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A DECADE OF CHANGE: A CASE FOR GLOBAL MORALITY, DIALOGUE AND TRANSNATIONAL TRUST-BUILDING

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***Annotation.** The world has changed in the last few decades. While the enforcement of international issues may once have been undermined by differences in transnational institutions, the onset of globalisation has led to a greater willingness amongst states to cooperate with each other. It is suggested that this could be a positive development for, amongst other things, gradually tackling climate change, global poverty and the greater realisation of human rights. What is needed is a period of reflection of how far we have come and how we can use this to change for the future.*

***Keywords:** globalisation, morality, international relations, multilateralism, global dialogue, international trust building.*

Introduction

The world has undergone a profound transformation in last two decades. Even though the United Nations instituted a framework to ensure that its member states prac-

ticed tolerance and lived “together in peace with one another as good neighbours,”¹ the preservation of the principles of international sovereignty and territorial integrity, especially in Article 2(7) of the UN Charter² meant that many international issues were not addressed because member states asserted their own interests, especially during the Cold War.³

But it is arguable that all this is changing. In particular, the acceleration of globalisation, especially in the first ten years of the new millennium, has seen a gradual change in the steadfast assertion of national-self-interest, especially on issues that affect the world as a whole, and an increase in international cooperation and transnational trust and institution building.

Although one theory, especially a very broad realist one, might suggest that this is because states realise that multilateralism is, in itself, in their national interests as it enables them to respond to matters that affect them if other states are willing to cooperate, it is suggested that another reason may also be the new growing, underlying morality of globalisation.

1. The Discernible Effects of Globalisation

Globalisation, as widely understood, in contradistinction to ‘localisation’, generally refers to the expansion of something on an international level; and while it has been traditionally associated with greater global economic integration, it does not just refer to the change of one thing on a global level, but many different things.

Geoffrey Garrett does indeed write about how globalisation has led to the integration of markets in goods, services and capital on the global level.⁴ This has been highlighted, for example, by how the recent troubles with the American sub-prime mortgage market affected the economies of other countries.

Tony Makin also refers to how this global economy has been made possible by technological advances, which have made it cheaper and faster than ever for people across the world to communicate with each other:

*“The two fundamental causes of globalisation have been leaps in technology and the liberalisation of markets for goods, services and finances. Technological advance has revolutionised communication via facsimile, email and internet, shrinking the natural barriers of time and distance. Real computer processing costs have fallen an average of 30% per annum over recent decades (The Economist, 1997) and the cost of communicating has been dramatically reduced.”*⁵

1 Preamble, UN Charter, 1945.

2 See also Gross, L. The Peace of Westphalia, 1648-1948. *The American Journal of International Law*. 1948, 42(1): 20-41.

3 Dennett, R. Politics in the Security Council. *International Organization*. 1949, 3(3): 421-433.

4 Garrett, G. *The Causes of Globalisation*. Yale University [interactive] April 2000 [accessed 18-10-2009]. <<http://www.yale.edu/leitner/pdf/2000-02.pdf>>: “I define globalisation somewhat narrowly as the international integration of markets in goods, services and capital.”

5 Makin, T. Globalisation: Context and Controversies. *Agenda*. 2000, 7(4): 294; See also *Home Office, Secure*

However, globalisation, in general, is not just about the merger of national economies. It also includes many other supra-national changes. The general growth of international migration, for example, also fits within the broad scheme of globalisation mentioned above. As Marie Macey says:

*“However, we define globalisation, it is not only about economics, but about people, and increasingly their movement from one part of the globe to another. This has resulted in a world in which most societies are diverse in cultural, ethnic and religious terms, and this, combined with a technological and communications revolution, has massively enriched the lives of individuals, communities and societies.”*⁶

Globalisation also encompasses the transnationalisation of culture on a mass level as well. While many states may have held on tenaciously to their national mores, it is arguable that the spread of the World Wide Web, global consumerism and the international market have now led to the development of an overarching global culture made up of the components of many different societies and models.⁷

Thus, in the last ten years, the world has undergone a substantial transnational change that has seen a shift from a reliance on traditional national norms to wider global ones as well.

2. The Underlying Morality of Globalisation

But the facets of globalisation mentioned above refer to its more discernible ones. While it is indubitable that globalisation has led to economic integration and also facilitated the development of a global culture, it is suggested that there is also a latent side to it, namely the development of a more encompassing global morality and a greater international willingness to work together.

The world, broadly, up until the end of the Cold War, was mainly characterised by the states putting their national interests first. This meant that many global issues were not addressed. But in the last two decades, there has been a greater tendency amongst states to cooperate on matters of international concern.

