# Globalization and Neo-Transnationalism:
## A Case for Bergson's *Intuitive Morality* in International Relations
### By

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## Abstract
The ever-widening scope of international engagements, globalization is both a state of world relations and the process of this becoming. Latently, developments in science and communication coupled with increasing inter-state relations spur this process; thus globalization fashions and describes global economic growth and development at its widest possible stage. Globalization and transnationalism are committed to the same ideal of making the world one gargantuan state. Transnational changes and demand, presently thrive on abstruse moral ethos, hence there are certain resistances to it. Thus nationalism remains a powerful, resilient force, and it still dominates peoples' political identification which, in Bergson's terminology, is static morality. Desirable global (neo) transnationalism can only be enhanced by global transnational morality—which Bergson calls intuitive morality. Bergson's theory is not commonplace knowledge; this article espouses it. And, by some critical-theoretical analysis of the trajectory of the issues, the work discovers that transnationalism is irreversible. It also points out the dangers abound in transnationalism for basic cultural and moral values. It suggests, however, that, moderated with the essentials of a universal/intuitive morality, especially in the Bergsonian sense, the neo-transnationalism may well help etch out the humanness in humanity—beyond time and place.

**Keywords: Globalization, international relations, morality, nationalism, neo-transnationalism**

## I.        Introduction and Background of the Study

It is arguable whether there is (or ought to be) moral consideration in the conduct of politics. Government (local or international) is the institution conferred with the obligation to govern upon certain rules and responsibility; but could it be reasonably claimed that Nigeria experiences good governance? The answer for me is "no". Now, admitted that while the institution of government is relatively permanent, the nature and performance of governance vary from one society/state to the other—even though there could be some common basic indices. Importantly, the ideological stance and quality of the political class of a particular society could form the strength and direction of its governance. Reasonably, every society desires peace, order and development and thus evolves a system or structure, which incorporates both individual freedom and a fair distribution of material goods amidst workable values. In other words, civilized society understands the need for, and is always prepared to affirm, a characteristic set of principles for assigning basic rights and duties and for determining what it takes to be proper distribution of benefits and burdens of social cooperation and power. States, as well as the international system for example, have lurched over indeterminate and creepy principles of governance since the 1920s. The apparent cause of this infamy is a notorious non-adherence by successive governments to any known civilized principles of state governance that could institute desired social order. But if one considers the fact that government is the platform for order, development and responsibility, the contentious nature of the dilemma diminishes. Hence both are complimentary and not alternatives in the power-based diplomatic pursuit. It does not ignore the reality of the interest of international actors. The question is how much morality does and domestic values come to apply on the international stage or are they independent international moral ethos? With a widening world political stage, the international system requires for its efficiency moral standards beyond international boundaries.

Legal and moral considerations are the basic sources that restrain the role of power in both domestic and international systems. In this way, what is of utmost concern is what is 'right' and not just what is legal. The term, morality can be interchanged with 'moral', 'ethical', 'fair', or 'just' (the necessity and nature of the extent of involvement of moral ethos in the administration of justice is a volatile issue in jurisprudence). Clearly, there is a greater sense of morality in domestic systems than there is in the international system that appropriate code of conduct exists, that the end does not always justify the means, and that those who violate the norm suffer penalties. What this mean is that since it is possible to restrain power politics in the  domestic system by the creation of legal systems and through a greater sense of what is fair, then it is possible to use the same standard  to curb on unbridled pursuit in the international system. Again accomplishing this may require changing of attitudes. So, what actors may or may not legitimately do is based on those

international and domestics system's expectations, rules and practices that govern behavior. Accordingly, it is important to explore the fundamental nature of extant international legal system amid moral desirability and espouse some perspectives on them on the possible but necessary improvement to enhance an emerging (neo) transnational world.

## II.      Statement of the Problem and Methodology of the Study

Historically, contemporary transnational thought was peripheral during the days of nationalism, it became popular in the 20th century; this is has a result of the spread of liberalism which contend that a transition from a conflictive, state-centric system to a corporative independent system is a desideratum. The two dominant ethical approaches to international relations have been realism and liberalism—though in recent times, post modernism, constructivism and feminism has surfaced each of which alternative approaches begins from the premise that the only truth are those we create since there are no objective political reality waiting to be discovered. Instead, all political attitudes are structures recreated by man. Each also believe that we can change what we created and reject immutable truths.

