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GLOBALIZATION AND INTERNATIONALIZATION OF THE INTERNATIONAL ORDER: IS STATE SOVEREIGNTY AT BAY?*

ABSTRACT

The idea of the state lies at the core of international relations and international law, and the concept of sovereignty lies at the core of the concept of the state. An essential link between globalization and the nation state is the concept of sovereignty. Through globalization, technological, economic, and political advances have severely abridged the barriers to economic, political, and cultural exchange, resulting in increasing transnational flows and increasingly thick networks of interdependence, as well as an expansion of the scale on which power is organized and exercised. As a result, States have assented to considerable interference with respect to their internal sovereignty. All of this has additionally broadened the fissure between political reality and the ideal of classical sovereignty. This article seeks to critically analyse the effect of globalisation on state sovereignty and contradict the hypothesis that economic globalization weakens the nation state because sovereignty is transforming in response to the requirements and processes of globalisation and its complexities.

I) GENERAL INTRODUCTION

Sovereignty is the absolute authority over a certain territory. This absolute authority has been challenged by a number of forces operating beyond the nation state; from the threat of global terrorism to the challenges of climate change and the powers of the international organisations to influence the global market. Globalisation has had a major effect on the sovereignty of the nation-state in particular, from the way economic globalisation has limited the capacity of states to determine their own policy outcomes in three ways: through trade and economic integration; financial markets; and the competition for employment. Globalisation has further transformed the nature of politics and governance from 'state-centric geopolitics' to 'geo-centric global politics'. Given the several ongoing crises in the world, including the Syrian civil conflict; one of the burning questions is whether sovereignty of states is diminishing or transforming, and will sovereignty play an important role in the globalised world or not.

II) THE CONCEPT OF STATE SOVEREIGNTY

The primary theory of international law is that states are sovereign within their territory and that international law is a self-imposed legal system to which states have to consent.¹ Intrinsic in the existing system of states are the principles of political independence and sovereign equality that form the underpinnings of sovereignty.² The nomenclature of —Westphalian sovereignty derived from the Peace of Westphalia in 1648, which ended the Thirty Years War in Europe, gave rise to the contemporary structure of independent nation-states, as supreme polities that generally possess absolute authority within their borders and are bound only to what they themselves have negotiated with other countries. Under the Westphalian model, a state is a territorially defined entity with control over the law that applies domestically. A Westphalian state has firm boundaries, and it exercises control over the entry of legal norms into the polity. Power is unitary and complete. No competing sources of authority threaten the state's monopoly of power.³ Thus, the Westphalian system was characterized by territorially fixed states where everything of significance lies within some state's borders; a single, secular authority governing each territory and representing it outside its borders; and no authority exists above states⁴; the borders of the nation-state were thick, and the only point of entry was through the national government. Within those borders, the nation-state functioned as the sole legitimate source of authority.⁵

The meaning and developing manifestation of sovereignty have varied across time and circumstances. As the society of nations and nation-states developed, the concept of sovereignty progressed away from avowals of the rights of a sovereign to include new ideas of legitimacy, responsibility, and international recognition. Over time, sovereignty has designated matters such as supremacy in a domain; the power to make and give effect to public decisions;

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¹Blank, Y. 'The City and the World'(2006)Columbia Journal of Transnational Law vol. 44, p. 892

²Carter, B. E. and Trimble, P. R. *International Law* (2d edition 1995) p. 1366. In **Pennoyer v. Neff**, 95 U.S. 714, 722 (1877)the United States Supreme Court held that every State possesses exclusive jurisdiction and sovereignty over persons and property within its territory [and] . . . no State can exercise direct jurisdiction and authority over persons or property without its territory.

³Schapiro, R. A., *'How Superpowers, Populations, and Globalization Will Change the Way You Live and Work'* St. Martin's Press 2008 p. 801

⁴Mathews, J. T. 'Power Shift'. (1997) *Foreign Affairs*, vol. 76, p. 50

⁵Schapiro, R. A. (supra)p. 801

and being in charge of a domain.⁶ Currently, the United Nations Organisation Charter and some other international agreements contain regulations on sovereign equality of states and nations' right to self-determination which together with the increasing degree of external security of most countries, has amply contributed to the consolidation of the idea of national sovereignty in international affairs.⁷ The United Nations Charter explicitly proclaims that nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require members to submit such matters to enforcement.⁸ State sovereignty also gives the state the exclusive right to exercise power within a defined territory, provides an ideal basis for equality with other sovereign states in international affairs, subject to certain international laws and norms. These restrictions had often been structured in ways that attempt to protect weak states from strong ones, and prevent states from taking actions that threaten international peace and security. However, since the end of the Cold War, the notion of state security has faced mounting challenges, mostly linked to the processes of transnationalisation.⁹ In effect, all states are conceptually the same. Each is entitled to maintain sovereign territoriality against others in a systematic balance of power. Just as the state is seen domestically as autonomous because it is institutionally separate from the economy and society, the same is assumed to follow for the "states-system." That is, states somehow existed autonomously from their societies, on the one hand, and from the global system of states, on the other.¹⁰

Four different conceptions of sovereignty may be identified. First, there is Westphalian sovereignty, which approximately corresponds to the international law principle of territorial sovereignty. This is a political organization based on the exclusion of external actors from domestic authority structures. Second, there is international legal sovereignty, which is defined as the practices associated with mutual recognition, usually between territorial entities that have formal judicial independence. This notion of sovereignty concerns international law principles mandating diverse forms of mutual respect for other sovereign entities. Third, domestic sovereignty concerns the ability of the political authority of a state to exercise

⁶Zick, T., *The Cosmopolitan First Amendment: Protecting Transborder Expressive and Religious Liberties*, Cambridge University Press (2013) p. 52

⁷Grinin, L. E. *Chiefdoms: Yesterday and Today*, Eliot Werner Publications, pg.2

⁸ U.N. Charter, Article 2(7).

