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RECONSIDERING THE TERRITORIALITY. CHALLENGES OF GLOBAL GOVERNANCE

Summary: The territory as the exclusive base for forming human communities has been challenged for a last few decades. We should rethink the scope of our moral commitments and responsibilities since in the age of globalization the main source of advantages has become the separation from territorial burdens. The international law is indirectly affected by these new tendencies, because, undoubtedly, the traditional role of the states has also changed. Many new international relation theories have emerged as a criticism of the realist approach, such as the “world risk society” theory, the neo-liberal and reflectivist theories, and the world-system theories. Establishing a “world-state” is not an option, and seems not desirable. On the other hand, the global multi-level governance supplemented by new forms of participation is essential. The precondition of “human-faced globalization” would be the institutionalized involving of the bottom-up movements in the global governance as a counterbalance against the technocratic-centralized contemporary regimes.

Key words: territoriality, realism, transnational flows, globalization, decentralization, NGOs

1. INTRODUCTION

The territory as the usual basis for organisation of human communities has lost its privileged position in recent times. “Extra-territorial” possibilities have been opened, taking shape of human communities, which bursts the formal dimensions and the conceptual framework of the law, the morality, and the politics.

In the post-cold war period of almost twenty-five years the debate between the realistic and idealistic theories in the analysis of international relations has been intensified. In spite of all the new tendencies, the realistic theories are insisting upon the assumption that states have remained the main actors in international relations, as exclusively self-interested actors in foreign affairs. On that account, only temporary balances of power may be achieved, and when these break down, war conflicts may occur. According to them, the answer to the democratic deficit,

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which is perceptively is a concomitant of globalisation is the maintenance or re-strengthening the national sovereignties. On the other hand the idealistic (liberal in a sort of sense, but sceptic with omnipotence of the free trade, and the radical or cosmopolitan theories) authors claim that the role of the state has been going through significant changes, and it results in enhancing the importance and authority of subnational, supranational, and transnational entities.¹ It entails the unavoidability of global reference points (such as human rights, ecological values).

In the age of globalisation the role of territory has been transformed considerably: according to Zygmunt Bauman, in addition to extra-territoriality and the breaking away from territory (information, global elite), there is an increasing bondage to the territory, in more serious case to the soil. "The global actors are literally out of this world (...), given glittering example for everyone who is inferior to follow them, or dream to follow them, (...) they represent a certain power, which is guiding rather than ruling."² The non-territorially based organisations supplement, or compete with the territorially based entities. It makes necessary to rethink the concept of community, and to redraw the boundaries of our moral commitments tied to the communities to which we belong. First of all, I refer to the responsibility here, as an ethical issue. The problem of responsibility has new dimensions that can not be squeezed into the framework of real, or wished state borders. The development of law should take into consideration all these tendencies.

It is also necessary to mention the philosophical problem of the relationship between the fact and the value. My approach and my answer to the challenges of global problems is consciously value-based, since the analysis of global tendencies necessarily create a moral claim: how the idea of participation, the control of power, the openness, the civil and social human rights could be saved. In this paper, I intend to deal with the problem of responsibility and participation and with the changes experienced in the relationship between the moral community and the politics.

2. STATES, AND THEIR TRADITIONAL FUNCTIONS

The long-established interpretation framework of our obligations and rights are the state, or sub-state entities based on territory. Our rights and obligations of course might be derived from our profession, marital status, etc., but the primal origin of that all is the state which has the authority upon the population living on a given territory. The flow of information and capital limits the traditional regulatory potentials of the state, while the booming of world trade, migration and even tourism are new challenges to be faced.

Mobility capacity has become the most important competitive advantage. The best example for that is financial capital. Financial capital has become independent from the real processes of the economy as the creation of capital is not necessarily linked to the production or the exchange of goods or services, therefore it is much more mobile than the factors of the real economy, giving it a considerable advantage.³ Of course, mobility as the source of advantage may be applied to goods, information, resources and labour as well. However, in many respects there is a great

1 McGrew, A.: Globalization and territorial democracy. In: McGrew, A. (ed.): *The Transformation of Democracy?*, The Open University Press, 1997.

