

National Sovereignty and Globalization

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Abstract

The research represents an analytical and conceptual approach to a complex issue, namely national sovereignty in context of globalization, a very topical problem in contemporary world. The informational material collected, studied and used is part of scientific works closely related to the issue addressed, being subsequently interpreted to argue the opinions expressed. The research methods used in this paper are: the documentation method, the comparative method, the analytical method, the logical method, the applied method. This paper captures the interaction between indivisible national sovereignty and the doctrine of divided sovereignty, the latter being seen as a possible solution to the negative effects of globalization. In the context of the globalization process, there is a tendency to consider the sovereignty of states as an obstacle to economic progress. Globalization implies the intensification of interdependence relations between states, which contradicts the principle of sovereignty. Thus, a conflict arises between the institution of sovereignty and the process of globalization, a conflict that can be resolved only by a divided sovereignty, respectively by creating supranational structures in which states jointly exercise certain responsibilities and carry out projects based on international cooperation. If until recently the issue of divided sovereignty was indisputable and unacceptable, in the current conditions of the globalization process that characterizes international relations, the situation has changed significantly, as it is imperative to adapt notions and concepts to new configurations. According to the author, European integration has sought to create a strong regional structure capable of protecting national identity and the classical notion of a sovereign state in the context of the process of globalization on a global scale.

Keywords: Globalization, the principle of the national sovereignty, divided sovereignty, European Union, territorial internationalization.

From Sovereignty to the Division of Sovereignty

“For over a generation, the tendency of world politics has been to weaken statehood. In the twentieth century, many states were too powerful: they tyrannized the population and committed acts of aggression against neighbors. [...] For the period after September 11, 2001, the main problem of global policy will no longer be to find ways to restrict statehood, but to build it. For individual societies and for the global community, the withering of the state is not a prelude to utopia, but to disaster“ (Fukuyama, 2004).

Sovereignty is an extremely complex legal notion interdependent with national authority, manifested on the legislative process and on the territorial space of a state.

Hegel wrote that "foreign political law derives from the relationship between independent states; what is found in and for itself in this report acquires the imperative form, because its reality in fact rests on distinct sovereign wills. (...). States are not private persons, but completely independent entities in themselves, and thus their relationship is presented differently from a moral and private law relationship. (...) The people, as a state, are the spirit in its substantial rationality and in its direct reality, therefore it is the absolute power on earth; one state is therefore sovereignly independent of another" (Hegel, 1969, 373).

In accordance with the provisions of international law, any state is its own master, having supreme authority over its territory and its citizens. In addition, with the collapse of the communism in Central and Eastern Europe, "the nation-state acquired a special political form - its main variant crystallized as a liberal or representative democracy" (Dahl, 1989, 221). Therefore, the interference of a supranational authority is considered unacceptable, according to the principle of sovereignty, a principle on the bases of which states are recognized as having absolute power. But, at the same time, the principle of sovereignty determines the states to be responsible to other sovereign states.

However, we must not regard sovereignty as being contradictory to the principle of legal constraint, because legal norms have not been developed to limit sovereignty, but to ensure its protection in the ongoing process of evolving international requirements to which it must adapt. The obligations assumed by each state based on the international documents to which it has acceded are not likely to limit sovereignty instead they can influence the quality of international relations. And these documents, which constitute the primary source of international law, do not emanate from a supranational power created with the role of affecting sovereignty, a power that imposes laws and measures with direct legal force on the states.

According to international law, between nations exist and develop relations based on coordination and collaboration, not on subordination, and the nations act from positions of equality, being about neither of subordination

to international law, nor of a state to another. And, if in accordance with the principle of sovereignty, there is equality between Somalia and the United States of America, yet, from an economic point of view, the difference between them is huge, Somalia being an underdeveloped country, and America, strong and flourishing. Therefore, we can speak of a *de jure* equality, which, however, is not valid *de facto*, a situation determined by the violation of sovereignty, not by respecting it.

His Holiness Pope John Paul II stated in a speech that "A presupposition of a nation's rights is certainly its right to exist: therefore no one - neither a State nor another nation, nor an international organization - is ever justified in asserting that an individual nation is not worthy of existence. This fundamental right to existence does not necessarily call for sovereignty as a state, since various forms of juridical aggregation between different nations are possible, as for example occurs in Federal States, in Confederations or in States characterized by broad regional autonomies..."¹.

But we must not ignore the fact that sovereignty involves certain limits and restrictions, which in the context of globalization, have the effect of slowing down the progress of economic relations, socio-cultural, informational and more, reason what for over the time certain tendencies contrary to this principle have begun to take shape. According to Hans J. Morgenthau, proponents of these tendencies note the existence of a conditioning between the doctrine of sovereignty and the decentralized system of international law (Morgenthau, 2007, 333).