For example, it is arguable that while the development of a general tribunal to try international crimes was held back during the Cold War by the disinclination of the states to subject themselves to the jurisdiction of another body, the softening of relations after the Cold War meant that states began acknowledging the imperative of enforcing

Borders, Safe Havens: Integration with Diversity in Modern Britain, CM 5387. London: Stationery Office, 2002: “1.9 Globalisation is bringing rapid changes to the world in which we live. Over the last quarter of the century, a series of economic, technological and social changes have increased the interdependence and interconnectedness of the modern world. International trade and transnational movements in capital have grown exponentially as transport and transaction costs have fallen and barriers to mobility have come down. Advances in technology have revolutionised communications and the mass media, opening up instantaneous exchange of information and knowledge at the press of a button.”

6 Macey, M. South Asian Migrants in Bradford. In *Globalisation and Identity: Development and Integration in a Changing World*. Carling, A. (ed.). New York: I. B. Tauris and Co Ltd, 2006, p. 145.

7 See generally Suarez Orozco, M. *Globalisation: Culture and Education in the New Millennium*. University of California Press, 2004.

human rights; and it is not surprising that the first international criminal tribunals,⁸ since the Nuremberg Tribunals, were founded in this new found sentiment. This has, of course, since culminated in the institution of a permanent International Criminal Court in The Hague to try individuals charged with serious international crimes.⁹

Some may argue that the fact that several states have refused to ratify the Rome Statute and have sometimes refused to sanction or intervene in some states means that they are still putting their national interests first. However, the mere fact in itself that we now have two fully functioning ad hoc criminal tribunals, a special court in Sierra Leone, a number of other ad hoc forums, and a permanent international court, when once it was impossible to get sufficient international consensus, particularly in the Security Council, on global issues, suggests that there has been a significant shift in international accord in recent years, particularly amongst the five permanent members of the Council.

It is not just in international criminal justice that states have shown a greater readiness to work together. During the global credit crunch, for example, Prime Minister Gordon Brown of the UK said that this new economic crisis required “concerted action on an international level”.¹⁰ The world leaders reiterated this need at the World Economic Forum in Davos, Switzerland, in January 2008. Gordon Brown, Felipe Calderón, Han Seung-Soo, and Kgalema Motlanthe, at a discussion chaired by Fareed Zakaria of Newsweek, spoke about how:

*“Global cooperation, not a retreat from globalisation, is the best approach for solving the current economic crisis and could set the pattern for dealing with other critical international challenges such as climate change, poverty and energy security...”*¹¹

Another example of a greater willingness between states to work together has been the growth of transnational institution building. In the past few years, the European Union, for example, has rapidly expanded by taking in several new members, especially from Eastern Europe, as it has come to realise the importance of having stronger ties in order to compete in international markets.

While the discernible changes mentioned above, especially the integration of national markets, the mass movement of people and transmutation of global culture, might undoubtedly be the locomotive force of globalisation, it is definitely arguable that one of the natural consequences of this has been the development of a greater global ethic

8 International Criminal Tribunal for the Former Yugoslavia, UN Security Council Resolution 827, 1993; International Criminal Tribunal for Rwanda, UN Security Council 955, 1994.

9 Rome Statute of the International Criminal Court [interactive] Rome July 1998 [accessed 18-10-2009]. <<http://www.un.org/children/conflict/keydocuments/english/romestatuteofthe7.html>>.

10 Dawar, A. Brown calls for ‘inclusive globalisation’ ahead of international conference. *The Guardian* [interactive] Thursday 3 April 2008 09.07 BST [accessed 18-10-2009]. <<http://www.guardian.co.uk/politics/2008/apr/03/foreignpolicy.economy>>: “the prime minister said that the international nature of the problems meant that they could not be solved by countries in isolation and needed “concerted action on an international level”.

11 World Economic Forum ‘Reviving Economic Growth’ [interactive] Davos, 30 January 2009 [accessed 18-10-2009]. <http://www.weforum.org/en/knowledge/Themes/GlobalIssue/Globalisation/KN_SESS_SUMM_27168?url=/en/knowledge/Themes/GlobalIssue/Globalisation/KN_SESS_SUMM_27168>.

on the basis of which states are now more willing to work together – and it is this new international consensus or global morality that provides a great hope for the future.

3. The Need for Global Reflection and Change

In his book, *Runaway World: How Globalisation is Reshaping our Lives*, Anthony Giddens refers to how globalisation represents a shift from the ‘hold of tradition’ to an “emerging global cosmopolitan society”,¹² and it is not just academics, or other nongovernmental groups that recognise this.

