Post-UN Institutions Specific to the Order of Civilizations

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Abstract: Starting to explore the futurist concept of the “global order of civilizations” and making some notes about the new actors (“the civilizations”) playing as global gladiators and new geopolitical actors on the 21st century stage, we shall point out the institutional framework of such order, that, in our opinion, should include specific bodies and organisms such as: The High Representative of the Global Eco-Regions to the Global Council of Peace; the Global Mediator of Civilizations; the Global Council of Peace; a High Representative for Nature’s Rights; a Global Council of Protection, Preservation and Regeneration of Terrestrial Ecosystems; High Representatives of the rights of planet Earth (within the context of a global law of environment offering specifically to the planet Earth its own rights and a specific juridical global personality, as a higher level of the today Green Deal, as an exit from the traditional patrimonial–absolutist conception about nature as object, as “unlimited patrimony” submitted to all kind of abusive actions and politics of the mankind, governments, or corporations). Global environmental law will become more and more compulsory for transnational actors, in order to ensure the concrete protection of ecosystems, a protection that we are noticing not to be as effective as the state one.

Keywords: *global order of civilizations, new geopolitics of civilizations, post-UN order, global order, global institutions.*

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1.The Concept of the “Global Order of Civilizations”. “Civilizations”, the New Geopolitical Actors, and the New Global Gladiators of the XXist Century

As noted by the doctrine, an inventory of the meanings currently assigned to the term ‘culture’ is impossible to achieve; according to authors as Kroeber and Kluckhohn, in 1952, there were already approximately 164 definitions proposed for this concept, without having exhausted the inventory of such definitions (Kroeber & Kluckhohn, 1952, as cited in Georgiu, 2004, p. 34; 37). A tendency towards a subjective approach to defining this term was noted among the specialists, a laconic, limited, superficial approach, inevitably limited to the speciality of the individual attempting to define the concept (Georgiu, 2004, p. 34; Zait, 2002, p. 75). According to the *Le Nouveau Petit Robert* dictionary, culture “incorporates knowledge, education, training and instructing”, while the Webster dictionary defines culture as “the training and development of the mind, the refining of taste and manners acquired as a result of said training, the social and religious structures, as well as the intellectual and artistic manifestations etc. of a society” (Zait, 2002, pp. 75-76). Sometimes, the term “civilization” overlaps the term “culture” up to the point where the former identifies with the latter. In other cases, there are minor differences between these two terms. In the *Grammar of Civilizations*, Fernand Braudel ventured to identify the differences and common elements between the two concepts. The term “civilization” would integrate both the material and the moral values of a society; however, “civilization” is mainly defined as the totality of human acquisitions through science, art, spiritual virtues, but also technology, in its concrete elements – roads, bridges, buildings. Other authors prefer to separate the term “culture” (reduced to a dimension of the spirit) from the term “civilization” (focused mainly on the material dimension). According to Braudel, currently there is no unified definition of the term “culture”, nor is there any for the term “civilization” as the definitions vary from country to country, depending on the various time periods and on the authors (Zait, 2002, p. 78).

According to other authors, culture is the inexhaustible root of civilization and the latter is “evolved culture” (Zait, 2002, p. 78). The concept of “civilization” appears in the 18th century, coined by the French sociologists and philosophers, as a term opposing the idea of “barbarism” (Georgiu, 2004, pp. 35-36) (in this context, the concept of civilization is defined from the perspective of urbanization, alphabetization, stability, sedentarism, a superior state of intellectual refinement and of the entire human potential), according to some authors (Baciu, 2010, p. 39).

Civilizations can be defined on the basis of two essential elements: a geographical, spatial delimitation, which is broad; a time-bound existence (a historical dimension). Multiple cultural entities form a civilization; German authors see civilization rather as an assembly of material elements (technological), as compared to “culture” (formed of spiritual, moral, artistic elements), distinctions that authors such as Huntington consider artificial and unfounded (as cited in Baciú, 2010, p. 42).