2 Bauman, Z.: *Globalizáció*. (transl. Fábíán Gy.) Szukits K. Budapest 2002 p. 89.

3 Martin, H. P. – Schuman, H.: *A globalizáció csapdája*. Perfekt K. Budapest 1998.

imbalance in the movement of the above factors, to mention some: in the case of the movement of goods, free trade often means to open the markets of the former autarky – partly self-reliant – countries for the states with the most developed economies (i.e. the giant companies originating there), while the products of the former ones may not enter the markets of the developed countries due to their strong protectionist measures. A good example for that is the competitive disadvantage of the African and Asian agricultural products on the market of European Union, resulting from the rules of the Common Agricultural Policy of the EU. The field of information potentials is controversial, too. Television as the main tool for global information distribution has penetrated the poor parts of the world as well, but computer literacy and Internet use are much less common, although these could be the main tools for taking the first steps on the road to a knowledge-based society.⁴ According to some sceptic authors, computers in the third world are merely efficient instruments to record the decline experienced there.⁵ Even the sovereign right of the states to dispose over their resources – as recently acknowledged in an international treaty – has become meaningless, as it is clear that the majority of the poor countries' population do not profit at all from the resources found in their territory. Finally, the different mobility potentials of the capital and that of the persons reflect the diversity of imbalances created by the dynamism of global economy. Referring to the immigration policy of the most developed states, Saskia Sassen notes that “there is a simultaneous existence of the powers that create borderless economic areas, and those that increase the control of the borders in order to keep out immigrants and refugees.”⁶

Based on the above, in general, most of the states have less and less capacity to perform their traditional functions in a world where breaking away from the territory or “extra-territoriality” result in many advantages and raise conceptually new moral and political reference points.

There are at least three fields where states lose their traditional functions: first, the political-philosophical concepts on the ability of states to regulate the processes in the society should be revised. The global accumulation of wealth, as an extra-territorial process, makes it difficult to address the social issues as relating to a population living in a well defined territory. The lack of local ties encourages the multinational company-giants and the ones who move around virtual money to slip public control and forget about such restrictive moral barriers as responsibility.

Secondly, the states must make decisions about the allocation of resources in an environment where they have less and less potential to have control over the resources, and we are witnesses of the slow but powerful formation of a new world-wide socio-cultural hierarchy.⁷

Thirdly, the set of means for the states to manipulate the public is shrinking. The behaviours and the roles transmitted by the majority of the global media have an irresistible effect on the public opinion and taste, resulting in losing the fabric of societies, deteriorating notably solidarity and responsibility toward each other and the environment. The mass consumption of the products of global media has become the main factor blocking the spreading of post-material values and the realisation of the knowledge on causes and effects on global level (e.g. the background of migration, the causes of local poverty, the disappearing of urban community spaces).⁸

4 United Nations Conference on Trade and Development (UNCTAD) *World Investment Report 1995* Genf/New York.

5 See Keegan, V.: The highway robbery by the superrich. *The Guardian*, 22. July, 1996. The article had a great impact on the British readers as the author compared the global transfer of resources to highway robbery.

6 Sassen, S.: *Elveszített kontroll?* (Losing Control?), Helikon K. Budapest, 2000.

7 Bauman, Z.: as quoted p. 111.

8 The post-material set of values, as an alternative in the environment of post-industrial capitalism, is primarily dealt with by the philosophers of the Frankfurt School and the theorists of the ecological thinking. See e.g. Marcuse, H.: *Az egydimenziós*

“The rich are global, the deprivation is local, but there is no correlation between the two, at least between the sight of the feeders and those who are to be fed” – noted ironically Bauman about the generally accepted statement, which is also strengthened by the media.⁹

3. RETHINKING REALISM

The realistic theories on international relations tend to pay little attention to such tendencies or to neglect them completely. Realism has no place for moral considerations in the international relations, refusing them as wishful utopias. Their position is in particular sharp in stating that states do not – and can not – incorporate their long-term interests in their calculations done in the framework of international relations. According to this concept, our moral obligations vanish beyond the borders of the nation state. The question is, who bears the burden of proof: those who state that the borders of our moral obligations are identical with the frontiers of the state we live in, and beyond that we are subject to completely different obligations, or those who deny it. The increasing importance of interstate organisations (UN)¹⁰ or supranational authorities (EU) adds new elements to the debate. Some well known researchers of globalisation include new spheres into the above group of phenomena. Rosenau and McGrew for example use the term of “irreversibly polycentric world politics”, the predominant features of which are the following:¹¹

- Transnational organisations, as the World Bank, BMW, drug cartels, international NGOs, McDonald’s, International Association of Sociologists, or the Catholic Church itself. They, acting together or against each other, play an important role in international relations.
- Transnational problems, as drug trafficking, illegal immigrant smuggling, climatic changes, AIDS, international terrorism, cross-border ethnic conflicts, or currency crises may affect the political and interpersonal relations.
- Transnational events, as the world soccer championship, the Iraqi war, the American election campaign, or the reports on satellite TV channels about the publication of a book by Salman Rushdie have shaken the emotions of people belonging to various cultures.
- Transnational “communities” the development of which may be attached to a religion (e.g. Islam), to a specialised knowledge (experts), to a lifestyle (pop culture), or to a specific, politically relevant set of values (e.g. ecological movements).
- Transnational structures, such as working structures, the international networks of production and cooperation, banks, financial transactions and the connected skills.