If until recently the issue of divided sovereignty was indisputable and unacceptable, in the current conditions of the globalization process that characterizes international relations, the situation has changed significantly, as it is imperative to adapt notions and concepts to new configurations. However, "sovereignty over the same territory cannot be held simultaneously by two different authorities, as sovereignty is indivisible" (Morgenthau, 2007, 339). The possibility of such a hypothesis would contradict the logic of international relations, causing divergences between international politics and international law. Therefore, several supreme authorities cannot coexist in the same period, exercising at the same time their sovereignty over the same territorial space, over the legislative system or over the government. It is true that the doctrine of divided sovereignty has developed enormously in recent years, the most vivid proof being the very construction of the European Union, where nations retain their sovereignty, remaining equal and free in a context where humanity faces many real constraints. It cannot be said that the sovereignty of the states of the European Union is violated, but it also can not

http://w2.vatican.va/content/john-paul-ii/en/speeches/1995/october/documents/hf_jp-ii_spe_05101995_address-to-uno.html

be said that it remains unaffected. Moreover, it might be said that at Union level, the issue of sovereignty generates major conflicts, an example in this regard being the conflict between the principle of sovereignty and the number of seats in the European Parliament allocated to each Member State. "Although individuals exercise or may exercise their right to vote, the power of this vote to shape public policies decreases with the decline of the state's internal sovereignty" (Reinicke, 1998).

The European Union and the Doctrine of Divided Sovereignty

"We refer to the past not to remain confined to it, but to discover its causality, factors and conditions that explain the requirements for the future of sovereignty in globalization" (Belli, 2004, 5).

Following the evolution of the construction of the European Union from its first steps to what it has become today we might be inclined to believe that the principle of national sovereignty is an outdated concept and to think about accepting a form of global governance imposed by globalization, a global governance based on certain forms of supranational authority and interstate cooperation. And it seems that the Treaty of Lisbon is essentially the primary form of regulation of what the author expressed earlier.

The creating of the European Union was determined by the globalizing processes, but also by the need of the old continent to reinvent itself, to create a new identity with an important role both in the field of ensuring global security and in the global political and economic sphere. The construction of the Union itself, since the appearance of the European Communities in 1951, has definitely been an extremely difficult and complex process, the creation of a unity in diversity knowing an extremely winding path throughout its evolutionary course. The Union is without a doubt an original construction between national and supranational, different from other transnational associative phenomena or apparently similar international organizations, from the past or from the present (Rosamond, 2000, 15-16), and during its evolution a tension between federalism and intergovernmentalism was permanently manifested. Perhaps the periods of stagnation of the integration process were precisely the expression of the reluctance of nations to divide sovereignty.

And yet it has managed to create and maintain a balance between maintaining national sovereignty and interstate cooperation for commonly decision-making, without the Union becoming a supra-state authority that dissolves national integrity. In one opinion it was stated that the Union is constituted as a "unitary political model, having a single institutional framework, but operating with two different methods" (Bărbulescu, 2005, 41).

As the author expressed before, the construction of the Union was also determined by globalization, a phenomenon that imperatively involves redefining the concept of sovereignty. The Union is also trying very hard to

address a policy in this regard, although whenever there has been the issue of Member States relinquishing their sovereignty, there have been failures.

We cannot anticipate the evolution of the Union, on the one hand because in history all the entities that sought to include several states have disintegrated, often generating conflicts and wars, and on the other hand, because in the Treaty of Lisbon it was provided for the first time a withdrawal clause, and in this context we have recently witnessed Great Britain's exit from the Union. However, we cannot deny that this construction can be an archetypal model for the creation of other political and economic systems globally, because “policies are needed to ensure sustainable economic growth, on a fair and democratic basis. (...) Being able to buy Gucci bags from a Moscow department store does not mean that a market economy has been created in that country. Development is about transforming societies, improving the lives of the poor, ensuring the chances of success for all people and access to health care and education” (Stiglitz, 2003, 383).

One thing is certain, namely that with the deepening of the integration process, the principle of sovereignty will be redefined, acquiring other valences, and Community competences will progress to the detriment of national ones, in accordance with the fundamental norms of international law. There are probably followers of a vision in which the European Union could become a sovereign state, but, in the author opinion, the loss of the sovereignty of all Member States in the favor of a meta-sovereignty is utopia, at least for the next 100 years.