The temporal and spatial boundaries of civilizations cannot set precisely, as they vary in terms of form, time, and space. Civilizations are dynamic by nature (they evolve, they blend, they interfere with each other, they increase or decrease, they decline or fall instantaneously). Civilization can be defined through a series of common, palpable, and objective elements (language, religion, customs, values, specific orientations and views of the world, tradition, institutions, specific material, and spiritual structures - see Baciú, 2010, p. 42). The lifespan of civilizations is longer than the lifespan of states and empires, entities which they outlive, according to certain authors, and for which they are not mistaken. Civilizations can include a diversity of political entities (empires, federations, state-metropolises, multinational states), without being reduced to or assimilated with them (or being limited to their political dimension), according to some authors (Baciú, 2010, p. 43). Authors such as Jacques Demorgon (1996, as cited in Zait, 2002, pp. 76-77) propose a typology of cultures using their level of development as a criterion: community cultures (original cultural constructs, from the perspective of customs, traditions, rules, myths, rituals, interdictions etc.); regal and imperial cultures (rules are determined by hereditary hierarchies); national market cultures (rules are adapted with the involvement of the administrative bodies); world informational culture, currently transitioning to globalization (universal rules of business behaviour, based on global computerization and training).

In our opinion, Huntington is the author who introduced a radical mutation in the history of the concept of “civilization”. Huntington issued the theory of conflict among civilizations, based on the premise that civilizations are distinct, political actors, which oppose the nation-states, starting a cultural conflict specific to the profile of the 21st century (Smouts et al., 2006, p. 47). The new conflicts i.e. “the inter-civilizational conflicts” will shape the post-bipolar political stage, according to this author who focuses on defining the relationships among civilizations in terms dichotomous *ab initio* and the impossibility to reach a state of harmony among the (realistic hypothesis). Authors such as Arnold Toynbee and Oswald Spengler have theorized the concept of “civilization” using approaches built on

their view: Toynbee has a cyclical view of civilizations, seen as dynamic entities, in a sense close to the organic one; Oswald Spengler has a vision of the fatalist decline of any civilization, according to some authors (Ghora-Gobin, 2006, p. 55). Huntington focuses on a civilization's capacity to identify a threat and to respond to it, to adjust (Huntington's view is similar to Toynbee's in the sense that it positions the religious dimension at the centre of the concept of "civilization", view which was frowned upon by the critics).

Huntington sees culture as the main factor of conflict in the 21st century world, a world in which the main conflicts of the global politics will take place between nations and various groups of civilizations (Evans & Newnham, 2001, pp. 76-77). Many of the dictionaries dedicated to defining the main concepts in the field of international relations or the globalization dictionaries do not dedicate a distinct study to the concept of "civilization" or the concept of "culture". Instead, they discuss the civilizations in the exclusivist, limited framework of Huntington's dichotomous theory ("clash of civilizations"). From this perspective, the definition used by this author seems to have been the most approached in academic works addressing the topic of civilization; Huntington (1993, p. 24) sees the civilization as being "the highest stage of cultural grouping of a people and the most extensive level of cultural identify through which human beings distinguish from other species"; it "is defined by the common language, by the history, religion, customs, institutions and by a subjective identification of the people", definition which is considered to take into account the ethnic element, as well as to be able to incorporate multiple ethnic groups into a distinct civilizational unit (Griffiths, 2005, p. 77).

New power dynamics will be established between the states and the non-state actors (civilizations in this case, regarded as political actors distinct from the states), in what we call "the global civilizational order", i.e. an order based on the non-state actors (or trans-state actors), on the civilizations. Trans-statal and transnational by nature, the civilizations act as dominating political actors and bring in new geopolitics of power; they add new levels of authorities (multiple, interconnected, across the state orders), forming coherent civilizational regions (united through symbols, traditions, language, religion, sacred cults, cosmogonies, and a shared spiritual heritage).

These coherent civilizational regions (coherent geopolitical units) will be structured as political actors, adding new forms of authority to the world of states, and requiring the occurrence of new types of legal orders and institutions, such as:

- the regional law of the respective civilizational unit,

- regional councils for the dialogue of civilizational units,
- Courts of Justice and Courts of Arbitration for the issues between the civilizational units,
- a Charter of the civilizational units,
- a Global Council for the dialogue of the civilizational units,
- the Great Global Council (which manages issues regarding the global heritage of the humanity, the heritage of future generations, the cultural and spiritual heritage of humanity, the natural global heritage etc.),
- the Council of Representatives for civilizations which have been marginalized or oppressed in the history of humanity (for example, neolithic matriarchal civilizations, built on the feminine values and on the feminine perspective).