According to the above concept describing the polycentric world politics, the interaction of the actors and the events complements the increasing presence of interstate organisations, and all actors compete in the global arena to reach their own objectives, but their chances are not

ember. (One Dimensional Man) Kossuth K. Budapest 1990; Fromm, E.: *Birtokolni vagy létezni?* (To Have or to Be?) Akadémiai K. Budapest 1994; László E.: *Meg tudod változtatni a világot.* (You can Change the World) Magyar Könyvklub, Budapest 2002.

9 Bauman, Z.: as quoted p. 117.

10 Although the role of the UN seems to decrease, it is possible, that – based on the lessons of the Iraqi war – it would regain its power in a new future structure.

11 See McGrew, A.: A Global Society. In: S. Hall et al (Eds.): *Modernity and its Futures*, Cambridge 1992, p. 61–116.

equal. The aspect of technology plays the main role in the dynamism of globalisation, this is the reason behind the shift from a politics dominated by nation states to strengthening polycentric features. According to Rosenau, "It is the swift development of technology that has allowed the fast movement of people, ideas and goods in space and time, with a speed never experienced before. (...) Technology has reinforced the mutual dependencies between the local, national and international levels which is much stronger today, than ever before."¹²

Accepting the above reasoning means that we have to accept the extension of the limits to responsibility and moral obligations. The theory based on common risk bearing adds further arguments against the realistic concepts. As Ulrich Beck noted aptly: "threat creates societies, and global threats create global societies".¹³ The author divides global threats into three categories. The first type of threat is characterised by the environmental degradation caused by wealth, convenience and "over-consumption", together with technological-industrial risks. Ozone hole, greenhouse effect, risks related to the use of nuclear power, the unforeseeable effects of genetic manipulations come under this heading. In the second category we found the environmental damages and technological-industrial risks caused by poverty. The latter are of a much more local character compared to the first group.¹⁴ The damages caused by "over-consumption" are dispersed over the whole surface of the earth equally and they affect those as well, who do not enjoy the blessings of wealth, so they have to bear the accumulated burden of their own poverty and the environmental degradation caused by the rich ones. Industrialisation in the third world often takes place without any institutional and political measure taken to protect the environment, for example by using outdated technologies (e.g. in the chemical industry) or by the deposition of hazardous waste creating risks that fall into the second group. The third category of risks originate in the lack of appropriate safeguard measures or institutions. Examples are the uncontrolled trade of the weapons of mass destruction, or international terrorism. The eventuating of these risks may lead to chain reactions, where the traditional – realistically based – security policy calculations will not be valid any more. The concepts on the "risk society" conclude that the potential risks are not linked to well defined territories and the question of primary responsibility is obscure. All of that have an unavoidable effect on the traditional methods of decision making. Academic experts and managers may not pass decisions behind closed doors any more, without the obligation to justify their choice, as they have to defend their positions in open debates.

The third potential argument against the realistic concepts is that we witness the birth and development of new indirect economic-financial factors which often restrict traditional sovereignties of the nation states, thus overwriting the state-centred theories of international relations. This process has a twofold effect:

1. States otherwise considered to be democratic ones have to submit themselves to the decisions made by the unaccountable actors of the development-oriented, wasting world economic order (see WTO). The people, who supposed to be the sovereign source of power in the democracies, have to see their elected leaders – who realize the decreasing safety of living of the people – chanting the magical words of "improving competitiveness" or "economic reasonability" to save what could be saved. It is a paradox situation where decision making is cen-

¹² Rosenau, J.: *Turbulence In World Politics*. Brighton 1990, p. 17.

¹³ See Beck, U.: *Risk Society*. London 1992, and *World Risk Society*, Cambridge 1999.

¹⁴ Michael Zürn is referred to by Ulrich Beck. In: Beck, U.: *What is Globalization?*, Polity Press, Cambridge 2000, p. 40.

tralised to serve those who are the least bound to any space or territory (WTO, World Bank, IMF, multinational companies).