President Barack Obama, in his speech when he was inaugurated at President of the United States of America in January 2009, also acknowledged that, while American values were fundamentally important:

*“To the people of poor nations, we pledge to work alongside you to make your farms flourish and let clean waters flow; to nourish starved bodies and feed hungry minds. And to those nations like ours that enjoy relative plenty, we say we can no longer afford indifference to the suffering outside our borders; nor can we consume the world’s resources without regard to effect. For the world has changed, and we must change with it.”*¹³

It is with this in view that it can now be argued that it is crucial for all people as well to reflect on how much the world has changed in the last few years and how this can now be used to respond to challenges in the future.

One of the ways in which this can potentially be achieved is by using this new global morality as the basis for constructive dialogue. While states may once have used dialogue just to assert their domestic interests, it is arguable that this new growing global morality now provides a solid foundation for them to talk and cooperate.

Although it is arguable that this is nothing new and states have always talked to each other, more so with the institution of the United Nations and other regional organisations after the Second World War, it is posited that dialogue is essentially a contextual process. While historical circumstances may once have necessitated states to assert their own interests in the dialogue process, particularly during Cold War politics, this growing willingness to work together, as evidenced by some of the developments discussed above, provides an entirely new framework for global dialogue.

This is closely linked to the issue of transnational trust building. One of the largest obstacles to international dialogue in the last 60 years has been mistrust. Even if the

12 Giddens, A. *Runaway World: How Globalisation is Reshaping our Lives*. London: Profile Books, 2002, p. 42–43: “Two basic changes are happening under the impact of globalisation. In western countries, not only public institutions but everyday life are becoming opened up from the hold of tradition. And others societies from across the world that remained more traditional are becoming detraditionalised. I take it that this is at the core of the emerging global cosmopolitan society I have spoken of previously.”

13 US Presidential Inauguration Speech [interactive] Tue January 20, 2009 [accessed 18-10-2009]. Accessed from New York Times <http://www.nytimes.com/2009/01/20/us/politics/20text-obama.html?pagewanted=3&_r=1>.

parties to discussion were willing to engage in dialogue, this was often undermined by unwillingness to show faith in each other.

But what the last ten years have shown is that a greater cooperation to work together can also lead to transnational trust building. For example, in the past few months several states have shown a desire to trust each other, and work together, in tackling the global economic crisis. Hence it is arguable that states can, if they want, build on this new growing global morality in order to construct multinational trust in order to engage in constructive dialogue, particularly in tackling the new challenges for the future.

For example, while the international framework for human rights may once have been undermined by the divisions in the United Nations, this new global morality, or greater desire to work together, can now provide an effective basis for states to enforce international human rights, for as the Universal Declaration of Human Rights clearly says:

“Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”.

Indeed, some moves have already been made to realise this new global morality in the context of human rights protection. One recent example is the growing movement behind ‘responsibility to protect’, which recognises that it is no longer right, in an interconnected world, for states to hide behind the shield of sovereignty and territorial integrity in order to commit gross human rights violations against their people; and that other states should also have a moral responsibility to protect the nationals of another country if there are justifiable and legitimate grounds to do so, albeit that this remains in the developmental stage. There was recently a session in the United Nations General Assembly on this and while a concerted policy on the responsibility to protect is some way off, the drive towards it provides some evidence of a greater desire to work together on issues which would once have sharply divided the international community.

Another issue that can potentially be addressed by this new global accord is international poverty. While states may once have been content with ensuring the welfare of their own people, it is arguable that they should now, in a globalising world, work together in alleviating the suffering of people in other parts of the world, something that has been recognised, for example, by the UN Global Compact. As Thomas Pogge, for example, says:

*“From the standpoint of cosmopolitan morality-which centres on the fundamental needs and interests of individual human beings, and of all human beings – this concentration of sovereignty at one level is no longer defensible.”*¹⁴

14 Pogge, Th. *World Poverty and Human Rights*. Cambridge: Polity Press, 2008, p. 184.

Conclusions

There are, of course, many other issues that can be tackled on the basis of the new growing morality of globalisation; but while we are still some way from achieving these wider global aspirations, it is heartening to see how a new global ethic or greater willingness to work together can bring about changes in the future that may one day lead to global betterment, especially in human rights and global poverty.

While this is certainly not a call to states to abandon their cultural differences and identities, it is indisputable that they do owe some obligation in a globalising world to address these common challenges together.

But it is arguable that this not only requires states to think about how far we have come, but also in this global civil community, for people in general to reflect on this as well. That is why it is fundamental for not only states, but also society in general to reflect on some of the developments of the first ten years of the millennium, in the hope that it may encourage people everywhere to engage in dialogue and transnational trust building to resolve some of the fundamental issues for the coming decade.

