REFERENCES TO WORLD GOVERNMENT have long been treated as utopian notions held by a few visionaries. This much-dismissed vision is re-examined here in light of the fact that self-determination based on national governments, to the extent that it existed a generation ago, is increasingly curtailed by transnational developments. Weapons of mass destruction (and the means to build them) are traded across national borders. Hate materials, drugs, guns, and child pornography banned in one country are readily accessed via the internet in others. Civil war in one country (for example, Yugoslavia) threatens others with massive immigration. Crime is increasingly organized across state lines and is on the rise. Women and children are sold across borders into slavery for sex and forced labour. A currency collapse in Russia, Thailand, or Indonesia rattles the world's financial markets. A computer virus set loose in the Philippines causes worldwide disruptions. Supranational corporations shift capital and jobs from one nation to another, circumventing national policies, regulations, and taxes. While these problems and others like them differ greatly from one another, they have one common denominator: the national institutions that are supposed to express people's preferences in these matters are increasingly ineffective in coping with them.


This article takes for granted that the old functional approach is properly discredited, that the fact that there is a growing need for some different form for managing transnational problems does not mean that a new system will necessarily develop. Nor does it mean that world government is necessarily the only or the likely response, even if some new global architecture does arise. Rather, the discussion focuses on recent changes in global architecture, whether they might suffice to deal with the increase in transnational problems, and the different types of global architecture that could arise in response to the future escalation of these problems.

INTERGOVERNMENTAL SYSTEM IS OVERLOADED

Reference was made to the decreasing ability of national governments to cope with rising problems that are increasingly transnational in nature. The same holds true for the old international system, based on bi- or multilateral agreements by national governments and on international organizations composed of national governments, largely because the old system is not well suited for a high volume of significant governing activities.

One major reason for the increasing inadequacy of the old international system is that it is largely an intergovernmental one that draws on formal procedures, relies on decision-making by representatives of national governments, and involves large numbers of actors. In this system, worldwide policies are formed - as is well known - through negotiations, via accredited diplomats or other national representatives, sometimes involving as many as two hundred nations. Diplomats must consult with and receive instructions from home-based authorities (the Department of State and the White House in the United States or their equivalents in other countries). Significant parts of these agreements must be ratified by national legislatures, which takes years. Often they are not ratified at all or demand further adaptation, which then requires years more of inter-national negotiations.

Moreover, when agreements finally are reached, they are often not honoured or are openly breached; frequently, the mechanisms for enforcement either do not exist or are themselves cumbersome, slow, and weak and can handle only a small volume of traffic. The argument may be made that the North American Free Trade Association (NAFTA), the General Agreement on Tariffs and Trade (GATT), and the World Trade Organization (WTO) have worked rea-
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sonably well. However, one should note that trade is different in character from most other transnational issues, and it is hence a mistake to generalize from the experience of trade treaties and organizations to other transnational treaties and organizations.

If national governments per se are increasingly less able to cope with transnational problems either by each relying on their own institutions or through the old international system, have other institutions developed to deal with these problems? To reiterate, the line of argumentation advanced here is not that these new or newly expanded institutions will arise because they are needed; the questions, instead, have to do with the developments in global architecture that have occurred and the directions in which they are unfolding.

'GOVERNANCE WITHOUT GOVERNMENT'

In response to the question of which approaches have developed to cope with transnational problems (a positive question) and whether they ought to be extended (a normative question), some scholars have suggested an approach that is less visionary than a world government but more effective than the intergovernmental system, namely 'governance without government.' According to governance scholars, civil or communitarian entities above and below the nation-state have increasingly assumed governing roles in global affairs. The term 'gov-


4 A study of the special factors involved would take us far afield. Briefly, trade is supported by supranational corporations that have no similar investment in the treatment of many other problems, and it promises to pay off for all parties in relatively short order.

5 The European Union also had the least difficulties, although far from none, when it was largely a freer trade association. This is still its strongest suit.

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governance' suggests that the problems are handled and that order is provided, by means other than government. (Although in this article governance refers to networks of non-state actors, it is important to note that some scholars include national state governments and intergovernmental organizations in their use of 'governance.')