2. As a parallel process to the one described above, the information society results in simplifying the realisation of the knowledge related to global problems. Information as another typically “extra-territorial” phenomenon leads to making it more difficult to arrange hidden pacts and to exclude public control or participation.

No matter how hard the satellite TV channels try to withhold information on cause and effect, at the western universities the intellectuals clearly demand to see the truth behind the news.¹⁵ The chances for that, and for comparing the news to the real facts have been increased to a great extent by the simplified intercultural communication and most of all the alternative publications and TV channels living with the opportunity of the freedom of expression. As a paradox, the spreading of modern mass tourism may enhance the false stereotypes on the third world. Wealthy tourists who wish to see some “exotic” country in order to have a romantic holiday usually live in tourism-zones sealed hermetically from the real world. Indeed, if they happen to face the sad reality of the local situation (child-beggars, extreme poverty, child-prostitution, lack of hygiene and infrastructure etc.), tourists may explain that by thinking that the people who live there are lazy and talentless, and they “like it the way it is”. Despite of all the deep rooted stereotypes the “global neighbourhood” is a fact, and – although the searching for complexities remains an attitude of the more sensitive or intellectual minorities – revealing the causes of the problems results in reflections leading to new reflections. The “globalisation-sensitive” dimension of the public is born. Of course, it will always be easier to set as a moral example of a simple charity donator, than an activist of a movement fighting for alternative globalisation – usually depicted as a utopian or one infected by obscure ideas –, or an intellectual trying to support, and to offer professional aid, to an NGO working somewhere in the third world, in order use simple ways to improve the standard of living of the local people.

Realising the knowledge on global problems creates a kind of moral force to elaborate one’s opinion, and it results in establishing new forms of organisation and interest articulation. It leads to a significantly different framework for politics itself and dealing in politics, together with the opinion expressed upon political decisions.

4. RESPONSIBILITY AND OTHER MORAL VALUES ON INTERNATIONAL LEVEL

It is interesting that the new centres of power of the economic-financial world confront less with states than with the developing – not state-centred – 1. international regimes, 2. transnational NGOs, and 3. the increasing sensitivity over global reference points (human rights, ecological values). The economic-financial world which was quite successful in centralising decision making and enforcing their own interests, has weakened traditional territory-based political entities (states) and increased the distance between the decision makers and the subjects.

¹⁵ It is typical that in the news the problem of poverty is reduced to famine, as an “exotic” feature of far away lands, to suggest that the involved people can solve their problems themselves, and that the Third World is full of things that threaten the peaceful wealthy inhabitants of the rich countries: epidemics, drugs, error, famine, refugees etc. As a consequence, the stereotype reaction of those who see the news is: “Keep it all away, as far away as possible!”

Let's take again the example of the WTO enforcing by all means the "laissez faire" in the economy. The slight move into the direction of a socially and environmentally more sensitive development – experienced on the Rio Summit of 1992 – was questioned by the establishment of the WTO itself, as the treaty of the Uruguay Round forming the basis of the WTO's principles does not contain the commitments undertaken in Rio. Although the Uruguay Round treaty of approx. 26 thousand pages is a thousand times more extensive than the Agenda 21 of 273 pages adopted at the Rio Summit, several conditions of the WTO are in controversy to the Rio objectives. The summit of Johannesburg in 2002 has not been a breakthrough either, and at the same time, the protectionist measures adopted by the most developed countries are still applied. Despite of the fact that the democratic legitimacy of the WTO is questionable, as its members are not democratically elected persons, and there is no practical way to have its decisions reviewed by the public, or to have them corrected, such decisions are mandatory for the state parties and their citizens as well. Most of the negotiations are held behind closed doors (as happened in September at the last WTO summit in Mexico City) and usually the public is not informed about the actual obligations arising from the decisions.

The centralisation of decision making and the shrinking possibilities of control may be explained by the complexity of the issues. Adequate answers to complex questions can only be rendered by experts having specialised knowledge. Some of the analysts of political theory who study modern democracy point out to the feature called "technocratisation". It is the essence of the rule of technocrats that the most important decisions are adopted by experts who have the professional knowledge necessary to make a competent decision, rather than by elected politicians who might be questioned. Naturally, *de iure* the politician is the one to be held responsible, but the *de facto* decisions are made by lobbies or the experts in the background of the politician.¹⁶ For example, the decisions of the WTO are in principle adopted by the delegated national politicians, but in practice the real decisions are made by businessmen, CEOs and the connected representatives of the academic sphere, who only take into account narrow market interests instead of the national interests. What remains to be done, is to pretend that these economic interests in the narrow sense are in fact national interests or indeed steps towards the "global benefits". The problem with this approach is that it has not been proved so far that the economic-financial globalisation can improve in general the quality of living of the people, indeed it seems to be to the contrary. In addition it is not stable, and according to many – including myself – it is not sustainable on the long run. So where the expertise of all those experts is in fact?