2. Institutions of the 21st century global order

New types of institutions appear in the 21st century global order to regulate new types of relations (post-state, trans-state, multinational, infra-regional etc.). We have covered some of these institutions in special articles on the nature, competences, and their general profile.

From the perspective of the actors which, in our opinion, dominate the 21st century global order, i.e. the civilizations, a specific institution takes shape, institution we shall name the Global Mediator of Civilizations.

Besides the Global Mediator of Civilizations, we can also consider the occurrence of other types of global institutions equipped with special competences in the 21st century post-UN order, to effectively manage institutions such as the ones listed below (with instruments and competences that the current UN and the current international and regional organizations of the contemporary international law lack, according to the UN Charter and the regulations of the public international law – a form of law fundamentally working to “coordinate”, not to “determine a hierarchy”):

- the High Representative of the Earth Regions at the Global Council of Peace,
- the Global Council of Peace,
- the High Representative of the Rights of Nature,
- the Global Council for the Protection, Preservation and Regeneration of Nature and Earth Ecosystems,

- High Representatives of the rights of Planet Earth (as a legal subject of the global environmental law),
- the Global Bank of Peace and Cooperation among peoples (with the role to finance the processes of reconstructing peace).

3. The Global Law, a New Stage in the International Law

The functioning of the 21st century global order entails the creation of a global law, with subjects of global law capable of assuming rights and obligations in this new legal order (post-UN, post-international). The legal responsibility according to the regulations of the global law is different from the contemporary legal responsibility, stipulated in the regulations of the contemporary international law. The doctrine uses the term “cosmopolitan law” (Held et al., 2004, pp. 94-95) to suggest a type of post-international normative order, characterized by the occurrence, proliferation, and consolidation of certain global legal systems (human rights, environmental rights, humanitarian law, crimes against humanity etc.).

The authors who have studied the phenomena of globalization noticed an explosive increase in the processes of internationalizing the political decision-making, accompanied by an increase in the level of diplomatic connection (post-WW II phenomenon), an increase in level of governmental and trans-governmental communication and interaction, an increase in the networks related to the processes of creating public policies (policy networks) and communication policies (Held et al., 2004, p. 77). The areas of human rights and environmental rights are particularly in full process of trans-nationalization, anchoring the national governing in a set of global, regional, and multilateral governing systems (Held et al., 2004, p. 79), as noted by the specialists. With the occurrence of the non-state, quasi-state or supra-state actors, the political stage of the world diversifies, triggering a series of changes in the decision-making methods and in the implementation of policies. The world stage no longer witnesses only the exclusive action of the states. A multitude of actors appear, giving an impulse to various forums (Held et al., 2004, p. 77).

As explained by the doctrine, the international engagement of the states is no longer an option at the level of the international law and it can no longer be ignored by the states, in the context in which the processes of international regulation (official and unofficial) shape policies, standards, preoccupations that constantly influence the institutions, the mechanisms and the decision-making process at state level (Held et al., 2004, p. 81). Not only the activities of governments and states have undergone transnationalization processes, but also the

civil societies, the national communities, economies, and cultures, with transnational relations and activities recorded. Transnational organizations have been created and they intensify a globalization processes in finance, production, and circulation of goods (Held et al., 2004, p. 81). The occurrence of transnational environmental communities (Held et al., 2004, p. 82) intensifies in the environmental field, shaping a global network of communities, various actors across the states, overlapping or adding to them, participating in, and expanding a globalized decision-making process in this field. The specialists in the study of globalization admit the existence of a global system of human rights and a globalization process of the environmental regulation framework.

A cosmopolitan law appears in the early 21st century, a global law, or a humanitarian global law, defined as “a field of law different in nature from the state law and from the law created between a state and another, for the fulfilment of geopolitical interests”(Held et al., 2004, pp. 94-95).

The content of this law framework includes elements which supersede the claims and capacities of the nation-states to address regional or global issues, as well as legal elements which generate transnational rights and obligations.

Besides the system of human rights, specialists also include other fields in process of transnationalization in the content of the global law: the law of law, environmental law (Held et al., 2004, p. 95).

A series of legal concepts appear in connection to this global law undergoing a formation process: future humanity, global heritage, common heritage of the humanity (Held et al., 2004, p. 97), future generations, concepts which, put together, lay the foundation for a global body of law.