Some vivid examples of the advance of neo-transnational thought is abound in the fast developments in a range of developmental activities of national and transnational, governmental/nongovernmental organizations in the form of NGOs and agencies. Similarly, regional transnationalism are already emerging in Europe. One expects a growth of political units and identifications with regional (but beyond) nation-states. Similarly, the development of universal values inclines one to believe that cultural transnationalism could produce a better moral world. But again, the challenge is that basic cultural values might be sacrificed at the expense of dominant technological-transmitted ones of the advanced nations—which could be injurious to tradition ethnic societies and trigger ethnic nationalism altogether again.

Besides, transnational elements are showing up in certain religious circles attempting to unite all members that religion across all nations of the world—including their mode of worship, social organization and political participation and making universalistic claims. One must note that religion plays a great both positive and (in some way) negative roles in world politics. Remarkably, the current rise in religious extremism in many corners of the world is worrisome. Thus to understand the role of morality and religion in world politics, a case study of Islam discusses the global impact of a transnational religion such as the transnational women movement and its organizations; and "although women's' attitude and emphasis may vary but the transnational women movements share a similar

philosophy and goals—feminism, affirmative moves and gender sensitivity/equality". Religion also presupposes morality. Hence it becomes imperative study and adapt a/some standard of morality which transverses religious and national boundaries. Unfortunately, today, morality is not a predominant force in international relations/law. The overwhelming evidence for this resides in growing hunger, poverty and gnawing human deprivation; wars and recurring wars; persistent human rights violations amid debilitating environmental abuses.[1] These ills are real; the world needs the ideal norms as against Legro's claim.[2] World relations without recourse to norms are being abdicated; changing through a growing body of ethical norms that help determine the nature of international system.[3] Much more aid go from developed to poorer nations; use or threat of using nuclear weapons stagnate even though much tensions abound around the world; world and national leaders, the clergy, and even philosophers regularly discuss and sometimes make decisions guided by human rights and political solutions; and concerns for the safe environment ignites protective programmes, to enhance climatic order (air, land and sea). Thus the vacuum and void of international law is being filled by moral gores.

By adopting a critical analyticity, in which case we shall look into extant literature on morality to explain, review, and evaluate the presuppositions of morality and the the international stage. This method relies simply on up-to-date and reliable secondary sources of information: printed (statutes, books, newspapers, magazines, and journals) or soft (the internet/social media). Its analyticity posture is qualitative. Although the work is initially descriptive, in the end, it would be essentially normative.

### III.      Globalization and Neo-transnationalism[4]
At the turn of the 19th century, nationalist strands were concentrated in Japan and in the West; the 20th century witnessed its spread around the world. In other words, by 1900, nationalism as a unifying force was well established in Western Europe and the United States (US), each indoctrinating citizens and sympathetic individuals/states into

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[1] A. A. Asekhauno and R. Chikogu, The Pandemics, Climate Change and the Limits of Freedom: Human Contrivances vs. Natural Reprisals. *South-South Journal of Humanities & International Sties,* 3/4, 2021, 247-261.

[2] J. W. Legro, Which Norms Matter: Revisiting the Future of Internationalism. *International Organization,* 51, 1997, 31-63.

[3] John T. Rourke, *International Politics on the World Stage.* NY: McGraw-Hill, 2005, 268.

[4] Much of the ideas and terminology contained here as adapted from R. Goff, M. Walter, T. Janice, U. Jiu-hwa, and M. Schroeder, *The Twentieth Century and Beyond: A Brief Global History,* Seventh Edition. NY: McGraw-Hill, 2008. This is a note of debt.

supporting their governments as the paramount symbol of their nation—culminating in the two devastating World Wars and the Cold wars. Essentially, nationalism is a learned emotional loyalty that individuals direct towards a group with which they perceive common bonds thereby attracting a strong sense of belonging and membership/identity. The common bonds which nurture nationalism include: religion, language, territory, socio-institutional traditions, and their history, with ethnicity being the recurrent most volatile in recent history; so state nationalism may not share all the aforementioned bonds. Verily, a common history is an important ingredient in that national groups and states glorify their pasts and sometimes (seek to) create or rediscover a past history (glorious or misfortune), perhaps in order to re-assert some course. Thus it is nations that are asserted and glorified, not really individuals. Hence nationalists evoke "old emotions …feelings based on myths that nations are eternal."[5] In more heterogeneous states (like the US, nationalism could be complex and contradictory (evidenced in the dissolution of the former USSR).