Discussions of governance encompass a wide variety of transnational communitarian bodies. Because these are familiar, they are only briefly discussed here, with an eye toward evaluating them rather than describing them. The discussion touches on international non-governmental organizations (INGOs) and social movements, although quite a few others exist, such as transnational commercial arbitration houses.

Much importance has been attributed by several scholars, such as James N. Rosenau, Oran R. Young, and John W. Meyer, to the rise of INGOs and an evolving global civil society. While INGOs have existed for many decades, their number has increased significantly since the end of the cold war, roughly since 1990. INGOs include professional, vocational, and environmental organizations, which either act on their own or serve as the cores of social movements. They are credited both with handling some transnational problems on their own and with laying the foundations for a global community whose evolving norms and informal controls further alleviate these problems.

7 James N. Rosenau, 'Governance, order, and change in world politics,' in Rosenau and Czempiel, eds, Governance without Government, 4ff.
Understanding how much weight global civil society can bear in dealing with transnational problems requires an assessment of the contributions communitarian bodies do and can make to the treatment of transnational problems. As these contributions vary, they are briefly reviewed one at a time.

First, a preliminary and informal review suggests that there are some problems - although it seems relatively few - that INGOs can handle on their own or that they can make significant contributions to the resolution of. For instance, Benjamin Barber points to a movement to affix 'Good Housekeeping seals' to food (for example, dolphin-safe tuna) and rugs (made without child labour). When a natural disaster strikes, INGOs (working with local NGOs) can help take care of victims and their families. However, typically the situation is akin to the domestic welfare state. NGOs can take over some of the burdens of the state, but they cannot take over its duties. Thus, as important as voluntary fire fighters are in the United States, for example, they cannot discharge their mission without the state resources they use and without state-paid fire fighters. The same holds true for the work of international voluntary associations, such as the Red Cross, CARE, and Médecins sans frontières, which use the resources of governmental bodies. In short, these communitarian bodies can be important partners with national governments in dealing with some transnational problems, but they cannot assume a large part of the under-tended transnational tasks that national governments are unable to handle. Hence, if these communitarian bodies are relied upon to deal with transnational problems, they largely fall back on the overloaded national and international system. To provide but one example: delivering food and tents to large numbers of refugees during the war in Kosovo required transnational and local transportation and security, some of which was financed and carried out by national governments, such as the United States and Britain, and some by international organizations, such as the North Atlantic Treaty Organization (NATO) and its K-for peacekeeping force, rather than by INGOs on their own.

Second, INGOs have been particularly effective in setting transnational agendas; mobilizing public opinion in general and that of concerned groups in particular; acting as public interest groups that lobby

11 Benjamin R. Barber, 'Globalizing democracy,' American Prospect, 11 September 2000, 16.
various international organizations and serving as a counterweight to private interest lobbies; and developing transnational values and norms. Note, though, that many of these activities are aimed at changing governmental policies (that is, those of one or more national states or organizations of states), seeking to activate a state when it is considered neglectful, and/or critically monitoring its performance to ensure that it lives up to its obligations (for example, under a given transnational environmental agreement). INGOs do not carry out the needed action themselves.

INGOs have prodded national states to act in new areas (for instance, pushing them to endorse a treaty banning landmines) and international organizations to do the same (for instance, demanding that the United Nations and the World Bank pay more attention to AIDS). But here we come full circle: these are the units of the old system that are unable to cope with the rising transnational problems. Pressuring them to do more of whatever the INGOs favour, building public support for such expanded or modified activities, and monitoring their performance seem to enhance the transnational commitments of states, but they do not change the basic facts that determine their limitations, facts already cited: each state faces severe limits to its ability to tackle the problems, and INGOs are constituted in ways that make it difficult for them to act effectively in dealing with a growing volume of significant problems. No matter how much pressure INGOs may apply, the traditional international system can accomplish only so much. Empirically, this observation is supported by the fact that, despite the very large increase in INGOs since 1990, the level of yet-to-be-treated transnational problems has not receded and may well have risen. The global environment continues to deteriorate, transnational crime continues to rise, and so on.

