

Contributions from Japan and the Asia Pacific to Governance and Conflict Resolution

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In Tokyo in 1995 I sat spellbound as the renown Japanese scholar Professor Naoki Kobayashi opened the 4th World Congress of the International Association of Constitutional Law with an address on "World Problems and Constitutional Law". As the paper was not distributed I must rely on notes taken hurriedly on that occasion. Professor Kobayashi said:

Modern problems transcend national boundaries to the extent that a reconsideration of the boundaries and functions of our nation states is urgently required. Existing concepts of the nation-state include the notion of welfare, but this notion does not comprehend global problems. It is increasingly apparent that nationally organised forms of government and state are passive in the face of global issues of environmental deterioration, population explosion, the depletion of resources of energy, war and peace, security, and economic and social justice, etc.

Humanity faces the collective task of navigating its way into the future. This act of navigation requires fundamental review of the existing frameworks of organisation and action, which have brought us to the horizon of globalism, but which are inadequate for safely guiding us further.

The quest for global security is not a utopian one. The fact that global peace has been threatened since the advent of the nuclear age demonstrates that the need for security on a global level is real. Late twentieth century economies have, in addition, become trapped in a weapons culture, in which defence industries account for significant proportions of national economies. The violent political instrument of warfare must be abolished through international and national law.

Professor Kobayashi's remarks alerted me to the idealism and pragmatism that exists amongst Japanese thinkers today. In December 1999 I presented a paper at Nagoya University titled "Asia Pacific Constitutional Systems: The Legitimacy of States, Governance, and Globalism" in which I attempted to outline a critique of modernist constitutional practice, and concluded:

If any of this analysis is correct, what are the consequences? Allow us to speculate on the directions that the Asia Pacific states will go in the next two decades. The modern independent states were formed at the same time that an international order was transforming into a global

order. The challenge now is determining the allocation of powers between global and national constitutional authorities.

Modern states claim 'national sovereignty' but the challenges they face are increasingly global rather than national. These problems are in such areas as trade, security, currency transfers, communications, environment, and crime prevention. The adversarial nature of modernist government no longer meets the requirements of complex decision-making; new constitutional mechanisms will need to be developed, based on 'deliberative democracy' and enhanced consultative processes.

Representative Democracy in the form of 'party politics' yields government by the popular rather than the capable: electoral systems will need to explore mechanisms to combine legitimacy through popularity with legitimacy through capacity.

Increasing dissatisfaction with the performance of governments and parliaments will lead to searches for better ways to constitute the executive: the current method in parliamentary systems whereby the executive is formed by a majority of the legislature creates instability in both bodies, as attention focuses on obtaining executive power more than on conducting executive and legislative functions.

Increasing dissatisfaction with adjudicatory dispute resolution will lead to further acceptance of mediation and other forms of conflict resolution.

Increasing recognition of and acceptance of globalisation will lead inevitably to further transfers of sovereignty to global legally constituted authorities. These processes are tied to reform of the United Nations Organisation.

On reading these conclusions, which I regard as being grounded in Bahá'í political philosophy, a specialist in legal philosophy commented that there was "nothing in the paper he didn't agree with". These experiences strengthen my observation that Japanese intellectuals grasp the imperative needs of our time, and their views are quite consonant with Bahá'í perspectives, of which unfortunately they currently have little knowledge.

Bahá'í Perspectives

The concepts "governance" and "conflict resolution" are discrete, yet they have common interests. Also, both are discussed at many levels in the Bahá'í Writings. This paper can at best make some introductory remarks on their inter-relations. Bahá'u'lláh made many statements about the role of leaders, the rights of peoples, and the operation of governments. He addressed individual leaders, and the world system. In recent times Bahá'í perspectives have been offered within forums of the United Nations.

The central proposition of the Bahá'í view is that because all people, irrespective of nationality or ethnicity, have equal status as persons, a just system of government is one that is capable of treating all on an equal basis. The current nation-state system cannot – and does not seek to do this – in part because it is not structurally capable of doing so, but more importantly because it does not attempt to do so. In other words, nation-states (some, but not all) seek to maximise the interests of their own citizens without regard for the interests of others (non-citizens); the fact that the world-system is advantageous to the few and unresponsive to the needs of the many is the problem of our age. The corresponding proposal by the Bahá'í Community is the formation of a legal authority capable of administering affairs at global level, on the basis of justice and fairness. Specific aspects of the Bahá'í proposal are found in such documents as *The Turning Point*.