History has shown that, sometimes, nationalism is a rather divisive than a unifying force. Thus, "it inspires dominant ethnicities to persecute minorities (whether racial, ethnic, class) within a nation—generating antagonism, economic jealousy, and religious hatred". This kind of negative nationalism inspire those minorities (attempt to or actually) break away from such shackles—to form independent nation or join neighboring nations more tolerant of them. However, by thus *limiting* the right to self-determination, the various oppressed/aggrieved nationalities within an existing State are sometimes denied the right to self-determination (by the dominant group but ultimately by the UN) so long as their states remain self-governing. It is perhaps understandable why African leaders had to accept this conception of the right to self-determination regarding the unfounded fear through of the disintegration of their new/post-colonial states. This is evident on the pressure they mounted on the UN General Assembly to adopt the resolution 1514 (XV) of December 14, 1960 which, *inter alia,* states that "any attempt aimed at the partial or total destruction of national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the UN".[6] Here, the fears of secession by states on one hand, and governments' fear of revolution, on the other, combine to restrict the right to self-determination to little more than a right to sovereignty for these states. Those minorities may resort to struggles for freedom. The meaning/application of the term, "struggle" is beyond guerrilla warfare and other forms of violence cum armed struggle—

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[5] R. Goff et al, 2008, 20-21.

[6] J. Donnelly, *Universal Human Rights in Theory and Practice*. Ithaca: Cornel University Press, 1989

though the word, in its full application can also be subtle, non-violent and can be pursued via constitutional means. The UN is often caught in the dilemma of enforcing self-determination or enhancing the emerging universal ideals of globalization and transnationalism.

Neo-transnational trajectory could be attributed to two sources. The first one is human rational thought, and the second one is the increased interaction at the global stage—which include a range of loyalties, human/scientific activities plus other phenomena that connect humanity across national boundaries. Globalization implies that the world has increasingly become much more interdependent and interconnected especially through transportation and communication. Thus one identifies economic globalization, communications globalization, educational and even cultural trends in globalization. In all respect, globalization spurred transnationalism, its new terminology. Thus in this work, the two concepts are used interchangably.

To be clear globalization as the notion conceived of as essentially that of enactment of influence or domination across international boundaries. It has to do with international linkages among different nation states or societies. Its forces of interaction are actualized at the level of the economy, polity, culture, science and technology. On his part, Giddens[7] sees globalization as the fact that we live in one world, so that individuals, groups and nations become interdependent. From these two definitions, two perspectives on globalization emerge. While Ninalowo[8] stresses the salient immanent issues of enactment of influence or domination across international boundaries, Giddens stresses conformity using the phrase increasingly live in one world. What poorer or less developed nations have to contribute to this development is a question demanding answer since such nations lack the economic, military, technological influence which globalization require. What this may mean is that while some are active (output) partners, other nations are passive (receiving) targets of the emerging transnationalism.

Transnationalism/neo-transnationalism springs from two sources. The first is globalization. But economic interdependence, mass communication, rapid travel, and other modern factors enhance transnationalism. As the world becomes ever more interconnected, peoples and nations interact more often transnationally, become more

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[7] A. Giddens, *Sociology*, Cambridge: Polity Press, 2006.

[8] A. Ninalowo, "Towards a De-Mystification of Pervasive Understanding of Terrorism". In: Felicia Durojaiya Oyekanmi (Ed.), *Development Crisis and Social Change*, Lagos: Irede Printers Limited, 2005.

interdependent on one another, and become cognizant of the extent to which their future is intertwined with global forces. As an extension of these connections, a growing number of people have begun to reconsider their sense of who they are politically.[9] Human thought is the second source of transnationalism. Rene Descartes (1637) argues that intellect is the essence of being human. "I think, therefore I am," he wrote. People can think abstractly.[10] This allows persons to imagine-to see themselves beyond what they have experienced and to define how they wish to be connected to people, ideas, and institutions. Transnationalism, indeed any political sense, is based on this abstract self-awareness.

It might well be that globalization is something that is happening and thus exists, transnationalism is a more political term that relates to how people identify, interact, and organize themselves politically. However far globalization may proceed, its political impact will be limited if people continue to have the same political identities, to interact and to see themselves have they have traditionally and as one scholar have put it, thus traditional approach assumes that, "where you are (geographically) tells us something about who you are (politically)".[11]

Transnationalism may focus on ideologies (such as communism), on religion (such as Islam), on demographic characteristics (such as ethnicity or gender), or religion (such as the European Union), or on virtually any another concept or trait. We will speculate on the future of transnationalism at the end of the chapter, but it is important to say at the outset that most people will abandon nationalism in the foreseeable future. But it is also important to see that things are changing, and that at least some people are shifting some or all of their political identification away from their nationalist identity and toward one or more other identities. There are many other scholars who believes, in the words of one, "that we need to question today the extent to which the imagination of political identity remains territorialized referent" and to explore "the ways in which international socio-political life managers increasingly to escape the constraints of the territorial nation-state."[12]

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[9] John T Rourke, *International Politics,* 138.