⁹Obi, C. I. 'Eye of the Storm: Ethnic Identities and 'Contested Sovereignties' in the Niger Delta'(2008) Paper presented at Panel on Africa's Challenge to Global studies: Sovereignty, Authority in a Redefined Era;49th International Sociological Association (ISA) Annual Convention, San Francisco, March 26-29, 2008, p. 5

¹⁰Waltz, K. *Man, the State, and War*New York: Columbia University Press, (1954)

coercive power within its own borders. And fourth, interdependence sovereignty implicates the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants, or capital across the borders of their state.¹¹

Furthermore, a theoretical distinction could be drawn between legal and political sovereignty. Simply stated, legal sovereignty is the power to enact enforceable laws, while political sovereignty, by contrast, is the capacity of the people to overcome divisions and establish a political unity; and this subsists where the will of the state is ultimately obeyed by the citizens of the state. Political sovereignty depends to a large extent on the reinforcement of the relationship between the rulers and the ruled, the state and society. It is interpersonal power over the circumstances of life in a human society and the capacity to take effective decisions on whatever concerns the common well-being of the members and on whatever affects the distribution of the economic resources available to them.¹²

An essential link between globalization and the nation state is the concept of sovereignty, which has since been interpreted by some as a legal quality that places the state above the authority of all external laws.¹³ Yet the classic conception of inviolate nation-state sovereignty may be obstructive in an increasingly diffuse world of transnational governmental and non-governmental networks, extraterritorial jurisdictional assertions, rhetorical statements of legal norms, and permeable borders.¹⁴ Nonetheless every time a state exercises its sovereign right to sign a treaty, it is also wilfully restraining that right by the very act of undertaking an international legal obligation. States are also bound by other rules, such as customary international law. With these formal legal limitations, sovereignty stubbornly persists even in an age of globalization and is manifested in such functions as the coining of money, the gathering of taxes, the promulgation of domestic law, the conduct of foreign policy, the regulation of commerce, and the maintenance of domestic order. These are all roles that are retained solely by the state.¹⁵

¹¹Berman, P. S. 'From International Law to Law and Globalization'(2005) Columbia Journal Of Transnational Law vol.43, p. 527

¹²Zick, T. (supra)p. 52

¹³Dhanapala, J. 'Globalization and the Nation-State' (2001)Paper presented at the University of Colorado Law School, conference on 'A cartography of governance: exploring the role of environmental NGOs' Boulder, Colorado 7 April 2001, p. 2

¹⁴Berman, P. S. 'From International Law to Law and Globalization' (supra), p. 491

¹⁵Dhanapala, J. (supra) p. 2

Nation-states have officially moved beyond the intergovernmental stage to the formation of supranational organizations and bodies of common law. As a result, states are merely single amongst a diversity of players controlling decision-making at a variety of levels, and do not by designation have a final say. Nations have pooled, and thereby in some measure restricted and lessened, their sovereignty. They have assented to considerable interference with respect to their internal sovereignty. All of this has additionally broadened the fissure between political reality and the ideal of classical sovereignty. Thus, the ability and right of states to exercise supreme authority within their territory, control access to it, and speak for their citizens outside it, have all become harder to sustain and justify.¹⁶

III) GLOBALISATION

A) THE CONCEPT AND CONTENT OF GLOBALISATION

The expression globalization entered accepted usage in the 1980s, and was utilised in depicting the amplified movement of people, knowledge and ideas, and goods and money across national borders that enlarged, economic, political, social and cultural interconnectedness among the world's populations.¹⁷ Definitions of the term are various. In any event, it usually refers to both a process of change and a resulting set of conditions, so that it is a process by which technological, economic, and political advances have severely abridged the barriers to economic, political, and cultural exchange, resulting in increasing transnational flows and increasingly thick networks of interdependence, and also an expansion of the scale on which power is organized and exercised.¹⁸ Theoretically the core of globalisation, comprises two interlinked processes: the close to conclusion of a centuries-long process of the worldwide spread of capitalist production and its dislodgment of all pre-capitalist relations ('modernisation'); and the evolution in recent decades from the connection of nations using commodity trade and capital flows in an integrated international market, to the globalisation of the production process; so that globalisation designates a shift from the linkage of national societies predicated upon a world economy to an emergent transnational or global society

¹⁶Timothy Zick. (supra)p. 65

¹⁷Qerimi, Q., 'The Effects of Economic Freedom on Institutional Performance in the Western Balkans Countries', *Int. J Business, Governance & Ethics*, Vol.7, No.1, pp.18-36.

¹⁸Law, D. S. (supra), p. 1278

predicated on a global economy. Thus, the real meaning of globalisation is global capitalism, which has outmoded the nation-state stage of capitalism.¹⁹

As a process, globalisation developed as an extension of neoliberal economic policy-making. In this regard, it is not a process without agency, but on the contrary, has been shaped by the processes of the internationalisation of the state and production set in motion during the post-World War II era. The ascendance in the structural power of transnational capital sponsored by structures of elite dealings has created common outlooks, or an ‘emulative uniformity’, between business, state officials, and representatives of international organisations favouring the logic of capitalist market relations.²⁰ However, even though the conceptualisation of globalization is often in economic terms i.e., ‘the global marketplace’, nonetheless, the process also has several social and political connotations as well. Accordingly, in many local communities, globalization is correlated with modernization (i.e., the conversion of ‘traditional’ societies into ‘Western’ industrialized ones). At the global level, it is perceived in respect of the challenges it creates to the position of governments in international affairs and the global economy, so that ultimately, it is not exactly an uncontrolled phenomenon, but a set of economic relations, institutions, and ideologies directed by the rich countries.²¹ The unifying factor in these characterisations of globalization is its perception as a course of action functioning principally through markets brought about through incorporation of local economies into the global economy via trade, direct foreign investment, short-term capital flows, international flows of workers and humanity generally, and flows of technology. This is not to ignore the social or cultural aspects of globalization, although the cultural, social and political consequences and preconditions may not form a part of its definition.²²

¹⁹Robinson, W. I. ‘Beyond Nation-State Paradigms: Globalization, Sociology, and the Challenge of Transnational Studies’. (1998) *Sociological Forum*, vol. 13, number 4, p. 563

²⁰Bilgin, P. and Morton, A. ‘Rethinking State Failure: The Political Economy of Security’ in: Lambach, D. and Debiel, T. (eds.) *State Failure Revisited I: Globalization of Security and Neighborhood Effect*, (supra), p. 8

²¹Qerimi, Q. (supra), p. 2

²²Keenan, P. J. (supra), p. 14; the author writes that other definitions look at the macro-economic policies occasionally linked with globalization as part of a hegemonic programme of the West in general and the U.S. in particular. A particular definition focuses on the Washington Consensus, a term coined to describe policies designed to address problems in Latin American economies. Initially, the Washington Consensus described three policy reforms: fiscal austerity, privatization, and market liberalization; aimed at correcting budget deficits and other macro-economic problems in Latin America. As proponents of these policies tried to implement them in countries with different economic problems, the results were increasingly, and predictably, poor. Since then, the term has come to describe a process by which Western governments, often working through international institutions, impose economic reforms that damage the environment, impoverish local people, and enrich corporations. Even the war in Iraq is sometimes linked to the Washington Consensus. A variety of motives ascribed to the West include ensuring profits for corporations, protecting oil supplies, expanding American influence, and many more. What these definitions have in common is the view that globalization is a set of values and policies imposed by developed countries on developing countries.