Related propositions that form part of the Bahá'í view concern preservation of the rights and responsibilities of the individual, and protection of the diversity of peoples. In the Bahá'í view, the purpose of law is to promote the growth and welfare of individuals rather than to “act as chains that bind them”. The progress of civilization relies on the insights of the human mind, and the role of government is to maximise the conditions of individual and societal growth. Bahá'u'lláh has set in motion specific institutions designed to implement this, and Bahá'ís are engaged in unleashing the potential of the individual through education, and in fostering a renewed sense of community, from local to global levels. The Bahá'í Writings emphasise the responsibility of individuals and local communities to identify their own needs, and to take initiative in improving their own circumstances.¹⁷

At the same time, the Bahá'í Community supports the emerging network of global human rights, as a vital component in the articulation of boundaries between individual, group, and state rights and responsibilities. The Bahá'í Community is active in promoting the Decade of Human Rights that has now reached its mid-point.

New Perspectives on Governance

In the 1870s 'Abdu'l-Bahá wrote: “The apparatus of conflict will, as preparations go on at their present rate, reach the point where war will

¹⁷ See *The Prosperity of Humankind* published by the Bahá'í International Community.

become something intolerable to mankind.”¹⁸ Using processes of inquiry and reflection on experience, Japanese scholars have reached this conclusion. In 1997 Prof. Ryukichi Imai wrote in “Global Governance: Some Reflections”:

After the experience of two world wars, scholars began to question whether large-scale wars of this type, especially if weapons of mass destruction were employed, could be seen as a Clausewitz-style extension of the conflict of political interests or of spheres of influence that had marked the nineteenth century.

This is one example of how new perspectives on social and political organization are emerging that are consonant with Bahá'í beliefs. To cite another example, Shinji Fukukawa (Chief executive officer of Dentsu Institute for Human Studies) wrote in the *Daily Yomiuri*, Jan 7, 2000 concerning “How to cope with dramatic change”

My view is the world will enter an age of “pax consortia,” meaning that peace and stability will depend on the concerted action and cooperation of the leading nations. ...with the advance of globalization, people are now more included to respect international consensus as it applies to economic, political and social concerns.

....My view is that the next century will see dramatic changes in political, economic and technological systems and necessitate the readjustment of relations between ourselves and our surrounds. Traditional ways of thinking can no longer cope with the serious challenges facing our intelligence, creativity and self-control.

These sentiments exist also in the Writings of the Bahá'í Faith. Rajiv Lall wrote on “The Way Ahead for Asia” in the *Far Eastern Economic Review* for January 13th 2000:

The history of the last millennium has taught us that participation in world trade, access to global technology, modernization of domestic institutions and good governance will be key if Asia is to recover its place in the world...

After talking about the growing gap between Asia's poor and the growth in the West,

Lall comments:

On the face of it, these trends aren't encouraging for the one billion Asians that globalization has left behind. The solution, however, isn't to turn back the clock. On the contrary, history tells us that globalization,

¹⁸ ‘Abdu’l-Bahá, *Secret of Divine Civilization*, p 67.

irrespective of its distributional consequences, is Asia's lifeline to a brighter future. The solution is to curb the excesses of globalization. And here lies the good news: there exists a potent weapon to do just this – democratisation.

Seattle wasn't a debacle that presages the death of globalization. It was a watershed that will change the parameters of the debate, and will eventually – for democracy is messy – lead to the creation of a kinder, gentler global economy, one in which all citizens, including Asians, will have a greater voice. A world federation with one country, one vote is not unimaginable in the next millennium. Beam me up Scotty!