INGOs can be quite effective in the cadres of protest movements that raise public consciousness and change people’s values. However, their work is often most consequential if it results in the enactment of new laws, court rulings, and the formation of new government agencies. Such institutionalization is the key reason for the success of the environmental, civil rights, and women’s movements on the domestic front. However, when there are no transnational institutions that can enact and enforce the needed laws and no new agencies can be created - that is, when these movements try to work transnationally without some form of transnational government - their long-term effectiveness
Transnational governance is limited. They tend to dissipate or, here too, fall back on the over-loaded old national and international system.

Thirdly, NGOs as a rule cannot handle those matters that are the essence of the state’s police function, matters dealing with legitimate use of violence (international courts, law enforcement, jails, and so on) and regulation. They cannot directly deal with international drug traffic, terrorism, and the smuggling of people, among other issues. NGOs cannot engage in peacekeeping activities, a major challenge for any international system. Mediation (for instance, of the kind provided by the former president of the United States, Jimmy Carter, and his associates), informal meetings of opponents arranged by INGOs (for instance, a camp for Israeli and Palestinian youth run in the United States), and education for peace are all of value, but are far from commensurate with the problems at hand.

Fourthly, voluntary assessments cannot replace the mandatory contributions and tax collections needed to finance transnational work. A comparison of the amounts of donations collected by UNICEF, CARE, and thousands of other such groups that provide foreign aid to dues paid by governments to the United Nations, grants and loans provided by the World Bank and the International Monetary Fund and by national governments to third world countries, indicates the relatively limited scope of voluntary assessments. The amounts are significant in that they build a communitarian awareness of transnational needs, allow individuals and civic groups to express their commitment to helping others above and beyond what governments do, and do add resources, but their scope is relatively small.

Lastly, many of the INGOs themselves are structured like international and not supranational bodies, which limits their effectiveness. They have national ‘chapters’ that pass resolutions and instruct their representatives on positions to be taken in international meetings, although their instructions generally are not as detailed and strict as those provided by national governments. (For example, the International Federation of Red Cross and Red Crescent Societies, which is one of the governing institutions of the International Red Cross, is composed of national delegations.) Negotiations among INGO representatives are not, on average, as complex and prolonged as those among governmental representatives, but typically they are quite burdensome and slower and more complex than those among members of a supranational body. And, of course, the resolutions are neither truly binding nor enforceable.
In summary: INGOs handle some transnational tasks on their own, and they can prod national states and international organizations to expand their transnational commitments or to change course. However, without some new or additional transnational authority and resources, they are greatly limited in what they can accomplish on their own or with the authority and resources already available in the old system. To sharpen the point, compare the situation to a world in which the United Nations could collect taxes and impose regulations without the prior consent of national governments and without having to rely on them for action. Such a United Nations may well be undesirable and would raise serious challenges. It is mentioned merely to highlight the weakness of the current system, even when INGOs are included. The question hence stands - what other approaches have actually arisen to cope with transnational problems?

LIMITED SUPRANATIONAL INSTITUTIONS

Scholars have pointed to newly developed supranational institutions as adding authority and capacity to transnational governance, above and beyond that provided by various INGOs. These institutions have some of the powers of a state, but, because they are specialized and limited in their scope and jurisdiction, they are not viewed as constituting a world government, although some surrender of sovereignty by the national states is involved, and in this limited sense they lay the groundwork for a new transnational architecture.

An example of a supranational institution is the International Criminal Tribunal for the former Yugoslavia at The Hague, where judges rule on cases not on the basis of specific or general instructions from individual nations but on the basis of international law.12 The court has enforcement powers, including the imprisonment of those convicted of crimes against humanity.13 Other new transnational institutions that qualify as supranational or that have some supranational features include the Internet Corporation for Assigned Names and Numbers (ICANN), the WTO, and, potentially, the International Criminal Court (ICC).