Globalization is tightly connected to global capital activity, so that it enlarges the prior logics of empire, trade, and political dominance in many parts of the world. Its salient characteristic is the un-constrainable feature of global finance, which seems independent of conventional restrictions of information transfer, national regulation, industrial productivity, or 'real' wealth in any particular society, country, or region.²³ This deep change is not only in relation to the speed and degree of multinational activity, but also the nature of such activity. Movements of intangible assets, intellectual capital, and manufactured goods that owe their existence to tightly integrated multinational supply and production chains have eclipsed international trade in natural resources. The lowering of trade and investment barriers globally integrated production, and marked the transformation of the 'multinational corporation' into the 'globally integrated enterprise' which systematizes production on a global basis so as to realize cost efficiencies and tap the best available human capital unlike the multinational corporation which organizes production on a national basis in order to ensure access to particular markets delineated by the borders.²⁴ Accordingly, globalization imports speedy and wide-ranging transnational flows in money, goods, services, people, ideas, culture, and technology. The fabric of the nation-state is rendered more porous, so that governments are compelled to lower the obstacles to transnational trade, and at the same time, their ability to enforce those obstacles is subverted by progress in transportation, communication, miniaturization, and digitization technology. Due to these advances, persons who once rarely related with each other or with difficulty for reasons of time and space can now influence each other quickly and with ease.²⁵

²³Appadurai, A. 'Grassroots Globalization and the Research Imagination' (2000), *Public Culture*, vol.12 number 1, p. 3. In the opinion of Patrick J. Keenan, (op. cit. p. 13) a workable definition of globalization is an important component of a coherent theory, but there are almost as many ways to define globalization as there are theories. Some argue that globalization is primarily an economic phenomenon, with some inevitable but benign social or cultural consequences. Others argue that globalization amounts to the imposition of the Washington Consensus, a set of economic and political prescriptions favoured by the U.S. and many in Europe, on countries in the developing world. Other scholars focus on the network effects of globalization—the development of transnational networks, usually based on economic exchange, that transcend national borders. This position sometimes includes the argument that the global economy has become so powerful that the sovereignty of states, particularly poor states, has been largely eroded. The battle over the definition is, at its core, about whether the focus should be on economic, or social, or cultural issues, or some combination.

²⁴Law, D. S. (supra), pp. 1296-1297 further argues that contemporary currency markets are a fairly new development, materializing from the rubble of the gold standard and the Bretton Woods scheme of fixed exchange rates. However, the sums of money now traded each day in these markets—some four trillion dollars—surpasses the annual gross domestic product of the United States. The scale of the currency markets is suggestive of a broader revolution in the very character of global finance. In this regard, the major volume of transnational financial activity no longer relates to tangible trade but in its place consists of capital continually manipulating itself. Thus, capital and equity markets are global in scope, with a powerful effect, so that among the major economies, interest rates are converging; and so too are rates of return on similar assets.

²⁵Law, D. S. (ibid.), p. 1286

It is possible to differentiate between diverse historical forms of globalisation in a number of ways: - the global extent of these relations and social flows, i. e., the geographical breadth of networks and flows; the strength of these flows and connections relative to more spatially limited connections; the extent to which these flows and interactions affect the policies and power of national and local actors and institutions; and the extent to which global networks have acquired well-established communications infrastructure (telecommunications, transport, legal frameworks) and have been institutionalised.²⁶ In any event, it may readily be acknowledged that globalization is not really a new phenomenon. Unquestionably, interrelations among multiple populations across territorial boundaries have existed for centuries. For example, the pre-1914 era was a high-water mark for economic interdependence, although there is also evidence that the post-1989 era is another high water mark. However, it seems clear that the current pervasiveness of the ideology of market capitalism, the speed of commodity, capital, and personal movement, the ubiquity of global media, if not truly new, is greater than ever before. Furthermore, the term ‘globalization’ signifies the outlook about the world in that people, whether governmental actors, corporations, scholars, or general citizens think and act as if the world is more interconnected and treat globalization as a reality, so that it becomes evident that global norms are exercising a large impact at least in the officially authorized discourse of governmental bureaucrats.²⁷

B) GLOBALISATION AND THE CREATION OF A WORLD SOCIETY

Westphalian states participate as equal, independent sovereigns in the international realm, and their individual territorial borders signify distinct barriers to international interference in domestic affairs. Nation-states partake in international agreements, but no invasion of foreign legal doctrines threatens the central government’s control in the domestic realm. On the other hand, it is only the central government and not sub-national governments that partake in global norm-setting, and it is only national governments that participate in international relations. As a result, the nation-state does not face any opponents in the domestic environment and does not concede any superior power in the international arena. This regulation of the introduction of international legal principles certifies that the law within the nation-state is the law of the

²⁶Goldblatt, D., David Held, D., Anthony McGrew, A., and Perraton, J. (supra), pp. 62-63

²⁷Berman, P. S. ‘Global Legal Pluralism’(supra), p. 1169

people, it represents the will of the people, and corresponds to their values and beliefs. The law personified and assisted to form the identity of the people.²⁸

The nation-state or interstate system is a historical result. It is the particular form in which capitalism came into being based on a complex relation between production, classes, political power, and territoriality²⁹. The nation-state is created by worldwide systems of economic or political power, exchange and competition, and is less a bounded actor, more the occupant of a role defined by world economic and political/military competition.³⁰ Globalisation involves the dis-embedding or lifting out of social relations from local contexts of interaction and their restructuring across space and time.³¹ According to this viewpoint, nation-states are conceptualised as entities implanted within a worldwide cultural structure that controls their constitution and action through exposure to global values and principles of political citizenship, so that they frequently enact analogous political scripts, and these correspondence suggest that they are part of a transnational organizational field.³²

Since World War II, nation-state structures, bureaucracies, agendas, revenues, and regulatory capacities have expanded vastly. This signifies a flaw with analyses contending that the sovereignty of the nation-state is diminished by globalisation. Undoubtedly globalisation presents new problems for states. However, it also fortifies the world-cultural principle that nation-states are the primary actors. Although enlargement of the power and duties of states produces unwieldy and fragmented structures, it does not create frailties. While the modern state may be less autonomous than earlier, it still evidently has more to do than earlier as well, and most states are capable of doing more now than they ever have been before.³³

Surrender to world models is inevitable since nation-states are formally committed, as a matter of identity to such obvious objectives as socioeconomic development, citizen rights, individual self-development, and civil international relations. If a government opposes world models,