Such decisions are dominated by the postmodern "instrumental reason" which – as depicted by the philosophers of the Frankfurt School – operates reasonably by taking into account the objective in the focus, disregarding the general value content of that. The essence of the technocrats' rule is in fact to operate effectively a team of recruited economists who can show the investors and the commercial giants how to (ab)use their power to make more profit. However, we see that such instrumental reason has not been glorified world-wide.

However, the authors who – contrary to the realists – accept the fact of global governance (as R. Dahl or J. Rosenau) consider the role of the states to remain important, arguing against the realists' concept of the states being ready for compromise only along their momentary intere-

16 See e.g. the theory of Andersen and Burns on the relevant approach regarding the European Union: Andersen, S. S., Burns, T.: The European Union and the Erosion of Parliamentary democracy. A Study of Post-Parliamentary Governance. In: *The European Union: How Democratic is it?*, Ed.: Andersen, Eliassen. SAGE Publications, London 1996.

sts.¹⁷ Realists always try to find a cost-benefit calculation behind the compromises between states.

According to Rosenau, the development of the international and global environmental regime, for example, may not be explained this way. Responsibility towards the environment entails sacrifices today without knowing for sure its future benefits or the losses so prevented. In the prevailing environmental legislation we find some treaties not reflecting the intention of the states, together with some interstate agreements forming a bridge over traditional political oppositions.¹⁸ Moreover, the realistic theories do not explain the increasing number of states – considered to follow nothing else but their own interests – participating in regional organisations and reaching agreements that expand beyond the limits of their momentary interests. Such agreements may be interpreted as consensuses based on mutually accepted values, rather than compromises based on the harmonisation of momentary interests (a good example is the history of the European integration, where national interests have always been and remained an important factor, but so far all crises have been solved on the basis of mutual values).

Today there are regional and global authorities under formation, originating their sovereignty from the nation-states, but they show no signs of poliarchy (equal human rights, possibilities for the participation of the “demos”, multipolar power). Consequently, if we consider the present processes to be a new stage of transformation in the history of democracy – from the national level to the transnational and global level – then this transformation is showing the signs of cutting back democracy rather than expanding it. However, the strengthening of the cosmopolitan consciousness, the consistent protection of human rights and the diverse and wide-spread counterbalancing of the presently centralised poles of power may serve the purpose of improving supranational democracy.

To sum up that has been said so far: according to consciously value-centered (“idealistic”) approaches, the basic moral values as equity and responsibility should exist and should be improved in the sphere of international relations, too. In the age of globalisation, such values can only be expanded if we succeed in braking away from the state-focused logics of international relations and emphasize the equal importance of the local, national, supranational and global levels. Due to the global system of mutual dependencies, the issue of supranational and global cooperation may not be left unaddressed. The efficiency of that will depend on the sovereign states’ willingness to forget about enforcing their own short-term interests after a cost-benefit calculation, to have it replaced by the new directions of cooperation based on responsibility and joint risk-bearing. As the states’ shrinking possibilities in the field of their traditional functions is plain to see, new channels have to found in addition to the national parliaments for the improvement of participation and control. Should we accept that the future rulers of the world would be the technocrats with unquestionable power and knowledge, ready to restrict local initiatives as well as the sovereignty of the democratic states? None of us, perhaps, would like to leave a world like that to our descendants. Nevertheless, the realities of global governance reveal a diverse and multi-dimensional process, showing the co-existence of centralisation and decentralisation, interstate organisations and the representatives of the “Davos culture”¹⁹ free from territorial bon-

17 Rosenau, J. N.: *Along the Domestic-foreign frontier. exploring Governance in a Turbulent World*. Cambridge U. P., Cambridge 1997, p. 56–60.

18 An example referred to by Zsolt Boda is the Greek-Turkish agreement on the protection of the Mediterranean Sea. See Boda Zs.: *Globális ökológia*. (Global Ecological Policy) in: *Politikatudományi szemle 2000*, 3–4.

