

Laura Westra. *Globalization, Violence and World Governance*, Leiden: Brill, 2011, 237 pp., Cloth, \$141.

Laura Westra's excellent book, *Globalization, Violence and World Governance*, goes to an admirable extent to expose the inefficacy of international law and legal system in itself, which could be remedied by activist imagination and action. All of the foregoing realities, as espoused by the author (p. xi), are aimed at constructing institutions and structures in a world governance scheme that can effectively tackle global issues for the betterment of humankind. Furthermore, the foregoing postulation forms a major basis of the analysis in this provocative work, which is made up of an introduction as well as 6 independent chapters, an appendix and detailed references.

The introduction provides a useful synopsis of the author's central arguments in this volume chapter by chapter (pp. 1-5). In chapter one, sub-titled "Globalization and World Governance: A Preliminary Discussion," Westra alludes to a contemporary phenomenon – the advent of modern technology in the new globalization – that is seemingly threatening the sovereign character of the state-system in world affairs (p. 7). Most certainly, the argument is a simple one; if the state, as constituted today, is becoming irrelevant, it should be superimposed with a world state-cum-government. This view of a world governance system is not novel historically and in contemporary contemplation. After all, the United Nations, in a special way, is a modern example, although an ineffective one at this juncture due in part to clashing interests and the dominance of the organization by a few hegemonies (p. 15). Regardless of the issues that might arise as a result of the weakness of the statist system and the nature of a world governance framework itself, one positive development within the last 60 years or so was the emergence of the "universality" of human rights concerns – the legal regimes which Westra claims illustrate the "superiority of human rights over those of the states, as the main positive result of the erosion of the state's sovereignty (p. 28)."

In chapter two, sub-titled "Globalization as 'Plunder,' 'Exploitation' and 'Ecoviolence': A Causal Analysis," Westra takes a look at the current impact of the globalization experience. Its inadequacy in effectively solving environmental problems flows from how it is presently implemented by those agents and agencies that promote it (pp. 33-34). For example, will powerful international organizations such as the International Monetary Fund, World Trade Organization and transnational corporations succumb to international human rights and international environmental regimes in developing states vis-à-vis their interests? Westra's answer to this query is unequivocal no (pp. 35-39)! Indeed, the action and plunder of Royal Dutch Shell in Ogoniland in the Niger Delta of Nigeria bears her argument out (p. 38).

"Hazards, Ecoviolence and the Need for World Law," which forms chapter three, brings to the fore the criticality of one of Westra's arguments in this text – the need to promulgate supra-national legal regimes that would ensure the protection of the environment notwithstanding claims to national sovereignty. In this regard, she asserts *inter alia*:

Thus the quest for world law and the best possible institutional arrangements, from the point of view of the protection of basic collective human rights [i.e., the protection of the global ecosystem], must start with a radical revision of legislation, even before attempting to reach for that elusive, centralized organization [world government] that

might be able to fulfill the obligations that today's states and institutions are not able to fulfill (p. 69).

Her contention that the dilemma of healthcare and environmental degradation issue from the activities of some international financial institutions and that this supposition in part represents the heart of her deliberation in this book is well taken (p. 81). Nevertheless, that the practice of "ecoviolence" in pursuit of a group's insular interest is a given in every society, and in all regions of the world, should not be taken for granted. The question, then, is how does or could society tackle this quagmire? Undeniably, a contradiction has always existed – and may yet exist – between the positions of activists (as represented by Westra and others) and conservatives and anti-activists. For example, some conservatives have argued that the hullabaloo of "radical" environmentalists over the question of a fatal destruction of the ecosystem is unfounded. They contend that, after all, modern society has been able to solve environmental issues created by the exploitation of the ecosystem in the past. Future generations will have the capacity and knowhow to solve whatever damage we might inflict on our environment today. Therefore, we should exploit our environment at the moment for our development and rely on our children and grand children to fix problems that might arise from our actions.¹

The foregoing arguments, with a conflicting posture, may be confounding. It was in this context that Westra possibly suggested the need for an effective global environmental governance scheme (p. 76). Around the preceding opinion, she argues that if the UN is to represent a viable global community "not only of states, but also all people – then the expected allegiance and compliance with its mandates needs to rest on the assurance of protection and respect for global collective rights (p. 101)."