²⁸Schapiro, R. A. (supra), pp. 805-806

²⁹Robinson, W. I. 'Beyond Nation-State Paradigms: Globalization, Sociology, and the Challenge of Transnational Studies' (supra), p. 567

³⁰Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), p. 147

³¹Robinson, W. I. 'Beyond Nation-State Paradigms: Globalization, Sociology, and the Challenge of Transnational Studies' (supra), p. 567

³²Ramirez, F. O., Soysal, Y., and Shanahan, S. 'The Changing Logic of Political Citizenship: Cross-National Acquisition of Women's Suffrage Rights, 1890-1990' (1997) *American Sociological Review*, vol. 62, pp. 735-745

³³*Ibid.*, p. 157

local players rely on legitimacy myths (democracy, freedom, equality) and the organized assistance of outsiders to resist the regime. Nation-state options are thus less apt to diverge from world-cultural prescriptions because both nation-state choices and world pressure originate from the same overarching institution. For this reason, if a nation-state refuses to implement world-approved policies, domestic elements will attempt to enforce conformity. For example, common world pressures on environmentalism, have compelled many states to create environmental protection agencies; and where the state has not adopted the appropriate policies, local units and actors such as cities, schools, NGO's, and religious groups are likely to call for national action. In consequence, world culture influences nation-states not only at their centres, or only in symbolic ways, but also through direct associations between local actors and world culture. Such associations generate many axes of mobilization for the carrying out of world-cultural principles and assist in explaining parallelism in mobilization agendas and strategies in unrelated countries.³⁴

World-cultural principles certify the nation-state as both an administrative central authority and an identity-supplying nation. Fundamental canons of nationhood include not just individual citizenship and the sovereignty of the people, but also the legitimacy and supposed useful necessity of much domestic organisational structure, ranging from financial market structures to organizations promoting individual and collective rights.³⁵ The organisation of a world of formally equal nation-states possessing comparable rationalised identities and purposes has intensified diffusion among nation-states.³⁶ In the West since at least the 17th century, nation-states have asserted legitimacy in terms of mostly general models. This harmony propelled them to copy each other without restraint than is typical in systems of interdependent societies. The institutionalisation of general world models correspondingly encourages copying among

³⁴ Ibid., p. 161; the authors further write that explicit rejection of world-cultural principles sometimes occurs, particularly by nationalist or religious movements whose purported opposition to modernity is seen as a threat to geopolitical stability. While the threat is real enough, the analysis is mistaken because it greatly underestimates the extent to which such movements conform to rationalized models of societal order and purpose. These movements mobilize around principles inscribed in world cultural scripts, derive their organising capacity from the legitimacy of these scripts, and edit their supposedly primordial claims to maximise this legitimacy. By and large, they seek an idealised modern community undergoing broad-based social development where citizens of the (right sort) can fully exercise their abstract rights. While they violate some central elements of world-cultural ideology, they nonetheless rely heavily on other elements. For example, religious 'fundamentalists' may reject the extreme naturalism of modernity by making individuals accountable to an unchallengeable god, but they nevertheless exhort their people to embrace such key world-cultural elements as nation building, mass schooling, rationalised healthcare, and professionalization. They also are apt to reformulate their religious doctrine in accordance with typical modern conceptions of rational-moral discipline. (..... at page 161)

³⁵Ibid., p. 160

³⁶Strang, D. and Meyer, J. W. 'Institutional Conditions for Diffusion'(1993) *Theory and Society*, vol. 22, pp. 487-511

all nation-states, in sharp contrast to traditional segmental societies in which entities jealously guard their secrets of success and regard copying as treason.³⁷

Economic globalisation introduces the material foundation for the emergence of a singular global society, indicated by the trans-nationalisation of civil society and political processes, the global integration of social life, and ‘global culture’; so that nations are no longer linked externally to a broader system but internally to a singular global social formation.³⁸ The structure that makes this associational model imperative is threefold. Primarily, contemporary created participants including nation-states, normally organize and justify themselves in terms of universalistic (world) models like citizenship, socioeconomic development, and rationalized justice. Next, at the global level, such models are pervasive, with extensive measure of agreement on the nature and value of such matters as citizen and human rights, the natural world and its scientific investigation, socioeconomic development, and education. Finally, the models are premised on assertions to universal pertinence; for example, economic models of development and monetary policy are assumed valid universally, not just in some locales.³⁹

Both governmental and nongovernmental charitable organisations have greatly expanded since 1945. Myriad intergovernmental bodies cover a broad spectrum of rationalised activity, including science, education, the economy and economic development, human rights and medicine. Others have even broader concerns, organising almost every imaginable aspect of social life at the world level.⁴⁰ Several of the international non-governmental organisations possess a social movement disposition, and as supporters of essential elements of world culture, they support human rights, consumer rights, environmental regulation, social and economic development, and human equality and justice. They often cast themselves as oppositional grassroots movements, condemning gaps or failures in the implementation of world-cultural principles in particular locales and demanding corrective action by states and other actors.⁴¹

Scientists and professionals have become vital and influential members in world society. Their authority does not originate from their strength as actors since their legitimated attitude are

³⁷ Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), p. 163

³⁸ Robinson, W. I. ‘Beyond Nation-State Paradigms: Globalization, Sociology, and the Challenge of Transnational Studies’ (supra), pp. 563-564

³⁹ Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), p. 148

⁴⁰ Boli, J. and Thomas, G. M. ‘World Culture in the World Polity: A Century of International Non-Governmental Organisation’. (1997) *American Sociological Review*, vol. 62, pp. 171-190

⁴¹ Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), pp 164-165

characterized as neutral rationalised persons rather than actors. Their authority originates from their ability to incorporate and enlarge the rationalised and universalistic data that makes action and actor-hood possible. These organisations are typically dedicated to definite bodies of knowledge and their diffusion, but their eventual objectives embrace the broad development of societies.⁴² The sciences and professions are principal forces, particularly in the more rationalised and public areas of social life because the occupations concerned are the most impressive in stratifications systems. Sustainable socioeconomic development requires the knowledge of economists to advise on production functions, natural scientists and engineers to produce and manage technologies, and an array of scientists to analyse environmental problems and costs. Individual development, rights, and inequalities call for the expertise of social scientists, lawyers, psychologists, and medical professionals.⁴³ Scientific and professional power is embedded in universal, rationalised decisive principles of moral and natural law. Their rationalised knowledge structures constitute the religion of the modern world, and they motivate the other machinery of world influence. The models of national development or human rights approved by international associations are rooted in scientific and legal knowledge, such as theories and measures of national economic development or of individual social and economic equality. Similarly, diffusion among nation-states is heavily mediated by scientists and professionals who define worthy instances, formulate models, and actively support their adoption.⁴⁴