13 Sean D. Murphy, 'Progress and jurisprudence of the International Criminal Tribunal for the Former Yugoslavia,' American Journal of International Law 93(January 1999), 57-97.
While such supranational bodies are making significant contributions to the treatment of transnational problems, so far their numbers are few and their authority is quite limited. For instance, the United Nations International Criminal Tribunal for the Former Yugoslavia can deal only with the cases emanating from the former Yugoslavia, and the International Criminal Tribunal for Rwanda is similarly limited to cases from one territory. That leaves most crimes against humanity outside the jurisdiction of any court. Attempts to form a more encompassing International Criminal Court (for which the Rome Conference laid the foundation in 1998) have been stalled so far.

The rise of supranational institutions, especially if their number and authority were to expand, would provide an additional source for coping with transnational problems. They point to a rather different architecture than the traditional one: in supranational institutions, a small number of individuals can render decisions without consulting scores of national governments. However, so far their number, the scope of their functions, and their powers remain limited.

One could argue that as supranational entities continue to grow in scope and power, they might be able to treat transnational problems more effectively. However, even a cursory examination of the development of these bodies shows the opposite trend: when supranational entities significantly expand their reach, strong nationalist opposition arises, which often severely limits their growth. One major reason for the success of nationalist opposition is that the people of the nations involved have not been prepared to relinquish significant sovereignty to supranational bodies that are not accountable to democratic institutions. For instance, the judges of the supranational tribunals are chosen and confirmed by the United Nations, a process that does not have the legitimacy such a process has within democratic societies.

Congenital Limitations of Existing Transnational Architecture

Taken together, various communitarian bodies and limited supranational institutions so far have been unable to cope with transnational problems, as is evident from their continued increase. It might be said that even well formed nation-states have been unable to solve many

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14 Anne-Marie Slaughter, ‘The real new world order,’ Foreign Affairs 76 (September/October 1997), 183-97.
domestic problems, from drug abuse to curbing the spread of HIV. Indeed, for that reason I systematically avoided the term ‘solving’ in connection with social problems. Yet established national states, such as the United States, Western European nations, Japan, China, and India - which often do a poor job on numerous social fronts - have been more effective than the state-less transnational system. Reallocation of wealth, for instance, which is rather limited domestically in free societies, is minuscule internationally. Curbing HIV by national public health authorities in established national states has not been highly effective, but it has been much more effective than attempts to prevent its spread from nation to nation and to provide international help to countries that are unable to cope on their own.

If one compares global civil society to a domestic civil society, one realizes the important role the state plays in shoring up the civil society. Attention is usually paid to the opposite: the way a state may harm a civil society by intruding on it or pre-empting it and the role civil society plays in protecting its members from the state. However, one should not disregard the fact that civil groups often gain significance through the state. Obviously, without government regulations, budgets, monitors, courts, and their means of enforcement, civil rights, environmental protections, consumer protection, and so on would be considerably weaker. In short, the civil society often needs backup from the state in which it is ensconced. A major limitation for the global civil society is that it has no such state to draw on.

That such a global state is 'needed' does not mean, of course, that it will be constructed. By the same token, the forces that have been pushing for stronger transnational capabilities to deal with rising problems will not vanish. An examination of the source, attributes, and range of those forces is beyond the scope of this article. For now it may suffice to indicate that the forces combine (a) activist cadres and organizations that work jointly across national borders (for instance, to protect the environment), (b) political and financial resources provided by relevant segments of the public in numerous countries, (c) nations that find particular causes compatible with their interests or ideology (for instance, the West’s support for groups that promote human rights worldwide), and (d) some corporations and business groups (for instance, Nike is reported to have helped a movement to curb child labour in making soccer balls in India for Adidas, its competitor).
That these global forces are already seeking a new or expanded global architecture is evident in suggestions and drives to increase the powers of the United Nations and to enlarge its resources, to render it more democratic, or to make it less under the influence of the West (especially the United States) - that is, in effect, trying to restructure it to move it somewhat in the direction of a global government.