19 The term has been used by Samuel Huntington to refer to the specific set of values of the global economic-financial-political and media elite. In: Huntington, S.: *A civilizációk összecsapása és a világrend átalakulása*. (The Clash of Civilizations) Európa, Budapest 1998.

ds, the technocrats and the NGOs. Instead of the vision of a centralised world-state, a more democratic future may be expected from the networks – coordinated by elected bodies – of functional-professional and value-based NGOs competing with each other, that are sensitive to global problems, but at the same time search for local answers.

5. GROWING ACTIVITY OF NGOS

In the decentralisation of decision making and rendering it more transparent, the transnational non-governmental movements may play a crucial role, taking into account in particular the ones that deal with the protection of the environment, the human rights, or try to improve the situation of the Third World. Of course, in case of the NGOs there are significant differences regarding their objectives, aims, and the means used to achieve them, still we may find some common features. The expansion of NGOs is an important phenomenon, as their members are recruited without regard to nationality or any other territorial identity. It would be extremely important to improve the links between the UN, its connected organisations and the transnational NGOs, since they express an important demand: the demand for participation and the increasing global consciousness of more and more people. This is clearly justified by the figures showing a huge increase in terms of the number of international NGOs: there had been only 176 in 1909, from 1964 their number has reached several thousands, and in 1993 there were as much as 28,900 of such organisations world-wide.²⁰ One can conclude, based on the above figures, that people used to establish such NGOs if they are not satisfied with the performance of their governments or upon realising that the government has no capacity to address a given problem.

There can be various relations between the activity of an NGO and the government. They may complement or strengthen the governmental measures or make them more efficient, but NGOs are often active in the fields where the government is not ready to act. In this case, NGOs are not supported by the government at all, and they may be subjects of the pressure of powerful lobbies. The democratic foundations of the affected government, together with their traditions of civil society and the government's openness to critics all play an important role in forming such relations. In this respect, it is interesting that between 1960 and 1993 the largest increase in the number of NGOs has been experienced in the African and Asian countries. In 1960 8% of all the world's NGOs worked in African countries, to be increased to 16% by the year 1993. In Asia the figures were 14% in 1960 and 17% in 1993. However, during the same period the number of European and North-American NGOs dropped. (indeed, their number in North-America is surprisingly low.)

Thus in the past decades we have been experiencing the strong improvement of transnational NGOs and movements in the developing countries. There are some particular features regarding the NGOs of these regions. First, they are relatively small and community-based, and the governments often treat as enemies their members who risk their lives sometimes. NGOs organised in the Third World are especially important for the process of democratisation. As we know, several states in the Third World are quite weak regarding the capacities to perform their traditional functions, there are corrupted regimes and dictators, and some states do not have

²⁰ An NGO has to operate in at least three countries to be qualified international. See: Commission on Global Governance: *Our Global Neighborhood*. Oxford 1995, p. 32.

real authority over the whole territory of the country. Therefore, the NGOs either have to cooperate with a friendly but powerless government or fight with a hostile one. In the first case, the governments who lack resources are in particular relying on the NGOs supporting local initiatives for example in the field of organising water supply or drainage. However, an environmentalist NGO may confront heavily with a puppet-government of the logging lobbies. To implement development projects with the help of NGOs it is necessary to take into account the opinion of local people, to involve them into the decision making processes and the actual work, never to be commenced without the active support of the locals. It can be a particularly important and effective counter-balance to the business-oriented international powers that – abusing the weakness or corruption of the governments in question – start economic activities without any regard to the interests of the inhabitants. In general, however, the confrontation of the NGOs with the governments is much more typical in the developing countries than in the developed ones.

Of course there are some transnational NGOs that articulate the interest or values of a minor group, and some of them are excessively radical. Nevertheless, by examining the last two decades, we may conclude that the NGOs succeeded in mobilising significant forces, supporting with a considerable amount of money and voluntary work the development and humanitarian works, together with serious achievements in the fields of health-care, education, protection of rights, legal aid, conservation of nature and protection of the environment, organising food supply and other important issues. It is, among others, the result of the NGOs creating well organised networks, the organisations in the developed countries cooperate with the ones in the developing countries, and the movements protecting similar interests and values can coordinate their activities effectively.²¹