It has become apparent that the traditional borders of the nation-state are no longer sufficient to trammel politics, along with economic and cultural ideals and institutions.⁴⁵ The processes of individual and collective identity construction are constantly being redefined by globalisation. Thus, identity and sense of belonging are steadily building around to a facet that sums up the pressures in the direction of local and global at the same time. In respect of individual identities, there is a move towards the idea of defining, particularly in the erection of the Western model of civilisation, a ‘citizenship of the world’, where each actor moves in

⁴²Schofer, E. ‘Science Association in the International Sphere 1875-1900: The Rationalization of Science and the Scientization of Society’ in: Boli, J. and Thomas, G. M.(eds.) *World Polity Formation since 1875: World Culture and International Non-Governmental Organizations*. Stanford University Press: Calif. (1997)

⁴³ Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), pp. 165-166

⁴⁴Ibid., p. 166

⁴⁵Maynor, J. ‘Republicanism, Globalization, and Liberty’ Available at <http://ssrn.com/abstract=1642060.pdf>, last accessed on 26/11/2010, p. 2

space, acting concurrently with others in distant places and very quickly, but being exposed to uncertainties, risks and dangers of a world impossible to manage and recognize in advance.⁴⁶

All these indicate incontrovertibly that the current theories of globalisation are inadequate. Most literature on globalisation proceed from one of two perspectives, and much of it take the developed world as a starting point, and analyse institutions that originated in the West, or that mainly affect the West. Other researchers try to repudiate this rationale and argue from the outlook of defenders of an inexperienced native culture, needing and meriting protection and preservation at all costs. The perspective of people in the developing world, anxious about both their economic well-being and the social and cultural consequences of globalization is left out. This issue, which is of profound import, cannot be answered by data about increases in per capita income or stories of the exploitation of local workers by transnational corporations. Proponents of globalization accentuate economic growth and pay little attention to the social changes that often accompany growth. Opponents fail to give sufficient weight to the issue of economic growth and the desire of poor people to escape poverty. However, both approaches agree that economic growth is often linked to negative social consequences, at least in the short term. Neither theory considers a globalization that might encourage economic growth without jeopardizing local social structures or cultures.⁴⁷

A comparable more super-structural characteristic of globalization is the degree to which its dissemination of a global 'culture' is frequently connected with American culture, in areas formerly unaffected by it. A number of technologies, particularly the growth of the internet as well the immense expansion of transportation, were both involved in heralding globalization and have become illustrative of it. The general feature in all of these developments is a sense of de-territorialisation in which production, culture and eventually politics are decoupled from the space occupied by states.⁴⁸ Thus, we currently occupy a world of multiple normative

⁴⁶Giumelli, R. (supra), pp. 4-5

⁴⁷Keenan, P. J. (supra), p. 11-12; the author further writes that part of the problem may be that the theories, although they often use the same language, do not really address the same issues. Those who argue in favour of globalization do so primarily because of its economic benefits. What they really argue for is economic development. Globalization, in the form of free trade and market economies, merely describes their view of the most effective way to achieve development. Those who argue against globalization take as their point of concern the social and cultural transformations that often accompany globalization. Their story is one of forced modernization—a world in which stable, content local communities are forced to accept social practices that are distasteful or even offensive. More important, neither theory provides an account of *how* globalization happens. Myriad activities cross borders—everything from religious observances to modes of dress to market structures—but not all of them take hold in their new location. Why do some activities become entrenched when others do not? This is a complex question, and one that will likely never be satisfactorily answered.

⁴⁸Megret, F. (supra), p. 3

communities. Some of these communities impose their norms through officially authorized coercive power and formal legal processes. These are the nation-state governments and courts recognizable to legal scholars. However, many other normative communities articulate norms without the support of official state authority. Certainly, this accords with the position long held by legal pluralists that law does not inhabit exclusively in the coercive commands of a sovereign power.⁴⁹ It is therefore imperative to observe that identifying the outlines of the new order, globalization in this manner breaks the old order which finds implementation within the structure of the state system. Consequentially, the swiftness of the obliteration of old relations frequently surpasses the swiftness of the creation of the new ones. In a number of countries this becomes evident in the annihilation of traditional ideology, based on the sacralisation of fatherland and nations. Accordingly, the growth of alternatives to the national preferences and identifications results in the waning of such previously vastly estimated qualities as patriotism. However, and despite this globalization has not produced any complete ideology to attract masses.⁵⁰

Contemporary globalization raises a multitude of new challenges. This present era of globalization is not the first time that societies have undergone rapid transformation. Commencing after the Industrial Revolution, scholars began to attempt to clarify the social changes caused by industrialization and urbanization.⁵¹ The transformation from the village-based societies to urbanized societies generates an increase in variation of individual behaviour, so that as societies became more urban, human relations cease to be based on mechanical solidarity—or cohesion growing out of shared experiences and rituals—to organic solidarity, which occurs when labour specialization compels people to collaborate to meet their needs.⁵² Accordingly, an individuated notion of community, still so influential in legal discussions of the nation-state, may no longer be fully applicable so that in place of such a world of detached, integrated cultural systems the current perception is in the direction of social and economic processes that unite even the most inaccessible of local settings with a wider world.

⁴⁹Berman, P. S. 'Global Legal Pluralism' (supra), p. 1157

⁵⁰Grinin, L. E. (supra), pp. 6-7

⁵¹Keenan, P. J. (supra), p. 6

⁵²Durkheim, E. *The Division of Labor in Society* (Free Press ed. 1964)

As a result, cultural differentiation can no longer be territorially based because of mass migration and transnational culture flows of late capitalism, and the current task is a comprehension of the manner that questions of identity and cultural difference are spatialized in new ways.⁵³ It is therefore crucial to recognize as the dynamic feature of globalization, the manner that individual conduct alters to accommodate changing motivations and limitations, and the manner that individual choices and conduct can alter the norms that regulate conduct. In practical terms, this translates into a need for some cultures to develop the capability, when it encounters other strong cultures, to absorb influences that naturally fit into and can enhance that culture, to refuse to accept those things that are truly strange and to catalogue those things that, while different, can nevertheless be enjoyed and celebrated as different.⁵⁴

The development and effect of global socio-cultural structuration was significantly amplified with the founding of a central world organizational frame at the end of World War II. The League of Nations, which was a limited international security organization, was replaced by the United Nations structure and associated bodies (the IMF, World Bank, GATT) and these instituted extended programmes of concern for international society, including economic development, individual rights, and medical, scientific, and educational development. This agenda of global organization and legitimation greatly assisted the formation and assembly of an active and influential world society, and rendered a broad range of social domains qualified for ideological dialogue and global organization.⁵⁵

IV) THE RISE OF INTERNATIONAL GLOBALISATION, THE FALL OF STATE POWER AND THE PHERIPERIZATION OF STATE SOVEREIGNTY AT BAY.