[10] Stumpf and Fieser, *Socrates to Sarte,* 229.

[11] Peter G. Mandaville, "Territory and Translocality: Discrepant Idioms of Political Identity." *International Studies Association Convention*, LA: CA., 2000, 10.

[12] *Ibid*

Although the process of globalization has spurred transnationalism, it is not new; instead, what may seem to be a very modern idea has ancient origins. Transnational thought in West culture can be traced to Stoicism, a philosophy that flourished in ancient Greece and Rome from 300 B.C to A.D. 200. The stoics saw themselves as part of humanity, not as members of one or another smaller political community. As such, Stoics were cosmopolitan, a word derived from combining the Greek words *cosmos* (world) and *polis* (city). One of those who had a sense of being a global citizen was the Roman emperor Marcus Aurelius, who wrote in *Meditations*, "my…country, so far as I am the emperor, is Rome; but so far as I am a man, it is the world." Other ancient, non-Western great philosophical traditions contain teachings that are similar to the cosmopolitan thrust of Stoicism. Philosophies such as Confucianism and religions such as Buddhism and Hinduism all contain transnational elements. For example, Siddhartha Gautama (ca. 563-483 B.C.), who become known as the Buddha, urged that we adopt a universal perspective. "Whatsoever, after due examination and analysis, you find to be conductive to the good, the benefit, the welfare of all beings;" he taught "that doctrine believe and cling to, and take it as your guide".[13] Thomas Paine indicated that the conviction in one nation could be applicable in another. Thus is the transnational match as it concerns free trade and establishing of an international congress resolve differences among states. Today's globalization is a product of that match. Similarly, Immanuel Kant canvasses an idea for a universal history from a cosmopolitan point of view that countries should abandon their primitive, lawless and disorderly state of slavery and enter a federation of people in which every state could expect to derive its security and right from a united power and the law governed decisions of a united will". Today's UN is a product of that united will. And Marx and Engels (1848) also maintain elements of transnational thought; they believe that all human divisions are based on economic class which also determine the political class; and that the state  and law are a tool of the wealthy bourgeoisie to oppress the proletariat. The implication of this is that, juxtaposed with Paine's and Kant's views, it will mean that poor people have no countries and as soon as class rule is removed the bases for the existence of the state and law will be superfluous.

## IV.      The Fundamentals of Morality

Most generally, morality implies the sum total of the norms, mores and laws that form a people's foundation for action. Morality is derived from the Latin, *more*, which means people's cultural traditions and values. Morality is the foundation for the rightness or wrongness of action. Moral values are virtues. Thus, a value or virtue is an operative habit that is good. Good habits are formed from cherished interior dispositions not mere

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[13] Rouke, *International Politics*, 138.

instincts. Values reflect inclinations and dispositions, "The accessory quality that enables man to use his potencies or faculties correctly, with ease, promptness and pleasure."[14] Morality is the foundation for the rightness or wrongness of action. Public morality regulates the behavior and values of an individual and community to achieve social order, cohesion and solidarity. It is 'the total set of ethical-moral and legal-human rights, values, customs, which define and describe, promote and defend a given society's or community's common, shared values, vision and public ethos geared towards achieving a desired civilization'. Public morality thus defines law, mores, norms and other aspects of community/state values. In its general usage, morality is basically concerned with society, with relations among humans and how humans treat one another in their day to day interaction, and with the principles that guide individuals on how they ought to treat one another with respect to justice, other's welfare and rights. As an ethical concept however, the term "morality" specifically is concerned with the nature of good and bad, right and wrong, duty and obligation, justice and injustice, and of course, moral responsibility. We speak of a moral act and an ethical code—two ideas that define moral development.

