

*After the opening of iron curtain in the nineties more and more people from the poor regions of Eastern Europe crowded to Germany. This led to discussions about asylum and foreign infiltration, which prompted me to the following text. In the following my analysis became even more explosive because of the actual global economic disaster. In my opinion there is no other adequate response to the challenges posed by the global economy, which may give a chance to solve the growing economic problems of the future, than the idea of “Supra-nationalization of Social Law”, which in this sense I here understand as an overdue constructive conception. All of them, which now want to point out that the conditions, which are necessary for the realization of supranational global political structure and administrations do not even exist in embryonic form, I want to answer that at the beginning of every development always has to be an idea, which is able to change minds and thinking and so may support a broad social discourse. Now finally let's forward the urgently needed discussion about globalization of supranational political structures.*

## **Supra-nationalization of Social Law as precondition for economic and social efficiency**

Neither UNO, which up to now de facto and de jure nearly is working without any options for action, nor the actual arrangements in foreign policy and certainly not the national separatism are able to facilitate humanity the instruments, which are necessary for solving the dramatically growing economic, ecological and social problems of the world in global context.

Therefore we can proceed from the assumption that prosperity, piece, stability, righteousness – whereby the latter especially includes the global enforcement of Human Rights<sup>1</sup> – worldwide in the future durably only can be realized by a complete new constitutional world order. This constitutional order of cause has to integrate all the fundamental principles, which have proven on the bottom level namely the national scope, as there are:

- the principle rule of law,
- the principle representative democracy,
- the principle federalism,
- the principle separation of powers,
- the principle of efficiency,
- The principle social responsibility.

The latter especially ultimately includes, the legitimate claim within social law and welfare of every human being in need to help on at least satisfying its basic needs.

This here is not only understood in the sense of human rights and charity but furthermore also as a basic prerequisite for economical and social efficiency.

The development of state organizations in the past has shown - and the actual world economic crisis is a dramatically demonstration hereof - that the dynamics of free market of its own accord is not durable sufficient in guarantying economic prosperity.

Because the competitive situation within the market is characterized by the Darwinian principle of “the right of the stronger” the economic power inevitably is concentrating in fewer and fewer hands. Pure market-economy therefore leads to a monopolistic state, which exactly that eliminates, what made market so essential: the principle of efficiency.

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<sup>1</sup> **Universal Declaration of Human Rights** *Article 25.1*: Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

*Article 28*: Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Of its own accord vitality of market only will be an episode and will end market economy up to an explosive stiffness, whose dangerousness naturally is directly proportional to the margin between poverty-stricken majority and extremely rich minority.

This issue finely really can only be solved by a counterforce to the dynamics of market, which is working with as little disturbance as possible and in a special way is directed from strong to weak - which therefore in contrary to the laws of market underlies the law of the weakest.

Meanwhile the highest developed nations of the world – with, as I say, enormous revenues for the national economies - have explicitly anchored social rights in their constitutions.

How successfully national economy can work, when the principles of free market and social right became combined has shown the social market economy in Germany, which in relatively extreme short time has catapulted the economical power of this nation from the state of complete economical collapse after World War II up to one of the most advanced in the world.

In return exemplarily can be pointed out that the globalization of the world is creating inequality to the detriment of the poorest, which in my opinion primary is the result of the loss of balance between the requirements of social right resp. human right and market economy.

The actual result of globalization is an increasing dominance of unregulated market with the consequence of a dramatically increasing of a majority of nations in the Third World and an increasing concentration of economic power monetary values remaining in the hand of a privileged minority nations.

The attempt to defuse this over the long term very dangerous process bilaterally by implementation of development aid in the meantime can be considered as being thoroughgoing bound to fail.

This breakdown in my opinion was pre-programmed because the financial values of development aid mostly did not reach the people themselves of the poor nations. The reason of this lies in the constitutional strictly national structure of the world community, which ensured that the money of development aid seeped away into the hands of ruling clan-oligarchies.

Instead of a pushing effect, which by creating purchasing power could boost the economy and especially the national productive forces of the less developed countries out of himself, the financial values of development aid – without any social and economic benefit for the Third World countries - directly flows back into the global playing banks and stock exchanges to let grow profits and shareholder values of the mighty and rich industrialized countries of the world.

Such an economically so very negative effect, which undoubted is depending on nature of things, can be counteracted by transferring the model of social market economy, which up to now more or less in every high developed country has been realized, to the supranational constitutional organism being basically in existence.

The legal claim of every needy human being in the world regardless of nationality to draw social benefits would create purchasing power homogeneously to the economical base. However, this would boost the economy and create jobs in Third World countries in a most natural and healthy way.

The economical dynamics coming from this will be the precondition for a continuously healthy economic growth, which increasingly will guaranty self-sufficiency of Third World country. At global level this, in turn would create purchasing power for the high-Tec products of the industrialized countries. So the result would be a general economic upswing worldwide.

The first step towards achieving this vision naturally should be the constitutional and legal arrangement between nations and a fundamentally further developed supranational organism including especially an assignment by operation of law that the till now only national social competence at least partially goes to a supranational administration.

It should be useful to adjust the supranational granted social security to the living costs of the respective country, so that between different countries there may be a difference in sum of money, but not in substantiality.

The values for a supranational social security could via Tax Law automatically being collected.

Precondition for all naturally would be to create efficient working executive, judicative and legislative authorities on the supranational level.