The Westphalian system is generally premised on a single lawgiver and a single set of laws within a polity. The multiplicity of legal regimes created by globalisation presents challenges, and the diffusion of international law and the involvement of localities in the transnational legal process create complexity. Thus, activity may be subject to overlapping sets of laws that may conflict and at the very least may create complications in determining and obeying the applicable law.⁵⁶ International community is an admixture of players, with different interests,

⁵³Berman, P. S. 'From International Law to Law and Globalization' (supra), pp. 512-513

⁵⁴Keenan, P. J. (supra), p. 10

⁵⁵ Meyer, J. W., Boli, J., Thomas, G. M., and Ramirez, F. O. (supra), p. 163

⁵⁶Schapiro, R. A. (supra). p. 822

personalities, and capacities. Some of the states are strong while others are weak. States differ in territory, population, ideology, culture, and wealth. Nonetheless, for purposes of international law they are united by the concept of sovereign equality. States convene to hold discussions and joint action in several overlapping regional and international fora. These range from the formally constituted, for example, the EU, NATO, the UN and the WTO, to the more informal and ad hoc. However, on the world stage, there are players other than states, so that the authority of states is concurrently disputed by an extensive array of non-state actors. Some of these are widely viewed as more or less charitable, for example, Save the Children; Human Rights Watch; Greenpeace. Others are considered as fundamentally disruptive, such as al Qaeda; Hezbollah; the Lord's Resistance Army of Uganda. Yet, others are more ambivalent in nature, such as for-profit corporate entities, for instance, which may be extraordinarily powerful. In this regard, a case in point would be Exxon-Mobil's whose annual revenues exceed those of all but ten or twelve of the world's richest states. Beyond the publicly declared and acknowledged world actors, illegal regional and global networks, such as weapons smugglers and human traffickers also proliferate. In any event, many of these non-state actors, whether legitimate or illegitimate, have complex and sometimes opaque links to states⁵⁷. The assumed superiority of the state as the most efficient organizing principle of social life was called into question. However, currently, state institutions have achieved new consideration by being located at the core of social reforms, for the reason that no serious substitute to the state has materialized either in political science circles or in development cooperation.⁵⁸

A lot of attention has been given to the efficient reorganization of the state, its assumed loss of decisional independence and the fragmentation of public power. Swift capital mobility and the growth of transnational corporations are supposed to restrict the power of states to supervise their national economies and lead to destabilizing the very concept of national economies. The capacity of capital to opt out of social responsibilities by relocating is believed to destabilize national welfare states and compel governments into like programmes of restructuring. Cultural

⁵⁷Brooks, R. E. (supra), pp. 8-9

⁵⁸Speiser, D. and Handy, P. (supra), p. 8; the authors argue at page 10 that from a symbolic perspective the monopoly of violence holds a high attraction for leaders of newly independent countries because of the power they are now provided with to control the own population. In post-independence Africa, the military and police were not only systematic repressive instruments but also presented interesting career opportunities. There exists no universal hierarchy of public goods. The states' capacity to provide most public services depends on a range of factors like economic wealth, and distributional capacities as well as the nature of the regime and quality of the leadership. Most people nevertheless will agree that physical security as defined by the UNDP is the fundamental public good a state should guarantee. A renewed discussion on public goods occurred at the end of the 1990s with the question of their transposition in a global scale.

globalisation, which is by some identified as just the extension of American cultural norms, is perceived to threaten national cultures, ways of life and even identity. As a result, the whole social and political equilibrium supporting the mixed economy welfare state is disintegrating.⁵⁹ Globalization is not a completely new phenomenon. Over the past five centuries, technological change increasingly abridged the obstacles to international integration. For example, transatlantic communication, developed from sail power to steam, to the telegraph, the telephone, commercial aircraft, and now the Internet. However, states have not become weaker or less significant in the course of this process. Instead, in countries with the most sophisticated and internationally integrated economies, governments' capacity to tax and redistribute incomes, regulate the economy, and monitor the activity of their citizens has greatly enlarged⁶⁰. In the entangled environment of the current world economy, no state acting alone is able to command global economic forces, and in point of fact, a state can longer confine its economy to natural boundaries. Thus, state borders that impede the flow of goods, services and persons are disregarded by the global economy. In the European Community market integration underlines the tendency towards sovereignties uniting for communal benefit. Comparable collaboration in other regions of the world will likely produce an economic environment in which the regions, rather than nation-states, become the principal players in the global market.⁶¹

The greatest challenge confronting the nation-state arises from the economic aspect of globalisation. Even though, by requiring a cooperation and harmonisation of domestic policies at international level, globalisation and economic interdependence are considered as having a stabilising effect on international peace and stability, however, capital movements could also be perceived as the basis for a new era of dominance by international capital, by undermining these same political authorities.⁶² However, this undermining of the state does not render the state redundant. It simply acts as a catalyst for the transformation of the state so as to render its

⁵⁹Keating, M. (supra), p. 98

⁶⁰Wolf, M. Will the nation-State Survive Globalization? *Foreign Affairs*, volume 80, number 1, January/February 2001, p. 179; the author further writes at pages 182-183 that policy, rather than technology resolves the scope and speed of international economic integration, whether or not to integrate into the world economy is a deliberate choice made by a nation to enhance its economic welfare. The corollary to choosing international economic integration is an implicit acceptance by the nation of constraints on its action. However, the suggestion that these constraints shrivel the state's capacity to tax, regulate, or intervene is wrong. Rather, it accelerates the market's response to policy by increasing the scope of options available to those affected

