



WORLD CONSTITUTION – THE NEED FROM TRADITIONAL TO CONTEMPORARY

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“We were born for the universe. We must not narrow our minds. We were born for humanity” –

Dr. Terence Amerasinghe.

ABSTRACT

The concept of world constitution is not novel and recent. It was pioneered a long way back to fit in the emerging countries as a guide for their newly acclaimed sovereignty. It was to help these countries to be more focused on achieving and securing Human Rights which would be all inclusive. The World Constitution is the final verdict for all the countries recognizing their existence globally on the world map. It is the final document, discussed in the parliament, at public platforms and finally tabled on the highest Court of Law of the land. It has to be always time tested and bind the nations again to be tested on the relevant issues. The World Constitution has to be dependent on public legitimacy. It's time we travel towards a futuristic and contemporary document rather than a traditional one which will be more of cooperative than competitive. This article shall focus on this World Constitution to be more inclined towards the changing needs of humans and humanity and bring about such changes in the basic structure of the continents and nations which are homogenous so as it becomes easier for human survival, geographically, socially, culturally, economically and politically.

KEY WORDS

World Constitution, Constitutional Order, global existence, homogenous, sustainable survival

INTRODUCTION

The World Constitution shall strive to establish relationship not only between individuals and the State but also to help strengthen the interrelations between two nations. It shall bring in such principles, rules and policies that will weave the world in a homogenous fabric. It shall interlock the nations in such a pattern that each one shall protect and respect the other's sovereignty. It shall establish the rights and duties of the nations for sustainable survival and existence.

There is a surge of interest amongst the intellectuals of the world to conceptualize international governance by adding towards administrative laws and legislative terms. The World Constitution makers are effectively trying to define the terms, Constitution and Constitutionalism. The various variables of the two terms will be helpful in constituting a more sustainable World Constitution. The idea of maintaining international peace will be governed by rules and not by mere power games. The prevalence of International Law has made it easy for the World Constitution to pave its way towards meaningful creation, interpretation and enforcement of rules. The World constitution shall promote fundamental substantive rules towards cooperative subsistence of all human beings.

As far as the World Constitution is concerned it is limited only to recognizing the Human Rights in a Democratic System. It is very traditional in nature and fails to go along and meet the challenges of the global issues. Today the world has changed and has many types of governing systems. There is this need that the World Constitution should be a torch bearer to all the systems of government and governance which would unite the world and help each country live in peaceful existence. The World Constitution shall be capable of guiding the governments in administration process. The World Constitution shall act as a model that could be adopted by all types of governments according to their systems and also maintain their identity.

The World Constitution is though focusing and defining the sovereignty of every geographical boundary yet it has to be in its true sense capable of compelling the countries to abide by the World Constitution. The much needed sense of cooperativeness leading from traditional to global attitude has to be imbibed in the World document. The World Constitution will be capable of dividing or sharing of powers within the political institutions amongst the neighboring countries. It has to be capable and empowered to define the identities of political, social, economic and religious developments of each country and its geographical boundaries.

HYPOTHESIS

The World Constitution will be a document of governance for indefinite periods which will include all human beings and protect the sovereignty of all nations.

WORLD CONSTITUTION-A UNIVERSAL DOCUMENT

The world Constitution is a document that works as an intersection between legal, social and political ideals. It acts as a legal instrument which shall meet the desired needs of justice, places limits on arbitrariness of power, as a social document that declares as to how societies shall be shaped all over the universe, proclaim values and ideals of socio-economic rights, policies-cultural, educational, health and welfare. It is capable as a political instrument that would prescribe independent political bodies/entities that are equipped to relate their powers with each other.

The World Constitution is expected to be an instrument that is capable of arriving at suitable and appropriate common agreements over issues through democratic procedures that reflect cooperation to resolve issues between countries. It shall be a document which shall reduce negative competition and encourage cooperative and healthy relations between countries and continents. It's role is of an architecture that will balance between legal, political and social functions of various systems and governments all over the globe.

The World Constitution is a procedural document. It will define the legal, political and social structures of any country and its people by protecting not only the human rights but also political and sovereign rights through democratic process. The World Constitution shall emphasize on the basic identity of all nations. It has a collective vision, common values and homogenous sustainability between communities all over the globe. It assumes common societal goals with broad consensus.

The document shall constitute within itself a proven system of hierarchical structure without conflicts for the nations to survive freely. This document shall encourage non-consensual dimensions which shall reflect commitments of States to respect the other existing nations. This document will serve for constituting and constraining the various powers within nations so that they let the existence of the others to be recognized in a dignified manner.

