joseph Weiler, Un' Europa Cristiana (2003) to Robert Howse, Piety and the Preamble," Legal Aff., May–June 2004, http://www.legalaffairs.org/issues/May-June-2004/review_howse_mayjun04.msp (reviewing Joseph Weiler, Un' Europa Cristiana (2003)).

^{127.} See James H. Nichols, Alexandre Kojève: Wisdom at the End of History 94 (2007).

^{128.} Id.

The third stage would be concerned with the governing mechanism inside the UUN. The UUN General Assembly, composed of the six unions' representatives, would offer a forum for discussing any matters pertaining to the relationship between unions, since matters relating to nations would be discussed before each union's bodies—especially the union's commission and parliament. Regarding the mechanisms adopted before the UUN Security Council, the six unions would be treated as equal sovereigns. Only when some tensions arise among unions should the UUN Security Council convene to decide on the matter. A logical consequence of adopting this theory would be the abolition of the most criticized practices such as the permanent member states and the veto power. Thus, UUN Security Council decisions would be adopted by a majority vote of a presiding union and the five other members. The six unions of the earth, organized through the UUN, would create a world balance that could prevent any union, no matter how powerful, from bending the world towards its interests. It is worth noting that a unification project like the UUN would be contingent, in its establishment and sustainability, upon the political wills of leaders and each country's self-determination.

The UUN is not meant to be a world government, since it would not initially decide the destiny of each union or interfere with any union's internal affairs—which are decided on the union level. The only exception is UUN Security Council interference to preserve peace and security. Furthermore, the UUN would neither be a federation nor a confederation, but a *sui generis* organization that combines the EU and UN models while avoiding their fundamental flaws. Finally, this theory also evades the most cited criticism of a world government through preventing any ruler, state, or union from transforming into a despotic tyranny or anarchy. 129

V. CONCLUSION

A world government, while utopian in theory, might be an evil idea in practice. Instead of fulfilling the dream of establishing world peace, it could diminish the fundamental right

^{129.} See Kant, supra note 86, at 90; see also Alexander I. Orwin, Can Humankind Deliberate on a Global Scale? Alfarabi and the Politics of the Inhabited World, 108 Am. Pol. Sci. Rev. 830, 837 (2014).

of self-determination for both nations and peoples. Instead, scholars and theorists must consider the factors that can successfully bring about unification without curtailing self-determination and eliminating cultural identity. As this Comment discerned from the two models examined, the UN and the EU, the Kantian spirit of trade plays the primary role in uniting or dividing nations. The media plays an important role in further uniting nations through cultivating a sense of oneness, although the media is not a purely pro-unification force. It can also spread mistrust by focusing on social difference and conflict, promoting nationalist and xenophobic sentiments.

Finally, this Comment proposed a theory that substitutes the UN with the UUN. This proposal is intended to rectify the deficits in the UN model without enabling a global tyranny. The UUN concept is a feasible project that could end economic and political domination by the wealthy nations, eradicate extreme poverty, curb wars, and protect human rights. It could also bring the world closer to closing the gap between developing and developed nations through the promotion of trade.