The process through which on individual learns social moral values and acquires the knowledge and skill needed to function effectively and meet their own needs within the social community is moral development. It also involves the responsibility of instilling a commitment to basic social values. Such values as honesty, hard work and social responsibility are identified as social values that should be advocated. Lawrence Kohlberg presented a significant interpretation of three levels of moral development several years ago.[15] According to him, people of the pre-conventional level make moral decisions based on avoiding punishment by authorities or on satisfying their own needs; morally right behavior is defined in terms of what bring satisfaction to oneself. Individuals of the conventional level choose moral options according to customary, social norms in order to obtain the approval of others, or to preserve social harmony; right action is defined as loyalty to others and respect for law and order. At the post conventional level of moral development, one relies on internalized personal principles of responsibility or on principles believed to be universally valid; right action is defined in terms of general principles chosen independently. Nonetheless, we may expect to discover people who make their moral judgments ranging from reliance upon external authorities to carefully selected internalized principles. Moral behavior is extremely subjective but it is generally represented by an individual's knowledge of social and cultural norms and the capacity to

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[14] R. Garrigou-Lagrange, *The theological virtues*, 1, St. Louis, 1965: xi.

[15] L. Kohlberg, "The Philosophy of Moral Development: Moral Stages and the Idea of Justice," *Essays on Moral Development*, vol. 1, New York: Harper & Row, 1981.

perform good works through selfless actions. Some moral behavior may include honesty, giving to charity and avoiding negative situations. So, they are actions that produce good outcomes for the individuals as members of a community or society, it can be applied to the whole global society. Philosophers such as Aristotle and Kant took the position that in order for behavior to be classified as moral, it must be motivated by rational conditions that are related to duty and reasonability. While much of international engagements is mostly guided by law, however, there is need to engage transnational morality to achieve desired world. While ethical realism or ethical absolution would not suffice, neither ethical pluralism (the coexistence of several value systems)[16] nor Singer's situationism fares better.[17] Deontological/teleological theories are already consequentialist and deficient. Motives are not intrinsically bad or good, wrong or right;[18] yet he condition is worse without a moral standard—which is the condition of extant world stage.

## V.      The Fundamentals of International Law: The Classical Approach

No legal system, domestic or international, emerges full blown but involves and advances from primitive to a more sophisticated level and continues to involve. Law is "The aggregate of legislation, judicial precedents, and accepted legal principles…; the …body of rules largely derived from custom and formal enactment which are recognized as binding among those persons who constitute a community or state, so that they shall be imposed upon and enforced among those persons as appropriate sanctions."[19] The current international legal system does not have the formal rule making legislative process. Instead the codes of behavior are derives from custom among actors. In its primitive stage, international legal system lacks an authority to judge or punish violations of law, i.e., no police and no courts. Progressive international law evolved with the emergence of states and their need to define and protect their status and to protect other relations. So, initially and gradually, elements of Greek, Jewish, and Roman customs (including Christian concepts) form the beginning of an international system of law. Theoretically, the Dutch thinker, Hugo Grotius and others debated the basis of international law such as justification and conduct of law. In the intervening centuries, international law become

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[16] R.C. Solomon and J. Greener (eds.), *Morality and the Good life*, NY: McGraw Hill College Company, 1999, 8.

[17] P. Singer, *Ethics*, Oxford: University Press, 1994.

[18] W.T. Jones, *et al* (eds.), *Approaches to Ethics*, New York: McGraw Hill Books Company, 1969.
[19] See, B. A. Garner, (Ed.). *Black's Law Dictionary.* USA: Thomson Reuters, 2009: 962. See also L. B. Curzon, (Ed.). *Dictionary of Law* (4th edition), New Delhi: Universal Law Publishing Co., 1993, 219.

more apparent as interaction among state becomes more sophisticated. So there was a need for rules to govern a host of functional areas such as trade, finance, travel and communication.[20] The United Nations (UN) is the overriding authority as concerns international law and relation.[21] The international law is most effective on range of transnational functional relations (low politics relation such as trade, diplomacy and communication; but it is least effective when applied to high politics issues such as national security and relations between/among sovereign states.

Not much discourse on international law go beyond its nature, sources and actors; treaties, conventions and agreements; boundaries, rights and dispute resolution procedures. International law "refers to those rules and norms which regulate the conduct of states within the international sphere…relations of states…recognized" as such.[22] In fact the law regulates relations by international actors which include states, persons and organizations/agencies. It contains the principles, customs and standards of such relations.[23] Unlike municipal law, international law is founded on formal (those legal procedures and methods for creation of legally binding rules) and material (where the law may be found/applicable) sources. Most vividly, the statutes of the ICJ is the most authoritative statement on the sources of International Law—international conventions/customs, judicial decisions and general rules—without a specific hierarchy. The UN through the ICJ is committed to world security, stable society and peace. The rallying/theoretical battlefield is the United Nations (the UN).