As pointed out by the specialists, the global politics in the current sense of the term (since there are forms of globalization *avant la lettre*) takes shape after 1945 (a period defined as contemporary), being characterized by the intensification of the internationalization and transnationalization of politics, of governing and authority, by the proliferation of international regulation systems, by the multi-layer governing, by the occurrence of elements of global law, by the global politics and the proliferation of a neo-medieval order (Held et al., 2004, p. 103).

In our opinion, the global processes at transnational and international legal level generate the progressive forming of a regulatory body, which we can currently call a global proto-law, visible particularly noticeable in the field of human rights and of environmental rights.

Regarding the transition from the Westphalian stage (the state approach) in terms of environmental rights to the globalist stage (trans-state approach), we can state that the 21st century, a type of order the specialists label as “multi-layered and interconnected” (a neo-medieval pattern) rather than “hierarchical” (a global hierarchical structure), promises to be a century in which the environmental law will see an unprecedented expansion, becoming a fundamental branch of the global law, on account of intensifying global issues concerning the climate change, of the severe environmental damages, sometimes irreversible.

According to the new global environmental law, the nature and the planet Earth become subjects of global law, with special rights in relation to the states, to the subjects of global law, including special categories of the current international law (transnational societies, belligerent parties, peoples fighting for freedom). The new 21st century global order, faced with the intensified phenomena of climate changes, grants a global legal personality to the planet Earth, as an organic assembly, as well as the right to be represented in court by High Representatives elected by the Global Council for the management of climate changes and the eco-development of the human society or by the General Assembly of a global organization (which replaces the current UN), with competences including the area of the management of global transition towards a green society (by globally changing the pattern of social organization to a model of non-polluting, renewable energy).

The global environmental law as we see it taking shape in the early 21st century to effectively manage the needs of a global society which has to be redefined according to the challenges of the climate changes, of the conventional and unconventional wars, of using the environment as a weapon or as an environment for military manoeuvres (the term “environment” referring to the flora, fauna, water, soil, subsoil, air, terrestrial, aquatic, and under-aquatic natural structures of any type and the entire ecosystem as a food chain which generates and supports life, on a given territory) grants the planet Earth a set of specific rights and the legal capacity to stand up in court, as a subject of global law with a distinct legal personality, represented by High Representatives that protect its interests and rights in relation to the human society (transnational societies, states, non-state organizations, transnational networks, belligerent parties, peoples of movements of national freedom etc.). In the 21st century post-state order, not only the states will have specific obligations to the planet Earth and to the environment (as distinct ecosystems), but also the non-state actors, such as the transnational societies, which are not considered subjects of international law like the states and which do not

assume specific obligations connected to their activities and their turnover (exceeding the GDP of certain states/groups of states), from the perspective of the public international law.

Due to the pressure of the unconventional challenges (climate changes, desertification, deforestation, intensification and proliferation of cyclones, hurricanes, tornadoes, hailstorms, sudden or abnormal changes in weather – snowfall in warm areas, intensified glacier melting, with impact on another type of ecosystem), the global environmental law will include in its inventory of subjects of global law actors which currently do not have the legal responsibilities and obligations of the states (or superior to the states), from the perspective of the international law, according to their financial and economic power, hence their capacity superior to that of the states to influence the general development of the human society. The transition from the current level, i.e. the level of the Green Pact, to a Consolidated Global Green Pact (in which the planet Earth as well as nature benefit from a set of concrete objectives of increased protection and regeneration, which mark the final separation from the consumption model and the transition to a society based on recycling and non-polluting, renewable energies) is meant to include the transition from the old approach to nature seen as an object, as an inexhaustible resource, therefore subjected to any type of abusive, polluting and destructive actions, with negative long-term impact on the quality of life and the development of human societies, to another approach (post-corporate, focused on a pattern of circular economies).

Besides applying to the states (in the form in which they will continue to exist in the 21st century specific global order), the increase in the level of legal empowering generated by the new global environmental law will particularly apply to the non-state actors, with an increased capacity to damage the environment (transnational companies, trans-state networks, transnational organizations, new types of empires, underground or private empires, movements of national freedom and belligerent parties etc.) (Antonescu, 2005, pp. 16-17; 2008, p. 30; Moisuc et al., 2001, p. 51; Vlad, 2001, pp. 33-34).

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