In chapter four, which deals with "Cosmopolitanism and Neoliberal Democracy in Conflict," Westra delves into the complicated character of any polity in terms of governance. In other words, she attempts to show the connection between (contemporary) institutions, laws and organizations with a view to revealing why they are inadequate, and why the creation of new institutions are desired to improve upon the existing system (pp. 103, 115). For instance, it is noted that "international law itself – as it stands – protects neither the environment nor the related human rights, as it is 'essentially a regime for the protection of property rights' [in its modern form] (p. 104)."²

A dilemma that arises, though, is that institutions in and of themselves cannot make an adequate change happen; it is the character and (ideological) orientation of actors who work in institutions that might. In short, institutions will have to be staffed by the "right" or committed actors determined to uphold the rule of law, and protect the interest of the collective, in order for institutions to function efficiently. This conjecture is borne out in Westra's contemplation when she averred "...many noted publicists think that to anticipate the 'demise' of the state as a necessary force in the protection of the global commons

¹ E. Ike Udogu, "The Issues of Development and Environment in Africa: An Overview," in Rukhsana A. Siddiqui (ed.), *Sub-Saharan Africa in the 1990s: Challenges to Democracy and Development* (Westport, CT: Praeger Publishers, 1997), pp. 189-199.

² Prudence Taylor, *An Ecological Approach to International Law* (London, UK: Routledge Publishers, 1998), p. 118.

and human rights is a mistake (p. 105)” because in such a framework, “sovereignty may be rethought and redefined.”³ Besides, it is the desire of the custodians of the nation-state to guard against the state’s supreme rights that inform the tenets of Article 2, paragraph 4, of the UN charter: “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purpose of the United Nations.” In pursuance of the foregoing provision, states are known to violate UN conventions or cherry pick on the resolutions to be respected or ignored (p. 132).

Chapter five, sub-titled “The Right to Water: Israel V. Palestine (A Case Study),” brings to the forefront the issue of group rights in human rights discourses. The emphasis in human rights debates tends to be placed on individual rights as against group rights. Little wonder, then, that Westra affirms: “This chapter discusses some of the few collective human rights that have been universally accepted: for instance, the right of peoples not to be colonized or enslaved, as well as the right of people to retain their own resources, in order to ensure their life and dignity (p. 137).” The central argument in this chapter is that the human rights of Palestinians, as a group, are commonly violated by the powerful Israeli government and its policies, and that the restriction of access to water is one tool used to punish the Palestinians and to expel them from their land (pp. 148-149, 155).

In Chapter six, also sub-titled “The United Nations and International Law: Is World Governance the way Forward?”, Westra concludes the volume. This chapter is dense and challenging in its assumptions. It starts with a statement about how the daunting challenges now facing the world can be overcome, adding “it must be in important part through the medium of rules, internationally agreed, internationally implemented and, if necessary, internationally enforced. That is what the rule of law requires in the international order.”⁴

Most certainly, the concept of a world government has attracted the fancy of many scholars in the context of a philosophy that has gathered momentum in this era of the new globalization. That environmental crisis in China, for example, attracts the concerns of policy makers and environmental activists around the world, suggests the need for tackling global issues collectively. Moreover, by globally pulling together resources such problems could be more easily resolved. Such has been the case with respect to the issue of global warming that could affect the human species regardless of where they are domiciled. Westra agrees and contends: “The emphasis on the ‘world community’ indicates that the basic rights must be collective rights within this context as, despite the proliferation of human rights instruments addressing individual choice, the harms arising from the present system are not individual but collective: Climatic change is perhaps the most obvious such example (p. 176)...” But the question of implementation and enforcement of human rights regimes⁵ and other worthwhile global objectives – e.g., the Millennium Development Goals have always taxed the wills of lawmakers (p. 186). Be that as it may, the character of the supranational European Union and its institutional and structural framework argues Westra could serve as a model for a “world state” in this millennium (p. 204). Even so, my

³ Peter H. Sand, “Sovereignty bounded public trusteeship for common pool resources?”, *Global Environmental Policies*, Vol. 4 (2004), pp. 1-47.

⁴ Tom Bingham, *The Rule of Law* (London, UK: Allen Lane, 2010), pp. 128-129.

⁵ Jack Donnelly, *International Human Rights* (Denver, CO: Westview Press, 2007), p. 79.

query is: to what extent are policymakers prepared to deconstruct the “power” of self, group and national interest in favor of protection of the ecosystem – *a la* Westra’s argumentation in this text?

The preceding question notwithstanding, this volume is very fascinating and useful, as its analyses are both sharp and challenging. It is a must read for undergraduate and graduate students, who are interested in an ideology with the aim at advancing ecological humanism⁶ as well as group human rights. The author should be applauded.

E. Ike Udogu
Government & Justice Studies,
Appalachian State University

⁶ Udogu, “The Issues of Development and Environment in Africa: An Overview,” in Rukhsana A. Siddiqui (ed.), *Sub-Saharan Africa in the 1990s: Challenges to Democracy and Development*, p. 196.

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