⁶¹Khan, A. (supra), p. 229

⁶²Fundación para las Relaciones Internacionales y el Diálogo Exterior (FRIDE). *Under Pressure: States in the Global Era.* (supra) p. 9

structures more responsive to the globalisation process. Thus, a suggestion that globalization renders states superfluous is even less plausible than the suggestion that it makes states impotent. For at least three reasons, the contrary is accurate. In the first place, the capacity of a society to benefit from the prospects presented by international economic integration is dependent on the value of its domestic infrastructure in such areas as property rights, an honest civil service, personal security, and basic education, and especially, a suitable legal structure. Secondly, identity construction and definition is a function of the state, and a defined stable identity is an aspect of the people's sense of security, which, even in the age of globalisation, is not easily forfeited, so that empirically, some of the most effectively integrated economies are small, homogenous countries with a strong sense of collective identity. Thirdly, international governance is dependent on the capacity of individual states to provide and guaranty stability. The territorial state with its monopoly on coercive power within its jurisdiction is the foundation of international order. This factor is not altered by cyberspace, and economic systems in the final analysis are run for and by human beings, who have a material existence and, thus, a material location.⁶³ In consequence states are not rendered superfluous by globalisation but on the contrary, accomplishment in utilising prospects offered by international integration, require states at both ends of the transactions. So, for states, globalisation is basically a choice, which they make because they anticipate benefits, and by its local policy, it eventually decides the pace and depth of its international economic integration. A reason why the nation-state remains robust is because the globalized domestic economy requires, and is certainly characterized by, strong governments, both in size and scope. This contradicts the hypothesis that economic globalization weakens the nation state. The larger size and larger scale of government performance in highly integrated countries can be possibly clarified by three reasons viz: a well-developed infrastructure is essential for successful international competition, and this embraces more public spending in such fields as higher education, research and development, or transport; the distributional outcome of rapid structural transformation require compensation; and further regulatory activities are needed to adapt to international developments. Thus, there is no functional counterpart or alternative to national governments as highly visible, legitimized and competent territorial actors and protectors.⁶⁴

⁶³Wolf, M. (supra), pp. 189-190

⁶⁴Jänicke, M. and Jacob, K. 'Lead Markets for Environmental Innovations: A New Role for the Nation State'.(2004) *Global Environmental Politics* vol.4 number 1, p. 30

Externally, in more policy areas, the state has lost the autonomous capacity to formulate and implement policies towards its population. For instance, regulatory policies, increasingly originate in supranational or even global arenas with nation-states collaborating in multi-layered schemes of decision-making. Although growth of regulation in the European Union is the outstanding example of the emergent role of supranational decision-making, international regime regulation-making play vital roles in policy fields like finance and environmental policy.⁶⁵ The abilities and methodologies of states to deal with these changes determine the form of institutional changes emplaced to harness the benefits of globalisation. In the process of institutional change, some states have forfeited powers and authority to transnational bodies in a variety of areas, including economic regulation, human rights and security and, in Europe, are in the process of creating a totally new polity. Concurrently with this, many states are devolving power to lower levels so that all the large European states now have an intermediate level of government.⁶⁶ Globalisation has as one of its effects, the disaggregation of the state. As a consequence, power flows up to supranational entities, such as the European Union and African Union, ECOWAS, and simultaneously, power flows down to regions and localities. As a result, the nation-state no longer exercises monopoly of authority over internal governance, and although it retains a commanding role in international relations and in domestic policy, but many other private and public institutions partake in governance decisions of all kinds. Power accordingly, is no longer invested in a hierarchical manner with each stratum of government limited in authority to the limits of its geographical boundaries. Decisions about trade, human rights, and other policies spread across jurisdictional boundaries.⁶⁷

Internally, the state, since it no longer has adequate control of the obligatory policy instruments is said to be 'hollowing out'. Thus, if market players providing capital, production facilities

⁶⁵Lütz, S. (supra), p. 9

⁶⁶Keating, M. (supra), p. 198; the author writes at page 199 that these changes pose serious challenges to traditional thinking about states, nations and sovereignty, but there has been a variety of responses. For some, functional restructuring and institutional change do not fundamentally alter the nature of the state or its sovereignty, since sovereignty is about something else. So there is nothing to stop states using their sovereign authority to reject globalisation, although there may be a heavy cost. Membership of the European Union, still less of other transnational organisations, does not curtail sovereignty since states can always withdraw and in any case these organisations are based precisely on the existence of state sovereignty and draw their authority from it. Devolution to sub-state governments can be reversed either by a simple state law (in the United Kingdom) or by constitutional amendment elsewhere. There is more difficulty in the case of federal states like Germany or Canada, where the central government owes its existence to the same constitutional document as the federated units but, as noted above, the supporters of the state sovereignty principle manage to evade this issue by insisting that 'external' sovereignty is still absolute.

⁶⁷Schapiro, R. A. (supra), p. 811

and jobs prefer to exit a domestic territory, national policies would be ineffective in restraining them. Removal of capital exchange controls by most countries has considerably limited the capacity of states to pursue macroeconomic management strategies. Likewise, firms, as global players practise regulatory arbitrage, by seeking and settling in states with the least intrusive regulation. In effect, the disjuncture between the formal authority of the state and the spatial reach of contemporary systems of production and finance leaves market actors with more bargaining power than states in decisions about the adequate institutional framework of production and finance.⁶⁸ Globalisation as a process has by its internal weakening of some states made them a security concern for others, for example, in the case of Afghanistan, ‘non-state’ actors continuing unimpeded within its borders acquired the ability to project force across boundaries, thereby exporting violence to the United States. Thus, while states, in an effort to regulate the global political economy have been growing stronger in a number of respects they have been undermined in some other respects, and areas of state activity such as security, which were formerly dominated by governmental actors, are now increasingly being shaped by ‘non-governmental’ actors.⁶⁹ In particular, improved communication and transportation, have promoted enlarged associations between people, governments, and organizations all across the globe, so that nation-to-nation contact is no longer the lone vector for international relations, and all levels of government, as well as nongovernmental organizations, are partaking in governance. The strict Westphalian hierarchy has dissolved into multi-nodal network of political relationships.⁷⁰ Furthermore, the growth of number of subjects, situated outside the control of governments has led to a dislocation of politics. In this regard, such issues as global environmental degradation and conservation, genetic engineering of human, animals and crops create cross-border problems and thrust themselves onto the agendas of states, and generate demands for governments to attend to a broader range of security concerns. Incidentally, some states lack the competence to address such a broad agenda.⁷¹

Historically, governments have long opposed some or all international transactions—for or against globalization.⁷² The suggestion that each state should have, or correspond with, its