The European Union could be seen as a living human body, constantly evolving and in which each people represents a segment of this body, and on the harmony of these segments (nations) depend the sense of development of Europe, its political and economic superiority, but also the internal non-contradictions of this body, which could collapse it. From here it can be appreciated the importance of each state, regardless of its political size and economic power, because this body can not survive without heart, brain, kidneys, liver, but can not evolve without hands, feet, or at least without fingers. Through this model of an organism that tends to perfection, as is the projection of its genome, we can realize the place that each nation occupies in this human model and the power given by the unity and harmony between them. The Union is the force for saving and extinguishing ancestral conflicts between the nations of Europe.

Implications of Globalization at Global Level

In author's opinion, today it can speak about the existence of the foundation for the creation of a world state, as long as the planet has common interests and values, while pursuing the fulfillment of a common destiny in a common world civilization. Perhaps the term "common" has become the most widely used term in the world, humanity oscillating between political globalization and economical globalization.

Globalization refers especially to the economic dimension, describing "a multi-causal process that results in events taking place in one part of the globe having wider repercussions on societies and problems in other parts of the globe"².

However, political globalization does not imply liberalization, but territorial internationalization, with the relief of social relations from the restrictions imposed by borders or, in other words, a renunciation of the conditioning of social relations by territorial affiliation. Basically, social relations are globalizing. However, globalization "refers to shrinking the world and raising awareness of the world as a whole" (Roland Robertson)³.

Globalization is a phenomenon that involves, through technological progress and the development of trade relations, the integration of economic systems. "Globalization is a trend that manifests itself in the world economy, a trend accelerated by the development of the informational society in which we are today. Globalization presupposes the existence of such close interdependence between nation states that no one can know exactly how much 'freedom of movement' national governments still have, especially in terms of economic problems, capital flows and foreign exchange that evades the control of central banks"(Schneider, 1999). Globalization "must be understood as the fast expansion, on a global scale, of the interactions between human activities. This growing interdependence does not take into account any kind of boundaries, no time, no space" (Schneider, 1999).

Globalization is a process or a set of processes, which embodies a transformation in the spatial organization of social relations and transactions - analyzed in terms of their extent, intensity, speed and impact – generating flows and transcontinental or inter-regional activity networks, interaction and exercise of power (Held et al., 2004, 40).

For the terminology used to define this phenomenon it can be attributed several meanings, namely geographical (since the sixteenth century, when Europe was in the early stages of colonial expansion), economic (as it aims at global economic growth by interconnecting cross-border production

² <https://ro.wikipedia.org/wiki/Globalizare>

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<http://ro.wikipedia.org/w/index.php?title=Special%3AC%C4%83utare&search=Roland+Robertson>

processes), policy (due to the overcoming of national competences through global economic development) and information technology (due to advances in computerization and information technology).

There is no definition of globalization in a universally accepted form and probably not definitive. The reason is that globalization includes a multitude of complex processes with variable dynamics reaching diverse areas of a society. It can be a phenomenon, an ideology, a strategy, or all at once⁴. Globalization, having a technological and economic-financial substratum, is rather outlined as an innovative form of imperialism.

One thing is certain, namely that globalization is a dynamic phenomenon, manifested for a long time, which affects all mankind and which should create a peaceful dialogue between civilizations, representing a consequence of the process of modernization and post-modernization.

“We cannot stop when the whole world is moving around us ... The sovereign nations of the past are no longer the framework in which the problems of the present can be solved“ (Bethoin, 2001, 123). “Once transformed by the third wave, national economies are forced to relinquish some of their sovereignty and accept the growing mutual economic and cultural intrusions“ (Töffler, 1995, 284).

Globalization is the modern term used to describe changes in the societies and in the world economy, which result from extremely high international trade and cultural exchanges. It describes the growth of trade and investment due to falling barriers and interdependence between states.⁵

Anthony Giddens⁶ emphasizes social and economic plans by defining globalization as a reference “to the development of social and economic relations that are expanding throughout the world. (...) A key aspect of the study of globalization is the emergence of a world system, which means that, to some extent, we must look at the world as forming a single social order.”

But, unfortunately, in the context of globalization, it accentuates the gaps between the rich and the poor, the number of those with medium financial resources decreases enormously and the capital of those who already have large resources increases, a situation in which a state of increasing dependence on tycoons will be created. In the author’s opinion, humanity in the context of globalization will be alienated at both the individual and societal levels.