Since the environmental conference in Stockholm in 1972, the alternative conferences of the NGOs have accompanied the conferences organised by the UN. This had been plain to see in particular at the Rio Summit and it has been a typical phenomenon up till now in case of world summits dealing with global issues. There was an interesting incentive initiated in 1995 by Willy Brandt, Ingvar Carlsson and Shridath Ramphal, namely the establishment of the Commission on Global Governance, the members of which have issued a mission statement global problems considered to be the most comprehensive one so far.²²

The UN is working continuously on formalising its connections with transnational NGOs. As much as 460 NGOs have a consultative status in the Economic and Social Committee (ECOSOC). The same development can be experienced regarding the United Nations Conference on Environment and Development, as a wide range of NGOs succeeded in contributing to the preparatory phase with more than a mere consultative role. The NGOs had an important role in preparing the national delegations of the states for the Rio Summit. The strengthening position of the above actors entails the following benefits:

It would be possible to get closer to the fine balance needed between the demand for expertise-competence on one hand, and the enforcement of control and participation by the citizens on the other. It may be very important in order to eliminate the deficiency of democracy, as some theories tend to have democratic legitimacy replaced by the competence and efficiency of the experts' governance. For example, the WWF which has a very strong professional basis may have good chances for lobbying, still it is an open organisation established from the bottom up.

21 See in details in Livernash, R.: *The Growing Influence of NGOs in the Developing World*. In: Griffiths, R. J.(ed): *Third World 1994/96*. Dushkin Inc. Guilford, CT, USA 1994, p. 208–216.

22 Commission on Global Governance: as quoted.

As these organisations have a transnational character, they offer better chances for the intercultural dialogue needed to pacify the international relations than the traditional interstate model. The cooperation between the NGOs of the developed and developing countries is in particular promising, as it offers a balanced division of roles where the NGOs of the developed countries assure technical, professional and financial support, together with the proper media background, for the projects based on local initiatives, following local needs, implemented in the developing countries by local activists who know the authentic ways to render the work in the given locality. It is the best example for the realisation of the principle of the ecologist movement, “thing globally, act locally!”. The method of implementing the common objective will take into account cultural diversities, but at the same time strengthen the feeling of mutual responsibility.

NGOs in general are organised from the bottom up, offering direct communication. The advantage of that is twofold: compared to bureaucratic organisations, the chances of democratic participation are better, and it may facilitate the building of bridges between states, interstate organisations and the individuals. Naturally, the problem-oriented organisations are not legislative bodies – and should not become one – since it would lead to taking over power from the democratic – territorially organised – representative institutions. NGOs should be deeply rooted in the local environment, as it is especially important for contributing to the proposals elaborated by local communities towards the legislation and for involving the people in the enforcement of the enacted rules.

NGOs may act as initiators of legislation for the restriction of the harmful effects of economic globalisation, or controlling their implementation. E.g. the “alerting” role of Greenpeace in the enforcement of the rules of the Basel treaty on hazardous waste.²³ In the European Union there are several examples justifying the efficiency of transnational NGOs in this field. As the member states are sometimes reluctant in transposing with adequate guarantees the EU directives in force into their national law, the lobbying of NGOs – by informing the EU bodies and litigating at courts – often force the states to have their legislation corrected.²⁴

NGOs have a key role in raising the consciousness on global problems and keeping the feeling of responsibility alive, see: the alternative conferences mentioned above, from Rio to Johannesburg. NGOs use the possibilities offered by modern communication tools, their campaigns are often intentionally provocative in order to raise the interest of the media. Of course, the reaction of the public is ambivalent.

It does not take an excessive bureaucracy to establish and operate an NGO. They are typically built on cooperation, with a few permanent offices and full-time employees. It is easy to organise actions swiftly and implement projects with the participation of cells connected through the world-wide web. The consistent application of the principle of voluntary participation ensures a high degree of flexibility.

In addition to functionality, these organisations are value-centred – although such values may, of course, be competing ones –, but the majority of the most important transnational NGOs realise the interdependency lying in the background of global problems, therefore addressing a single problem may help the work of the activists of other NGOs, too. Famine, for example, is problem both in terms of human rights and of ecology. However, the control of dangerous

23 It means that the Greenpeace activists monitor the major ports of Europe and notify the consignor in case of loading materials prohibited by the Basel Treaty. In many cases, the threat of public notice is enough to prevent such shipments leaving the port.

