

New Order or World Disorder?

Research Project

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A

1.

After the fall of the Berlin wall, a unipolar world dominated by American hegemony emerged. The latter established a model of globalization centred on the creation of a world market and a type of capitalism “without borders or barriers”. Such a crisis, also characterized by the movement of capital in the “Global South” through the delocalization of production and the emergence of China as a global player, had profound implications on the international community. In particular, it did not prevent, in the long run, the crisis of the American hegemony and the emergence of other powers.

In this scenario, three criticalities have re-shaped the conceptual boundaries of globalization and accelerated the ongoing process of exacerbating inequalities within a multi-polar world.

First, the COVID-19 pandemic has accentuated the North-South differences, including the inequalities between countries able to cope with the spread of infections and those lacking the necessary resources.

Second, the climate emergency is marked by an ongoing conflict between "developed" and "developing" countries. The latter claim their right to reach a level of development matching that of the "advanced" countries while at the same time searching to reach an even higher level of energy consumption than the necessary one.

Third, the supply chain disruptions, which had already had an impact on global growth and inflation, have been further aggravated by the war of aggression against Ukraine by the Russian Federation, which interacts with the previous criticalities.

The war against Ukraine is not just the invasion of a sovereign country by a country that claims "imperial" expansion. Its causes are complex and involve multiple responsibilities. In many respects, the war constitutes an aggression by Russia against a sovereign State as well as a hostile act against NATO (via Ukraine as a proxy) and a declaration of war of the US against the EU economic system, centred on Germany. The war's several implications invite an analysis of its deeper roots and causes. The debate first centres on the "historical reasons" at the origin of the invasion, that is on the founding moment of "Russian civilization", identified in the conversion to the Orthodox faith of Kievan Rus' in 988. The debate can be extended to two other major issues – namely, the (presumed) threat posed to Russia's security by NATO's extension and the Kremlin's violations of international law.

A Eurocentric perspective invites a reading of the ongoing conflict as a "clash of civilizations". It is possible to identify two opposing sides in this debate. On the one hand, there is the "collective West" (so-called in the manuals compiled by the Kremlin for state and political media), as represented by the coalition of Western liberal democracies, such as NATO and the European Union. On the other hand, there appears to be an empire that claims its role as a great power, rejecting and challenging Western

hegemony in the name of the values of self-proclaimed national traditions concerning a patriarchal vision of society and imperial "great spaces".

The Russian empire proclaims a decline and a sunset of the West, claims a multipolar world and denounces past (e.g. colonialism) and present (e.g. the Gulf wars and neocolonialism) crimes of the Western world. Another way to read the conflict is through the lens of the world-system theory, which places the current escalation of events in the *longue durée*, integrating in the analyses the different actors at the global and regional levels. In this respect, the rivalry between the US and China and the war the US is waging through sanctions to keep hegemony and to forbid a multipolar world to emerge is, of course, fundamental.

Through these lenses, the economic dimension proves to be fundamental, making compelling to consider the crises of overaccumulation and profitability, as well as the process of further monopolization and related skyrocketing inequality. These are crises within globalization itself in which the limitations of the United Nations are emerging, and the position of the European Union is being redefined. The current crisis in the Middle East has further expanded the ongoing process of destabilization of the world order.

On the one hand, the Hamas attack of 7 October 2023 has certainly reached such extreme forms of brutality and cruelty that it does not admit of any justification. On the other hand, the complexity of the Israeli's position in the conflict, especially when seen in the light of international law, has emerged over time. In the advisory opinion of the International Court of Justice of 9 July 2004, we read for instance that "the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law" (ICJ *Advisory opinion on the Legal Consequences of the Construction of a Wall in the OPT*, § 120). The Middle Eastern crisis threatens to spread, outlining completely unpredictable scenarios. This begs the question: how will the current crises impact the future of globalization?

2.

The analysis of globalization must be further extended to fully understand the processes that are taking place within it: how it will be modified by scientific and technical innovations? how human rights will be guaranteed? which are and will be the relations between globalization and migratory flows? what is the relation between colonialism and capitalism and its heritage today?

There are many more related questions arising from this scenario:

- What transformations is globalization undergoing?
- What is the likely the impact of scientific and technological innovations (especially AI) on the process of globalization?
- What do the features of the new world order look like?
- Can we only hypothesize a global disorder?
- What is going to be the impact of globalization on migratory flows?
- Is there a “sunset” ‘of the West and, if so, what is its significance?
- What are the implications for international governance and international organizations for the development of the new global order?
- Is the United Nations an unreformable organization?
- How can human rights be guaranteed within the frame of globalization?
- What is the role of the European Union and what are its limits?
- What might be the further development of global capitalism?
- Is the current conflict a way of addressing the long-lasting crisis of overaccumulation?