## VI.      International Relations and Extant UN's Moral Ethos: The Inadequacies

The UN rallies the world. It is necessary to present the objectives and principles behind its establishment as well as its organizational structures, in order to be acquainted with the socio-political trajectory and motive for its emergence. As an organization, it began as a grand alliance of three countries: the United States of America (U.S.A), the United Kingdom (U.K) and the Union of Soviet Socialist Republics (U.S.S.R) in to enhance their common interest having fought and won the battle against the Nazis powers (German/Austrian) and Japan, from 1914-1919. The organization appeared, first, as the

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[20] D. Armstrong, Law, Justice and the Idea of a World Society. *International Affairs,* 1999, 75: 563-598.
[21] Andrew Linklater, The Evolving Spheres of International Justice. *International Affairs,* 1999, 75: 473-482.
[22] B. Bazuaye, and O. Enabulele, *International Law*, Benin City: Ambik Press, 1.
[23] S. A. Williams & A. L. C. Menstra, *An Introduction to International Law…*, Montreal: McHills, 1987, 1.

League of Nations in 1920 (LN). Unfortunately, its cunnings led to another world war from 1939-1945. Towards the end of the Second World War, various ideas were suggested by these three states for the establishment of an international organization that would be more effective and wider than the opprobrious *Concert of Europe* (1815-1824) and the *League of Nations* (1920-1939). The new chief goal was to cooperate in managing and promoting international peace and security, amongst all nations and regions of the world.[24] This idea was palatable to most countries of the world, obsessive of the ranging but obnoxious war. Thus consultations soon led to an agreement, reached to develop the United Nations Charter which was eventually written and signed in the closing days of the Second World War by the representatives of not fewer than fifty-one (51) independent states at the United Nations Conference on International Organizations in San Francisco (from 25th April–26th June, 1945). The charter was drafted on the basis of proposals worked out by the representatives of China, France, the Soviet Union, the USA, and the United Kingdom at an earlier meeting at the Dumbarton Oaks Estate, Washington from August to October 1944.[25]

From its inception, the United Nations as an international mediator thus, has, *inter alia*, the following as its basic objectives: to maintain international peace and security; to develop friendly relations among nations based on respect for the principle of equal right and self-determination of peoples in promoting respect for human rights and fundamental freedoms; to cooperate in resolving international economic, social, cultural and humanitarian problems; and to be a Center for harmonizing the actions of nations in attaining these common ends. Ever since, the United Nations develops and strives to function in accordance with the following principles: a belief on the sovereignty and equality of all its members nations, that all member-nations are to fulfill in good faith their charter obligations; a conviction that member nations are to settle their international disputes by peaceful means and without endangering international peace and security as well as justice, that member nations are to refrain from the threat or use of force against any other state, that member nations are to give the UN every assistance in any action it takes in accordance with the charter, and shall not assist states against which the United Nations is taking preventive or enforcement action; that the UN shall ensure that states which are not members act in accordance with these principles in so far as it is necessary for the maintenance of international peace and security; and that nothing in the charter is

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[24] The United Nations, *Basic Facts About the United Nations,* United Nations Publications, New York, 1995, 3.

[25] *Ibid*

to authorize the UN to intervene in matters which are essentially within the domestic jurisdiction of any state.[26]

Those principles as presented above portray the fact that the original intention for the establishment of UN is to uphold justice and fair dealing among the nations of world. The Security Council has 15 members. Each Council member has one vote. Decisions on procedural matters are made by an affirmative vote of at least nine of the fifteen members. Decisions on substantive matters require nine votes, including the concurring votes of all the five permanent members. This is the rule of "great power unanimity", often referred to as the "Veto Power". If a permanent member does not agree with a decision, it can cast a negative vote, and such action has power of veto. All the five permanent members have exercised the right of veto at one time or another in order to protect their interest but at the detriment of the weaker nations. However, if a permanent member does not support a decision but does not wish to block it through a veto, it may abstain. Under the Charter, all members of the United Nations agree to accept and carry out the decision of the Security Council. While other organs of the United Nations make recommendations to Governments, the Security Council alone has the power to take decisions which member states are obliged under the Charter to apply what they deem fit.[27] What the Security Council deems fit is usually what its members consider consistent with the basic values of freedom and democracy (as if those have become universal values) without any regards for socio-cultural traditions. However, what has obtained seems to be a globalization of imperialist interests disguised as universal human values.