⁶⁸Lütz, S. (supra), pp. 9-10

⁶⁹Bilgin, P. and Morton, A. (supra), p. 10

⁷⁰Schapiro, R. A. (supra), pp. 810-811

⁷¹Pinar Bilgin and Adam Morton. (supra), p. 11

⁷²Congleton, R. D. (supra), p. 3; the writer further elucidates at page 2 that if long-distance exchange has a long history, so do the efforts to tax and restrict such activities. For example, more than 2,000 years ago, Rome adopted a tariff called the *portorium*, which was collected as people, goods, and service passed through particular tax collection gates (from 200 BCE). The Ming Dynasty is famous for its restrictions on the size of the ships in its international fleet in the late fifteenth century, and Tokugawa Japan is similarly well known for limiting its

underlying nation goes back many years before the doctrine of national self-determination was enshrined in the Versailles Treaty after World War I. From the inception of the nation-state, its demise had been widely predicted, and since the onset of the discourse on globalisation, the demise of the nation-state had been regularly predicted. However, regardless of all its inadequacies, the nation-state has been amazingly resilient. Although Czechoslovakia and Yugoslavia became victims of a changing order, Turkey, which had never before existed as a nation as such has become a functioning nation-state. India, seldom united except under a foreign conqueror, is holding together as a nation-state. Furthermore, the countries that emerged from the nineteenth-century colonisation have established themselves as nation-states; so have all the countries that emerged from the disintegration of the Eurasian empire founded by the Tsars and held even more tightly by the Tsar's communist successors. So far, apart from the nation-state, no other institution is capable of political integration and effective membership in the world's political community. Therefore, in all likelihood, the nation-state will survive the globalization of the economy and the associated information revolution. However, it will be a seriously altered nation-state, particularly in domestic fiscal and monetary policies, foreign economic policies, control of international business, and, perhaps, in its conduct of war.⁷³ The influence of the nation-state is being restricted by the global economy, while at the same time, the global economy is transferring power to corporations, financial markets, and multilateral organizations such as the World Trade Organization and the IMF, all of which are incapable of promoting diplomacy and international peace and security. The decline of national sovereignty corresponds to the enlargement in power of the market, and unelected global institutions such as WTO that possess sufficient influence to reverse national and regional legislation.⁷⁴ In fact, the globalization of capital, the cross-border movement of people and goods, the reach of global corporate activity, the impact of worldwide NGOs, and the development, in recent decades, of over a hundred international or transnational tribunals all make it far more likely that local communities will be affected by activities and entities with no local presence. On the whole, the effect of globalisation on the autonomy of nation states is complex. State autonomy has always been restricted and controlled by global forces and international actors. However, states today confront a more intricate range of global constraints

international trade and contacts to a single Dutch trading post on the island of Deshima near Nagasaki in the seventeenth century. Medieval Europe is equally famous for its internal and external trade restrictions and high taxes on imports and exports of goods and services.

⁷³Drucker, P. F. 'The Global Economy and the Nation-State'. (1997) *Foreign Affairs*, volume 76 number 5, pp. 159-160

⁷⁴Qerimi, Q. (supra), pp. 15 and 28

and problems than hitherto. Furthermore, they must also face a wider range of international actors, and are more deeply entangled in global networks of interaction. However, nation states are still massively powerful, and in fact, in the military realm they may be more powerful than ever before. Furthermore, they have access to vast economic assets, sophisticated bureaucracies and new technologies of information gathering and control.⁷⁵

The state is a neutral administrative structure that can be used for both good and bad purposes; and it is neither intrinsically nor inexorably the enemy of globalization. However, global values simply cannot be imposed upon states from without, but must be admitted by states from within.⁷⁶ A chief virtue of the Westphalian model and its strong notion of unitary sovereignty was a well-defined understanding of political legitimacy. The Westphalian system offered legitimacy in the sense of authenticity, by which is meant the status of a system as reflecting the values of the citizens, or in other words, authenticity captures the particular concern that the laws are autochthonous. The authority of the national government over the content of the law of the nation-state was complete, and only international laws accepted by the national government penetrated the domestic legal system, and the central government exercised control over the laws produced within the nation-state. In the absence of approval from the domestic government, no law was introduced, and the review by the domestic political authority ensured authenticity, so that the laws promulgated reflected the views of the citizens. Globalization challenges concepts of political legitimacy, and threatens to undermine these principles of coordination and legitimacy.⁷⁷ The nation-state is accredited by world-cultural principles both as a managing central authority but also as an identity-supplying nation. Individual citizenship and the sovereignty of the people are fundamental doctrines of nationhood. So also are the legitimacy and presumed functional necessity of domestic organizational structure, extending from financial market structures to organizations upholding individual and collective rights.⁷⁸ Due to increased migration and global communication, people experience connection to, and act based on attachment with, multiple communities in addition to their territorial ones. Such communities may be ethnic, religious, transnational, sub-national, or international and often, the norms asserted by such communities oppose territorially based authority.⁷⁹ The dwindling authority of the state and the free circulation of peoples create a new sense of community and

⁷⁵ Goldblatt, D., Held, D., McGrew, A., and Perraton, J. (supra), p. 76

⁷⁶ Dhanapala, J. (supra), p. 6

⁷⁷ Schapiro, R. A. (supra), p. 803

⁷⁸ Meyer, J. W., Boli, J., George M. Thomas, G. M., and Ramirez, F. O. (supra), p. 160

⁷⁹ Berman, P. S. 'Global Legal Pluralism' (supra), p. 1161

even polity, so that the idea of the 'nation', regardless of its lasting appeal, is no longer perceived as unavoidably the locus of identity. On the other hand, global events, particularly catastrophic ones, such as genocide in Darfur, famine in Ethiopia, Chernobyl nuclear disaster, the Rwandan genocide, 9/11, the Asian tsunami, etc, have at times engendered a strong sense of interconnectedness and ultimate commonality of fate.

V) THE CONCLUSION

In a very important manner, globalization has provoked key transformations in the international distribution of power between different actors, so as to raise interrogations about the fate of the state. The considerable movements of money, goods and peoples flowing across borders have untied the state's control on its borders, and thus its capacity to play a role as the arbiter of a common and bounded political project. What is more, the state is downsizing itself to minimal status, outsourcing ever more functions to the private sector, including some clear regalia dimension. On the other hand, technological revolutions having made it easier for individuals to manifest themselves on the international stage, non-state actors such as corporations and NGOs have assumed importance. Alongside the emergence of a globally visible civil society, is the emergence of an 'uncivil society' signifying a darker side of globalization, particularly in the form of transnational criminality such as organised crime and terrorist groups. Dominant supranational actors, such as the European Union, increasingly also present a challenge to the state, even though they may also be explained as demonstration of the resilience of the state form. However, globalisation can concurrently, create considerable alienation, frustration and anger amongst peoples marginalised in wealth production, particularly in a context of exponentially rising inequalities. Thus, globalization for some heralds an era of growing integration, leading to both peace and prosperity; while for others it is disguise for empire-building, and a crucial step in the westernization or even Americanization of the world. In conclusion, the Westphalian concept of sovereignty has never really existed fully in practise. With a more practical and nuanced form, sovereignty in a transformed way will always remain a crucial characteristic of the nation state and the 'transformed' nation states will still play a crucial role in the contemporary era of globalisation.