24 This is what happened in the 70's, when, on the proposal of the British government, the Parliament enacted a law banning discrimination on the labour market without proper guarantees, although such guarantees had explicitly been required by the EU directives. However, the guarantees have later been secured upon the pressure of NGOs fighting for equal rights.

epidemics may illustrate the situation of concurrent values, as it takes to restrict the freedoms of the citizens to a great extent in order to have the epidemic controlled successfully. The situation is similar in case of the demands for modernisation and industrialisation versus the protection of nature and the connected traditional cultures. It is for sure, however, that the introduction of the so called "Tobin-tax",²⁵ or the funds to be gained from the cutback of military-defence budgets would create adequate financing for good purposes having beneficial effects on many fields.

The territorially independent NGOs with a cross-border-type horizontal organisation structure are new forms of community. In addition they offer a chance for feedback to the local level, to complement the decisions made centrally, both in terms of responsibility, community involvement and participation. There are, of course, fields where interstate cooperation is much more effective than the involvement of the civil sphere, notably the fight against organised crime and international terrorism. Thus the idea of the decentralised world is complementary to the realities of global governance. Indeed, the concept of decentralised world is based upon acknowledging the potential of a global moral community, as a source of origin for individual rights and individual responsibility. In fact, the conclusions of the realistic model secure absolute grounds for the principle of the selfishness of states. Effective responses to the global problems may only be rendered through the application of the principle of responsibility, rather than the selfishness of the individuals or the states.

25 A proposal elaborated by the Nobel-prize winner American economist, James Tobin, suggesting that a tax of a rate of 1% should be levied on each currency transaction. According to his calculations, it would result in a yearly tax revenue of 150–220 billion dollars.

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RAZMATRAJUĆI TERITORIJALNOST. IZAZOVI GLOBALNOG UPRAVLJANJA

Sažetak

Posljednjih nekoliko desetljeća osporava se da teritorij predstavlja jedini temelj za formiranje ljudskih zajednica. Opseg moralnih obaveza i odgovornosti morao bi se ponovno definirati budući da je u doba globalizacije glavni izvor prednosti upravo odmak od opterećenosti teritorijalnom dimenzijom. Ove nove tendencije utječu uglavnom neizravno na međunarodno pravo budući da se i tradicionalna uloga država nesumnjivo promijenila. Kritičkim prosuđivanjem realističkog pristupa pojavile su se brojne nove teorije međunarodnih odnosa kao npr. teorija „svjetskog društva rizika”, neoliberalne teorije i reflektivističke teorije te teorije svjetskog sustava. Uspostava „svjetske države” nije opcija i čini se da nije niti poželjna. S druge strane globalno je višerazinsko upravljanje upotpunjeno novim oblicima sudjelovanja. Institucionalizirano uključivanje kretanja odolje prema gore u globalnom upravljanju kao protuteža tehnokratsko-centraliziranim modernim ustrojima bilo bi preduvjet „globalizacije s ljudskim licem”.

Ključne riječi: teritorijalnost, realizam, transnacionalni tokovi, globalizacija, decentralizacija, nevladine organizacije

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ÜBERPRÜFUNG VON TERRITORIALISMUS. HERAUSFORDERUNGEN DER GLOBALEN VERWALTUNG

Zusammenfassung

Territorium als Grundlage der Entstehung von menschlichen Gemeinschaften wurde in den letzten Jahrzehnten stark herausgefordert. Da in der Zeit der Globalisierung die Befreiung von territorialen Beschränkungen vorteilhaft geworden ist, sollten wir den Rahmen unserer ethischen Überzeugung und Verantwortung überprüfen. Das Völkerrecht wird durch diese neuen Tendenzen meistens indirekt beeinflusst, weil traditionelle Rolle des Staates auch geändert ist. Mehrere neue Theorien der internationalen Verhältnisse wurden als Kritik des realistischen Ansatzes entwickelt, wie die „World Risk Society“ – Theorie (Theorie der Risikogesellschaft), neo-liberale und reflexivistische Theorien sowie die Weltsystemtheorie. Gründung eines „Weltstaates“ ist weder gute noch wünschenswerte Option. Andererseits ist ein Mehrebenensystem (engl. multi-level governance), das neue Formen der Mitgliedschaft einbeschliesst, von grundlegender Bedeutung. So könnte die Voraussetzung der „Globalisierung mit menschlichem Antlitz“ (human-faced globalization) institutionalisiert werden, einschließlic der bottom-up Bewegungen im globalen Gesellschaftssystem als Gegengewicht der technokratisch-zentralistischen gegenwärtigen Rechtsordnungen.

Schlagwörter: Territorialität, Realismus, Grenzüberschreitende Flüsse, Globalisierung, Dezentralisierung, Nichtstaatliche Organisationen