Unfortunately, the UN stance and application of its justice is fraught with several inadequacies. Unfortunately, beside the loftiness of its objectives and the statement of principles, organs and structures lay the incongruence and haziness of the UN's application of justice. This claim could be demonstrated at several fronts, particularly on the principles of self-determination. Uroh[28] points out that the atomistic right to self-determination is an inalienable right granted by nature which the state has no power to interfere with but can only defend.[29] Those rights cannot deny the people these rights of liberty and social freedom;"[30] and the status of the group within the society or region as a

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[26] *Ibid, 4-10.*

[27] *Ibid*

[28] C. Uroh, The struggle for self-Determination: A Theoretical Statement, (unpublished), 1995.

[29] T. Paine, *Rights of man*, New York: Penguin Books, 1983, 31.

[30] S. P. Peck, Rights no government can deny, *Topic*. No 189, 1990, 4.

whole".[31] Yet it is, ironically, affirmed, on the same ground of fear of its social-disintegration potential, by the UN; but she applies it to non-self-governing territories only. Ought it to be that once a territory becomes self-governing, the embodying peoples' right to self-determination is exhausted? Any answer in the affirmative offends the 1970 Declaration on principles of international law concerning friendly relations and cooperation among states which insists that:

…states enjoying full sovereignty and independence, and possessed of a government effectively representing the whole of the population, shall be considered to be conducting themselves in conformity with the principle of equal right and self-determination of peoples as regards that population.[32]

However, by thus *limiting* the right to self-determination, the various nationalities within an existing state are being denied the right to self-determination so long as their states remain self-governing. Thus the OAU lobbied the UN General Assembly to adopt the resolution 1514 (XV) of December 14, 1960 which inter alia states that "any attempt aimed at the partial or total destruction of national unity and territorial integrity of a country is incompatible with the purposes and principles of the Charter of the UN".[33]

Accordingly, the implication of the suspicion inherent in the above provision is an intensive downplay of the idea of a nation or people and socio-cultural ties. Also, the implication of both the UN and the OAU/AU positions on the right of a people (nation) to self-determination is that any group of people who, by accident of history, are brought together under one government irrespective of how this government was brought about or how it is presently constituted, is a state. But a nation is more than just that. Nevertheless, a sense of solidarity is important in the identification of nation. In this circumstance, it could be affirmed that "any territorial community whose members... and wish to maintain the identity is a nation";[34] and this obtains "when individuals are

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[31] J. Nyerere, and K. Ansah-Kai, Human Rights and conflict resolution. In: Kidgren, A. *et al* (eds.) *Issues in Third World Conflict Resolution,* Upsalla, Department of peace and conflict Research, Uppsalla University, 1990, 6.

[32] I. G. Shivji, Constructing a new rights regime: Promises, problems and prospects. Paper at the *Conference on constitutionalism and human rights in a democracy*, Arusha: June 1996, 6.

[33] J. Donnelly, *Universal human rights in theory and practice*. Ithaca: Cornel University Press, 1989, 148.

[34] A. Coban, *The nation state and national self-determinations,* London: Collins Publishing, 1990, 167.

able to recognize each other as members and come to believe that their membership carries with it special mutual responsibilities".[35] On the application of her principles, there exist some successes and biases. As noted earlier, her first and second Charters mandate the UN: "To maintain international peace and security … (and if necessary to enforce the peace by) taking preventive or enforcement action". Unfortunately, owing to its rigid/restrictive administrative structures, the permanent members of the Security Council do often prevent the UN from fully exercising this mandate. Practically, without the unanimous approval/support (with minimal abstention) of all her five permanent members of the Security Council, the Charter enables her to only "observe, report on, and make recommendations" regarding international conflicts. Such has been the bane to nib emerging conflicts (even though it actions and interventions have recorded substantial successes over the years, particularly where her basic interests lie).[36] In 2005, the Human Security Report documented a decline in the number of wars, genocides and human rights abuses since the end of the Cold War (even though such decline has tended to be on the reverse once again in this beginning of the 21st century.[37]

Allegedly, many are of the stance that the Security Council has failed to fulfil its designated function—having to discriminate on where, how and when to intervene in conflicts. For instance, why should Kashmir be left to be torn apart between Pakistan and India? Or were the US and a few allies right in invading Iraq and getting away without sanctions for unilateral decision against the provisions of Articles 1, 2, and 33 of the Charter? The implication of globalism on UN development is high. John Birch Society charged that the UN's aim was to establish a "One World Government". Such is the trajectory of a uniting world against relative features of race, color, values, language so designed by God. The same is true of widespread immorality. Many have accused the

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[35] Y. Tamir, The right to self-determination. In: *Social research,* Vol. 58, No.3, (Fall) 1991, 576.