All these topics imply the need for a long-term research process, one that must be conducted through a *multidisciplinary approach* encompassing different theoretical frameworks, such as philosophy of law, political science, ethics, political philosophy, history of political thought, international law, public law, political economy, human rights law and gender studies.

The aim of this project is to achieve a *global collective thought* capable of explaining the complexity of the new global reality. It is conceived as a large-

scale and long-term project which will try to address and interpret the complexity of globalization processes.

B

The essays collected in the first part of this issue of *Athena* deal only with some aspects of the global scenario, in particular: the possibility of prosecuting human rights violations beyond the limits of current international jurisdictions; the need to limit AI applications making them compatible with international law; the necessity of reforming the International Monetary System in order to face the challenges of globalization.

The essay *Global Human Rights Sanctions and State Sovereignty: Whether the New Tool Breaks the Old Order?* examines the Global Human Rights Sanctions Regimes (GHRSRs), commonly referred to as Magnitsky sanctions - that is to say, sanctions designed to address perpetrators of severe human rights violations committed abroad.

The Author highlights the innovative aspect of GHRSRs, which lies in their status as the first sanctions regime on human rights, transcending geographical boundaries. She correctly observes that GHRSRs have emerged as a consequence of the failure of established human rights protection mechanisms, such as the International Criminal Court (ICC), to perform as intended. A very important question about GHRSR concerns the tension that its introduction has caused between the new legal order and the existing international legal framework. The essay analyses in particular the question of the relationship between GHRSR and the sovereignty of the States. The Author argues in a convincing way that GHRSR can be seen as *the exercise of a universal jurisdiction* over so grave human rights violations that it legitimates every State to repress them. The Author's conclusion supports the thesis that when GHRSR is imposed on State organs, the sanction is a political decision that establishes State responsibility for grave human rights violations. As the Author explains, owing to the fact that this sanction is an

act between States and not the conclusion of a judicial process, state immunity does not apply.

The essay *Globalization and Data Gathering Using AI in /from Outer Space* analyses the so-called “fourth technological revolution”, which is characterised by the introduction of artificial intelligence (AI). AI allows for faster solutions to complex problems, since collecting and processing data *via* AI allows substantial reductions of the time spent in operations, while at the same time accelerating the production of results. The Author highlights that, seen from this angle, data gathering using AI in space may be used as a means for *unlimited access to information, disregarding national boundaries* or secrecy, as well as personal privacy. The Author’s aim is to discuss possible solutions and approaches to ensure privacy protection. The article explains very convincingly that, while in European Law (namely, EU law) a milestone was reached in 2016 with the adoption of the General Data Protection Regulation (GDPR), these limits are not applicable to AI data gathering from space. Very clearly, the Author maintains that the challenge now consists of finding a way forward *which will strike a balance* between technological development and high-resolution massive data gathering on the one hand and an individual’s legal and ethical rights to privacy on the other hand. The question that needs to be analysed and resolved concerns the increasing interdependence between globalization – specifically, globalized markets and means of communication – and the massive collection and processing of data.

In this frame, the question arises as to *whether limits should be set* for the conduct of such an activity; and in that case, what kind of limits. Ultimately, the Author supports the necessity of concluding *a new international treaty* whose final aim is to ensure the use of outer space in a manner that would be respectful of both stakeholders’ interests and humanitarian rights.

The essay *Global Governance: Adjustment or Reform of the International Monetary System?* discusses the question of whether the current architecture of the international economic and monetary governance is fit for providing

global public goods. The author finds the answer to be negative. There are, however, still possibilities to avoid wasting precious time for human survival.

The essay suggests a reform of the International Monetary System grounded on a new architecture consisting of a multi-layered structure with the IMF at the central level and MDBs (Multilateral Development Banks) at regional level. The IMF recently added five MDBs to the list of institutions that are allowed to hold and deal with SDRs (Special Drawing Rights), making them the most powerful agent in a transition towards greater use of such currency in development projects. According to the Author, the reform of IMF is needed in order to be able to face global challenges, which require a much more efficient structure than only relying on loose international cooperation.

Moreover, the reform should contemplate an increased role of SDRs, as international money could help rescue multilateralization vis-a-vis bilateral confrontation.

In conclusion, the essays in this issue of Athena critically evaluate the multiplicity and complexity of some of the processes currently taking place in context of the unfolding process of globalization, including its transformations. They invite us to continue and further deepen our research on these issues in order to conceptualise with ever greater precision the new world order that is emerging before our eyes.