Globalization is changing the human mindset and behavior of individuals, state government policies, redefining the concept of sovereignty

4 <https://ro.wikipedia.org/wiki/Globalizare>

5 <https://ro.wikipedia.org/wiki/Globalizare>

6 English sociologist, author of 34 volumes and over 200 articles, including *Sociology*, *The Politics of Climate Change*, *The Global Third Way Debate*, *The New Egalitarianism*, *Europe In The Global Age* etc.

and fundamental human rights and freedoms; globalization acts on the social justice system, on human relations and on social organization as a whole, eroding traditional factors of societal cohesion. The development of international relations becomes also arbitrary, putting pressure on nation-states and shaking the principle of sovereignty, with catastrophic consequences for the economic sector and for the social stability. There is a denationalization of the state to be governed, the economy and trade brought out of national borders through cross-border transactions are likely to amplify international interdependence, the aim being to achieve a global single market through widespread globalization; the faithful expression of current reality is certainly "think globally and act locally" (Toffler, 1983).

If, years ago, Albert Einstein said that the discovery of the atomic bomb would change humanity, the same is true of globalization. Of course, the new economy created in the context of globalization also has advantages of scale, it also capitalizes efficiently on the geographical potential, but it also predisposes to huge risks. As it could be seen, the economic and financial crisis that occurred in 2007-2008 in the United States spread to the chain, affecting almost the entire planet. Globalization also means labor liberalization, but this is also risky as it can lead to rising unemployment in some regions. It is true that globalization is gaining ground through its advantages in the context in which the state-centered system is no longer able to cope with problems such as pollution, overpopulation or the arms race.

Located at the opposite pole of economic nationalism, the process of globalization is based on neoliberalism and the free market economy, constituting a fundamental mutation in the history of the world. It might be said that globalization is the new historical stage of capitalism, in which the economic progress of the states is also influenced by their geostrategic position.

Dr. Orhan Güvenen argues "that if we do not consider the economic and social structure of society as a system, we will find - in mathematical terms - a chaotic and probabilistic structure in which virtual and infinite variables in number are interacting, "inputs" are interrupted from time to time, and the uncertainty and rate of mathematical complexity is high" (Orhan, 1999, 11).

"The developed world must fulfill its duty to reform the international institutions that govern globalization. We have created these institutions and we need to make them work again. If we want to dispel the legitimate concerns of those who have expressed their dissatisfaction with globalization, if we want it to bear fruit for the billions of people who have not enjoyed it, if we want globalization with human faces to succeed, we need to make our voices heard. We can't, we don't have to stand aside" (Stiglitz, 2003, 384).

This phenomenon has been called globalization, a term that hides more than is implied. As the field of human activities extends beyond the regulations of the nation-state, legality and rules have become too strict⁷.

Globalization, a complex, even contradictory phenomenon, a real and living fact, can have harmful consequences such as the dehumanization of those overwhelmed by its devastating force, the creation of a barbaric society in which the meaning of life is lost and even such an educational collapse by transforming science into pseudo-science, as well as culturally through the disappearance of traditional national cultures and their reduction to a single standardized civilization. Globalized humanity will be concerned only with economic issues, completely disinterested in culture and unconscious. Atheism will also make its place in the mind of the globalized citizen. And although most of the people realize that this is probably the last stage in the evolution of mankind, no one can oppose globalization. The negative side of globalization is much stronger than the positive. States will remain intact only from a territorial point of view, their independence being diluted in the waves of rampant globalization.

The process of globalization will increase the economic and financial advantage of the great powers, which is where most transnational corporations come from. And the mechanism is simple, as international financial institutions such as the IMF, the World Bank under the domination of the great economic powers, contribute by providing advantageous loans to foreign direct investment of transnational institutions and companies that will make huge profits in favor of creditor states. In 2000, the United States had a Gross National Income of \$ 9.602 billion, representing 30.7% of World Gross Income. It was followed by Japan with 14.4% of World Gross Income and Germany with 6.6% of the currency indicator⁸. Thus, 52% of the world economy is occupied by only 3 states. Also in 2000, England, France and Italy together held 12.7% of Gross World Income⁹. It should be noted that almost 2/3 of the world economy is concentrated in the hands of only 6 states, out of the total states existing globally. So the masters of the planet are few in number, but very rich (Belli, 2004).

Globalization does not contribute to the reconstruction and development of underdeveloped or developing countries, and the evidence is the area of Africa that remains most disadvantaged by the lack of economic cooperation in the context of this phenomenon. Only developed countries have really benefited from trade liberalization and financial investment, because

7 <https://ro.wikipedia.org/wiki/Globalizare>

8 <http://documents.worldbank.org/curated/en/475281468159895302/World-development-indicators-2002>

9 <http://documents.worldbank.org/curated/en/475281468159895302/World-development-indicators-2002>

only they have managed to keep up with the rapid pace of these processes. In addition, the commitments that developing countries have to make to international financial bodies are far beyond their possibilities, and appropriate sanctions are likely to throw them back into poverty.