The World Constitution shall act with the “statutist doctrine” which prevails in the history, way back in the 14th century, which was adopted by Italy’s semi-autonomous city-states for resolving the problems that arose with trade and commerce across multiple legal jurisdictions. Today the whole universe is mired in various disputes from commerce, trade, digital economic transactions, insurgency, migrations, cyber-crimes, terrorism etc. These are all across geographical boundaries and jurisdictions and needs to be addressed towards resolving them through a universal document. A unilateral regulatory system is the need of the hour to minimize the risks in the development of nations, welfare of humanity and maintain harmonious relations within nations. The avoidance of sectarian conflicts in this emerging age of different kinds of weapons from nuclear to bio and cyber can be possible only through the enforcement of a world document accepted and followed unanimously by all nations.

THE CONSTITUTIONAL ORDER

Despite the proliferation of nominally democratic constitutions, only a minority of States has so far succeeded in maintaining a lasting democratic Constitutional Order. The power of Constitution is not be a weak rule of law and should not be changed easily by those in power; this will help in achieving the right Constitutional Order. The world Constitution shall strive for preserving enhancing the dignity and sovereignty of nations. The Constitutional Order shall always represent its commitment to the norms and procedures of the Constitution. The World Constitution shall work and include the customs, conventions, treaties, traditions, administrative architecture, party systems, and judicial discussions as its vital and integral part. The Constitutional Order is all about achieving the free and civic way of life. It is important for the World Constitution to be as a upholder of democratic process which will effectively and legally implement the constitutional mandate.

The Constitutional Order can be defined or termed as a system which is inclusive of international norms, rule of law to be governed by the international community as its hegemonic core value system that includes freedom, equality, liberty, autonomy and human dignity. The Constitutional Order is engineered on universally accepted liberal values. The Earth may be one, but the world is not!!! This may be the right way to think today, but the manner in which globalization is on the increase, people seem to becoming united and concerned as they are facing similar situations, issues and challenges irrespective of the place they live in. At this juncture Kant’s dream of a cosmopolitan Constitution feels like come true, where humanity needs to be defined under a code of common values, rights and responsible potentials.

The Constitutional Order will facilitate a model of universal institutions which will help establish global peace, justice, freedom and sustainability. This would help the world unite to overcome the inabilities of the nations for peaceful existence. It shall lead to universal peace through disarmament treaties and developing universal peace by encouraging cooperative existence. All in turn shall lead to a sustainable world. The

Constitutional Order shall strive for not only protection of human rights but for protection and conservation of environment, establish rule of law and just which shall be enforceable for all the sovereign nations.

The World Constitution shall emerge as a movement of world citizens for protecting and securing universal peace by establishing amicable relations amongst nations across the globe. We must believe in “Vasudhaiva Kutumbakam”. This concept imbibed in the World Constitution will help bridge the gap between geographical boundaries and help towards progressive path of sustainability. The establishment of global rule of law shall be beneficial for world altogether. It will help to form a talent pool for development of skills to be shared universally. The Constitutional Order will empower the nations to grow vertically with equal opportunities.

The politicians and administrators around the globe are trying to develop a robust universal document and a Constitutional Order. The nations with the help of their expertise are in the process codifying constitutional rules by attributing substantive rights to the individuals as well as to the nations. It strives to create institutions equipped with systems and laws so as to address the various challenges around the globe. The World Constitution shall strive to establish systems that shall have the capacity to apply and interpret the Constitutional Order.

CONCLUSION

It is now evident from the above discussion that the World Constitution has to be designed to be sustainable and all inclusive. This document has to be compatible to the administration, legislative, executive and judiciary of the universe. In this era of globalization, where humanity has the same issues to be tackled then the solution has to be universal. The World Constitution should be an exclusive system of checks and balances for smooth functioning of the governments around the globe. The World Constitution shall endeavor for a long and steady democratic government and other political institutions. This document shall be difficult to amend and should be of cooperative in nature. The World Constitution shall provide for a plan for the humanity to meet the challenges confronted by the whole world. The issues like tech-wars, cross border cyber- crimes, threat of nuclear weapons and war, human rights violations, depleting environment can be addressed as a race against humanity. A Democratic congregation has to be built for the utilization of full human potential to established social harmony, justice, peace and freedom. The World Constitution has to be document all inclusive and leading towards cooperativeness.

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