These endeavours, in turn, run into opposition from superpowers to any dilution of their power (for instance, by increasing the role of the General Assembly and reducing that of the Security Council) and conflicting conceptions of the nature of good government (democratic? focused on economic development or wealth reallocation?) and the values involved, as well as widespread reluctance to surrender national sovereignty.

ALTERNATIVE SCENARIOS AND TRANSNATIONAL ARCHITECTURES

Granted that future developments of the kind discussed here cannot be predicted, responsible futurology prescribes formulating alternative possible future designs or structures (and pathways leading to them). At most, one may assign higher probabilities to some of these scenarios than to others and seek to justify such assignments.

The following scenarios and architectures suggest themselves:

a) *Muddling through.* This entails basically continuing into the future the present situation in which a patchwork of transnational communitarian bodies, national governments, intergovernmental organizations, and limited supranational institutions continues to deal with transnational problems as best it can. The result, even assuming some improvements, is likely to be a growing treatment deficit as the volume and import of transnational problems is expected to increase as a result of continued globalization and technological development. Still, given the difficulties posed by the scenarios below, this may well be the most probable near-term future.

b) *Incremental formation of a world government.* Increased pressure by transnational forces, or additional gains in the respective power of some nations (for example, the rising influence of Germany and

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15 Shortly after this article was finished, a very germane article appeared: see Robert Keohane, 'Governance in a partially globalized world,' *American Political Science Review* 95 (no. 1, 2001), 1-13.
China) or of coalitions of developing nations, could lead to a gradual restructuring of the UN to perform more of the roles of the government of a world state. Given the strong forces arrayed against such a development (for example, opposition from the United States, less but still considerable opposition from other Western powers and Northern nations, ideological and interest differences among many developing nations), if it does occur it can be expected to be slow and limited in scope.

c) A constitutional assembly. Increased frustration on the part of the forces that are seeking more effective treatment of transnational problems, as a result of the unfolding of either scenario a) or b), might lead them to call for a constitutional assembly of the kind Germany has suggested for the member nations of the European Union (EU) - to form a worldwide federal state and government.16 This scenario seems especially unlikely given the array of forces already discussed, the special difficulties posed by such an attempt to depart sharply from the existing international architecture, and the absence of preparatory trends to lay the foundations for such a development (of the kind that the EU experienced over the last generation).

d) A limited global guardian following a crisis. This scenario is discussed here in greater detail than the others because it highlights issues so far not explored but also because it seems (although this is very difficult to demonstrate) somewhat more likely than scenario c) (because it is much less demanding) and a) and b) (because the results might be more satisfactory to the forces seeking more effective treatment of transnational problems).

This scenario differs from the preceding ones because it assumes a different underlying dynamic: instead of assuming that the main driving vector is a combination of forces that seek more effective treatment of a variety of transnational problems, the vector here is a specific acute global threat. It is a long-established social science theorem, supported by the results of experiments,17 that even sharply opposing camps, when faced with a common threat, will unite. However, the response to such a threat would likely be limited in scope, at least ini-


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Tially addressing only the threat at hand (hence the reference to a global guardian, to distinguish it from a world government, a term that evokes the image of a full fledged government akin to that of a nation-state). To put it differently, a major threat could provide what might be called ‘automatic legitimacy’ to a global force able to cope with the threat, making possible a surrender of national sovereignty regarding matters concerning the crisis at hand, but not a general surrender.

One scenario describing how such a guardian could be formed follows. Imagine a nuclear war between India and Pakistan that results in 100 million casualties and turns most of Kashmir and adjacent regions into a radioactive desert. Tensions between Iraq and Israel are mounting and intelligence reports suggest that they might be close to nuclear blows that could spill over into other countries in the region, including those with large oil fields. At this point, world public opinion, social movements, and INGOs might well strongly favour worldwide nuclear disarmament. However, upon recognizing that the superpowers would still be unwilling to lay down their nuclear weapons, the public would likely support a less just but relatively effective treatment of the immediate issue at hand: it would support (the way cities awash with crime support strong police presence) a United Nations action (backed by a coalition of superpowers, perhaps the members of a restructured Security Council) demanding that all small nuclear powers give up their nuclear arms and submit to inspection. In return, United Nations forces would guard their borders. (Another possible scenario presumes the spread of a plague across national borders, say a virulent mutant of HIV that even the ‘have’ countries could not handle domestically.)