References

- Dawar, A. Brown calls for 'inclusive globalisation' ahead of international conference. *The Guardian* [interactive] Thursday 3 April 2008 09.07 BST [accessed 18-10-2009]. <<http://www.guardian.co.uk/politics/2008/apr/03/foreignpolicy.economy>>.
- Dennett, R. Politics in the Security Council. *International Organization*. 1949, 3(3).
- Garrett, G. *The Causes of Globalisation*. Yale University [interactive] April 2000 [accessed 18-10-2009]. <<http://www.yale.edu/leitner/pdf/2000-02.pdf>>.
- Giddens, A. *Runaway World: How Globalisation is Reshaping our Lives*. London: Profile Books, 2002.
- Gross, L. The Peace of Westphalia, 1648-1948. *The American Journal of International Law*. 1948, 42(1).
- Home Office, *Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*, CM 5387. London: Stationery Office, 2002.
- International Criminal Tribunal for Rwanda, UN Security Council 955, 1994.
- International Criminal Tribunal for the Former Yugoslavia, UN Security Council Resolution 827, 1993.
- Macey, M. South Asian Migrants in Bradford. In *Globalisation and Identity: Development and Integration in a Changing World*. Carling, A. (ed.). New York: I. B. Tauris and Co Ltd, 2006.
- Makin, T. Globalisation: Context and Controversies. *Agenda*. 2000, 7(4).
- Pogge, Th. *World Poverty and Human Rights*. Cambridge: Polity Press, 2008.
- Rome Statute of the International Criminal Court [interactive] Rome July 1998 [accessed 18-10-2009]. <<http://www.un.org/children/conflict/keydocuments/english/romestatuteofthe7.html>>.
- Suarez Orozco, M. *Globalisation: Culture and Education in the New Millennium*. University of California Press, 2004.
- US Presidential Inauguration Speech [interactive] Tue January 20, 2009 [accessed 18-10-2009] <http://www.nytimes.com/2009/01/20/us/politics/20text-obama.html?pagewanted=3&_r=1>.

World Economic Forum 'Reviving Economic Growth' [interactive] Davos, 30 January 2009 [accessed 18-10-2009]. <<http://www.weforum.org/en/knowledge/Themes/Glo->

[ballIssue/Globalisation/KN_SESS_SUMM_27168?url=/en/knowledge/Themes/GlobalIssue/Globalisation/KN_SESS_SUMM_27168](http://www.weforum.org/en/knowledge/Themes/GlobalIssue/Globalisation/KN_SESS_SUMM_27168?url=/en/knowledge/Themes/GlobalIssue/Globalisation/KN_SESS_SUMM_27168)>.

POKYČIŲ DEŠIMTMETIS: ARGUMENTAS UŽ ETIKĄ, DIALOGĄ IR DAUGIAŠALIO PASITIKĖJIMO PLĖTRĄ

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Santrauka. *Per pastaruosius dešimtmečius pasaulis pasikeitė. Nors tarptautinių interesų įgyvendinimą kadaise apsunkino transnacionalinių institucijų nesutarimai, globalizacija pastūmėjo šalis geranoriškiau bendradarbiauti. Šios sąlygos gali paskatinti teigiamus pokyčius įvairiose, puz., kovos su globaliniu atšilimu arba žmogaus teisių įgyvendinimo, srityse. Šiuo metu svarbu apsvarstyti, kas nuveikta ir kaip esamus pokyčius panaudoti kuriant ateitį.*

Be abejonės, yra daug kitų problemų, kurios gali būti sprendžiamos vadovaujantis naujamis stiprėjančiomis globalizacijos etikos nuostatomis. Nors šie platesni siekiai reikalauja daugiau pastangų, pasitikėjimo suteikia tai, jog nauja visuotinė etika ir ryžtas bendradarbiauti turi įtakos pokyčiams, kurie galbūt kada nors padės įgyvendinti pasaulinę gerovę, ypač žmogaus teisių ir skurdo mažinimo srityse.

Nors tai toli gražu nėra paskata valstybėms atmesti savo kultūrinius išskirtinumus ar tapatybes, neabejotinai šalys turi išpareigojimų dorotis su globalizacijos iššūkiais bendromis pastangomis.

Ne vien valstybės, bet ir visuomenė, kaip globalios pasaulinės bendrijos dalis, privalo apgalvoti, kas yra pasiekta. Toks pirmojo naujojo tūkstantmečio dešimtmečio apmąstymas galėtų paskatinti pasaulio žmones dalyvauti dialoge ir plėtojant daugiašalį pasitikėjimą, o tai padėtų spręsti ateinančio dešimtmečio problemas.

Reikšminiai žodžiai: *globalizacija, etika, tarptautiniai santykiai, tarptautinis dialogas, tarptautinio pasitikėjimo puoselėjimas.*

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