Global Governance

Such 'radical' thoughts about world order are being paralleled by new thinking about 'governance'. Notable recent contributions to the emerging global view of the world system are those offered by the "Club of Rome", the "Commission on Global Governance", and the "Worldwatch Institute". Yet others come from the various agencies of the United Nations. The UNDP, for example defines Governance as:

The exercise of economic, political and administrative authority to manage a country's affairs at all levels. It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights, meet their obligations and mediate their differences.¹⁹

In his first Annual Report, UN Secretary General Kofi Annan includes many of the same elements when he defines what he calls "good governance":

Good governance comprises the rule of law, effective state institutions, transparency and accountability in the management of public affairs, respect for human rights, and the meaningful participation of all citizens in the political processes of their countries and in decisions affecting their lives".²⁰

The UNDP recognises that governance commences at global level. In its *Human Development Report* for 1999, the UNDP states:

¹⁹ *Governance for Sustainable Human Development*, A UNDP Policy Document,

²⁰ *Report of the Secretary-General on the Work of the Organization*, U.N. GAOR, 52nd Sess., Supp. No. 1, para. 108, U.N. Doc. A/52/1 (1997) para. 22)

The challenge of globalization in the new century is not to stop the expansion of global markets. The challenge is to find the rules and institutions for stronger governance – local, national, regional and global – to preserve the advantages of global markets and competition, but also to provide enough space for human, community and environmental resources to ensure that globalization works for people – not just for profits.²¹

The UNDP's *Human Development Report for 1999* provides a seven-item agenda to secure human development in the era of globalisation:

1. Strengthen policies and actions for human development, and adapt them to the new realities of the global economy;
2. Reduce the threats of financial volatility – of the boom and bust economy – and all their human costs;
3. Take stronger global action to tackle global threats to human security;
4. Enhance public action to develop technologies for human development and the eradication of poverty;
5. Reverse the marginalisation of poor, small countries;
6. Remedy the imbalances in the structures of global governance with new efforts to create a more inclusive system;
7. Build a more coherent and more democratic architecture for global governance in the 21st century.²²

Recent Contributions by Japan to conflict resolution

In recent years Japan has made a number of contributions to good governance in the Asia Pacific region. In 1998, for instance, it played a major role in facilitating general elections in Cambodia, and in the same year the Japanese Prime Minister hosted the Tokyo Forum for Nuclear Non-Proliferation and Disarmament following nuclear tests by India and Pakistan. The report's conclusions, issued 25th July 1999, called for negotiations on a treaty banning the production of fission material for nuclear weapons, for further ratification of the Comprehensive Test Ban Treaty, and for support for the Nuclear Non-Proliferation Treaty. In 1999 Japan facilitated peace talks between conflicting parties from East Timor.

Japan's contributions to the peaceful resolution of conflict emerged from lessons learnt in the nineteenth and twentieth centuries. The Meiji

²¹ UNDP, *Human Development Report for 1999*, New York and Oxford: Oxford University Press, 1999, p. 2.

²² UNDP, *Human Development Report for 1999*, New York and Oxford: Oxford University Press, 1999, p. 9-12.

Restoration of Imperial rule in 1858 ended 250 years of Tokugawa rule. The first major task of the Meiji government was to modernise. The government incorporated into a new constitution a bill of rights, a parliament, and a judiciary, and Japan became the first constitutional state in Asia. The central idea of government at this time was of an eternal line of emperors. The Emperor wielded emergency powers, but this structure paralysed the separation of powers. The Meiji State always had a militant attitude toward other peoples and states. Liberalism blossomed in Japan in the 1920s, but was smothered by a wave of militancy and nationalism that commenced with the invasion of China, and culminated in the Pacific War. Socialist thinking was suppressed in Japan, and ideological control under a fascist government brought suffering to the Japanese people. The lessons of this period in Japanese history are that militarism inevitably leads to expansionism and to ideological slavery; and that politics not based on freedom and rationalism will end in belligerency. Japan's post-war constitution incorporated the power of the people, welfare, and a "peace clause" in the form of constitutional article 9, which denied Japan the right of belligerency of the state. The only other state to include such a peace clause is Costa Rica.

In the Twentieth Century the Asia Pacific region experienced both war and peace. One vital requisite in the twenty-first century is identification of key values for governance and for the resolution of problems, whether between states, or within states. The "modern" constitutional systems of the twentieth century provided considerable conflict resolving capacity. But as societies become ever more diverse and complex both domestically and globally, new social, political and even economic imperatives will push the quest for more effective processes for conflict resolution. While there are many traditional forces in Asian societies and in Japanese society, I have suggested in this paper that there also exists in these societies the seeds of global perspective and world-embracing thinking. There is considerable scope for dialogue between Baha'i scholars and progressive regional thinkers on the pressing issues of world order.