Because United Nations actions (as distinct from debates and non-binding resolutions) are largely dominated by a small number of powerful nations, de facto, the global guardian would be a basically undemocratic body. Referring to it as an anti-nuclear empire would not be inaccurate. It would differ from the existing United Nations largely by assuming much more power and jurisdiction than currently is the case. (This is not a scenario the author favours, let alone champions, but merely one added to a list of other scenarios.)

The probability one assigns to such a scenario depends largely on the extent to which one expects that the proliferation of nuclear weapons (and possibly of other weapons of mass destruction) will lead to a major catastrophe. The fact that these weapons are acquired by a steadily growing number of nations, and nations whose current or
future leaders possess increasingly different ideological, cultural, and psychological profiles, suggests that the probability of such a crisis will increase in the future.

If a global guardian were to cope effectively with a major transnational threat or crisis, its legitimacy would be enhanced and the already cited forces that seek increased treatments of transnational problems might lobby for it to attend to whatever is considered at the time the most pressing ones, as well as for it to become more accountable (although not necessarily on a Western model). Such a development would raise a host of extremely challenging and well known issues concerning reallocation of wealth between North and South and within regions and even nations, the merit of political development versus economic development, and the surrender of some of the powers of the superpowers and considerable sovereignty by all nations. Examining these issues is well beyond the purview of this exploration.

Facilitating Factors
While the building of any new global architecture is likely to be difficult, several familiar recent developments make such a formation somewhat less inconceivable. They include the spread of English (whether or not one favours it) as a de facto lingua franca (already almost one-third of the world's population uses English in some form), the rise of worldwide communication systems, the great increase in international trade and travel, the development of worldwide news, and the development of transnational civil and legal institutions and norms. They all work to make people somewhat more


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globally oriented. Indeed, a major scholar, Lawrence Lessig, recently wrote: ‘We stand today just a few years before where Webster stood in 1850. We stand on the brink of being able to say, “I speak as a citizen of the world,” without the ordinary person thinking, “What a nut.”’

Finally, one should take into account that if a global authority were functioning, the advantages of dealing with transnational problems on a global level would become evident. To highlight this point, an examination of a relatively minor issue might be useful, namely that of trade in cigarettes. When several states in the United States tried to discourage smoking by raising their taxes on cigarettes, they were greatly held back by neighbouring states that did not raise their taxes. If all 50 states raised taxes to the same level, tax enforcement would be enhanced even though cigarettes would still be smuggled from Mexico. However, if a North American body, or better, one that encompassed all nations in the western hemisphere, or best worldwide, were to level a similar amount of taxes, the ability to impose taxes on cigarettes would be greatly enhanced, without any increase in policing. True, the problem would not disappear. Nations would differ in their level of law enforcement and, if taxes were high, contraband would be produced. However, the ability to cope with this and other problems would be significantly increased merely because policies and enforcement would have a worldwide reach.

IN CONCLUSION

This article argues that transnational problems are rising and that more and more people in different parts of the world, who support various pressure groups that agitate for changes in the global architecture, find that the treatment of these problems with the current mix of communitarian, national, intergovernmental, and supranational bodies is unsatisfactory. A brief examination of the possible near future scenarios for the development of a new architecture suggests that a world government is very unlikely, but that, under conditions of an acute global threat, a limited global authority might be created. The conditions under which it might expand its scope and become more accountable are not addressed.

Post Hoc
This article was written before 11 September 2001. It is too early to determine whether the events of that day amount to the kind of crisis referred to in scenario d) of this article. It has so far (November 2001) resulted in a coalition of major powers to fight terrorism. The future will tell whether it will last, whether its missions might be expanded, and whether it could be democratized. My analysis suggests that it might well last but that it would collapse if the missions are much expanded or if democratization is rushed.