Uprooting, migration, the fact that some regions have become poorer than before, are other negative facets of globalization, with extremely dramatic consequences.

In the opinion of some authors, globalization “is artificially maintained precisely by those who benefit from it and less by those who have suffered losses, or have simply been marginalized. The latter recognize that globalization is in many ways a new phenomenon, but one that operates according to old rules. Due to this fact, the world would not be dealing with a new economy, but with a kind of “casino economy”, in which an enormous volume of money is involved in speculative operations. Following this line, some adopt an even harsher tone, considering that we are dealing with a kind of "corporate colonialism" that targets the poorest countries and the poor people from rich countries (Postelnicu, 2000, 301).

The author subscribes to the opinion expressed in the doctrine that, in fact, the advantages of globalization “are myths, propagated to justify unbridled greed and to mask the extent to which the global transformation of human institutions has become a consequence of the complicated, well-funded and deliberated interventions of an elite with financial means that give it the opportunity to live in a world of illusions, separate from the rest of humanity. (...) These forces have transformed once good corporations and financial institutions into instruments of a market tyranny that is spreading across the planet like a cancer, colonizing more and more of Earth's vital spaces, destroying ways of life, displacing people, making democratic institutions powerless and devouring life in the insatiable pursuit of money” (Korten, 1997, 22-23).

No one can deny that globalization has had and still has a number of beneficial effects, because there are several hundred million people who have come to live at a higher standard of living than before, and countries that have managed to take advantage of the effects, they registered essential economic growth, by creating new markets and by attracting foreign investment. "For millions of people, however, globalization has brought nothing. The situation of many even worsened, their jobs being abolished and living becoming more insecure. These people felt increasingly powerless in the face of forces they could not control. They saw their democracies undermined and their cultures eroded” (Stiglitz, 2003, 378).

The author thought to conclude with the opinions of a Romanian specialist who studied the problem of globalization, opinions that allow discussions, interpretations and conclusions of each of us: “On the billiard

table of the world, the straight movement of the balls, rectum of the countries, seems to take place according to precise rules. The tendency is now accelerating. Even if it is believed that chance gives substance to the game, today's reality refutes this. The routes of the balls are meticulously established and the event has no chance to change them either” (Marin, 2004, 287).

Conclusion

In the context of the current reality dominated by the process of globalization, the concept of state sovereignty has changed its valences, nation-states being forced to continuously cede prerogatives from their sovereignty to international structures, in order to adapt to the requirements of multilateral cooperation. National states in the traditional formula have become useless or even impossible in the global macroeconomic system, being unable to independently influence the activity of the economic sector or the level of employment. It can be seen that the state force has been overwhelmed by the rampant evolution of globalization, foreshadowing the disappearance of the nation-state and borders and their replacement by regional states, governed by supra-state structures, the only ones able to resist this phenomenon. In the author's opinion, European integration has sought to create a strong regional structure capable of protecting national identity and the classical notion of a sovereign state in the context of the process of globalization extended to the world level.

Thus, globalization creates a new world economic and political order, in which the concept of national sovereignty gradually disappears, with governments remaining mere pawns on the chessboard of world politics. This is not to say that this process will take place in the future, because it is already accompanying the present, taking the nation state by assault. Globalization involves all the states of the world, regardless of their geographical size or their economic power, while generating another system of values. Institutions and mechanisms of global governance are created and the national cultures merge to become a hybrid, the framework of human action is resized. And in this context, the nation-state melts as an effect of globalization, in a process in which its disappearance is inevitable and irreversible.

Globalization is an irreversible process, which means luxury and prosperity for the few and poverty for the majority. Speaking about globalization, the truth is it is not an option, but an imposition. Basically, humanity enters the administration of the transnational forces that will subdue it, will colonize it in a modern form, through the IMF or the World Bank, for example, or, if necessary, even in the form of military alliances.

The force of manifestation of the phenomenon of globalization has reached impressive levels, and the risk of triggering economic and financial

crises in the chain is commensurate, because no market can be forever characterized by stability.

The author concludes by saying that for some, few in number, globalization means freedom, progress, and for others it means poverty, misery and resignation in the face of a cruel destiny, in the context of deepening the economic, cultural, social chasm between the great powers and the rest of the world, but also on the background of a deficit of democracy that underlies the process of globalization. We are actually experiencing the effects of the effects.

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