[36] Ragnor Muller, *The United Nations, Its Development during the Cold War*. ([www.unitednations.ispnw.org/archives/muller-](www.unitednations.ispnw.org/archives/muller-)  ragnor-un-development-2-of-3--during-the-cold-war.pdf) Retrieved 14 January   2011. Political Scientist Ragnor Muller Summarises the Development of the UN during the Cold War years.

[37] *The 2005 Human Security Report* (www.hsrgroup.org/human-security-report/aspx). 2005, A detailed historical analysis of UN effectiveness in *United Nations' Concept of Justice and Fairness Sanni Mukaila Akannilb* preventing wars. (www.en.wikipedia.org/wiki/criticism_of_the_Umted _Nations), retrieved 14 January, 2011.

United Nations population fund of providing support for government programs which have promoted immoralities such as same-sex and induced abortions in the name of freedom. But it must be made clear from the outset that birth control, euphemistically called "Family Planning" which has become such an obsession in recent years is not a natural response to genuine human needs. It is the result of the unnatural materialistic outlook on the life prevailing in the West, and which is against the dictates of God in Christianity. Compare the eexotic mission for a united/globalised world with the UN ungreediness to be all-inclusive in the membership of the Security Council and its discretionary exercise of power.

## VII.    Transnationalism and Defective International Relations: A Bergsonian Panacea

The International system deserves international morality: a new approach here referred to as neo-transnationalism. This approach is rooted in Henri Bergson's *intuitive morality.* In international morality, the central concern should be humanism. Thus there must be public ethos which provides the cement of any human society, and that the law, especially the criminal-international law, must regard it as a primary function to maintain this public morality.[38] Given multiculturalism in world, would it be reasonable to apply both standards of law and morality without degenerating into cultural imperialism? Adopting Bergson's *intuitive morality* averts such.

Intuition is "one reality, at least, which we all seize from within". The French, Henri Bergson, in *The Two Sources of Morality*[39] outlined his theory of morality. The main stuff of intuitive morality is the acknowledgement of the "necessity for solidarity" based on "certain rules of obligation" and a "deeper seat of feeling…and emotional appeal which transcends particular cultural (national) groups" leading to a higher type of life. Extant UN morality thrives on the product of the intellect—which "thinks in particular terms, directing specific rules to specific people to achieve specific ends."[40] In this way morality is restricted to closed society—which describes the basis of discretion at UN. Rather, Bergson requires that we apply intuition to derive morality that extends to wider people. This will at once open up "richer sources of emotional power…which will induce aspiration and provide creative power to embrace new type of life." This progress can only occur with the emergence of "obscure moral heroes, mystics and saints who will raise

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[38] Karl H. Peschke, *Christian ethics*, vol. 1, Alcester: C. Goodlife. Neale Ltd., 2004.

[39] Henri Bergson, *The Two Sources of Morality and Religion,* NY: Doubleday & Company, 1954.

[40] Samuel E. Stumpf and J. Fieser, *Socrates to Sartre and Beyond,* New York: McGraw Hill Books Co., 2003: 415.

humanity to a new destiny, and see in their mind's eye a new social atmosphere, an environment in which life would be more worth living". What this means is that "morality moves constantly from a consideration of the self and of one's society/state to the larger field humanity."[41]

## VIII.    Recommendation and Conclusion

Law and morality are necessary tools for world order; the current international law and standards of morality are deficient in several ways. The crux of it is the discretional powers vested on the permanent members of the UN. The issue is the multicultural/multi-moral world settings. As it stands, most of international law and standards of morality that influence world politics are based on the concepts and practices of the West. Today, Latin American, Asians, Africans are questioning (and sometimes rejecting) international law based on Western culture (with emphasis on rights, individualism and amassment of wealth)—which differ from non-Western ones (with emphasis on the traditional heritage of community and good neighborliness). Bergson's intuitive morality, a dynamic rather than static morality, could be the desired panacea to enrich the desirability of not only the UN's capacity to order the world but also the new direction of nation-states and their interactions. In this way, neo-transnationalism would be born.   .

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[41] *Ibid,* 416.