

Concept of the International Society on "International Society as a Legal Community" of Herman Mosler and the "Agenda for Democratization" of Boutros Boutros Ghali

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Abstract

The international society is the society of the humans and states. In contrast to international community, it is known in the active involvement of the formation of not only the states but also to nongovernmental actors. Contemporary international society is hard to find its identity as a society of law, in which all members contribute positively to their progress. The democratization for Boutros Ghali is a process that leads to a more open society, which encourages citizen involvement in public affairs. Democracy is a system of government, which through specific institutions and mechanisms, to support political power over the will of the people. Democratic regime is characterized by the state, which answers directly to common problems, the effective protection of human rights while maintaining peace and security, provide justice and socio-economic development.

Keywords: International Society, International Law, International Order, Agenda for Peace, Development Agenda, Democratization, UN.

1. Introduction

The international society is a legal community to the extent that it is able to live according to legal rules (Mosler H. 1980 pg. 3).

Democratization is a process which leads to a more open, more participatory, less authoritarian society. Democracy is a system of government which embodies, in a variety of institutions and mechanisms, the ideal of political power based on the will of the people. The basic idea of democracy is today gaining adherents across cultural, social and economic lines. While the definition of democracy is an increasingly important subject of debate within and among societies, the practice of democracy is increasingly regarded as essential to progress on a wide range of human concerns and to the protection of human rights (Ghali B. B. 1996 pg. 1).

2. International Society in "International Society as a Legal Community" of Hermann Mosler

The author Herman Mosler, a distinguished German international lawyer who wrote his "International Society as a Legal Community" in 1974. The author took into account data, which regulate international relations climate of the Cold War and the bipolar system. Mosler examines the organization of international society from the standpoint of international law. Considers that an essential condition for the existence of an international order is co-organized the units, which do not conform to any higher authority, handled by Grotius, "Qui nullum iudicem communem habent" ("No judge that they have common"). From the above mentioned, he concludes that both elements are necessary for the organization of international legal order:

1. Element of truth to the fact that there are more parallel to the dominant unit.

2. Psychological element, the common belief that these units are connected in mutual principles of general application, which guarantee the rights, obligations and establish mitigating the differences between them. These rules are to replace the lack of a common authority higher. Relations, among members of the international community are horizontal and not vertical, as they do not depend on any higher authority (Orrego Vicuña F. 2004 " pg.12). The existence of international law on the organization of the relationship between them is necessary. The following formulation of international law is made by two processes: 1. codification and interpretation of tradition. This work was undertaken by the International Law Commission, the UN body, 2. through the legislative process and new rules. Mosler, today considers that international law takes into account the configuration of the existence of international organizations, especially the UN. In fact, it recognizes as an important instrument for the development of international law, the General Committee of the United Nations and believes that now will bear result for the active role of citizens in shaping the international legal order. However, the configuration of a legal and judicial system is not so simple. The international community is made up of different countries of various political and economic in size and power (Danilenko G. M. 1993. "pg. 327). These states, although considered equal under international law, in fact are objectionable for political and economic power. This leaves room for the development of powerful states in the hegemonic powers, who can exercise their political leadership at the expense of poor and effectively regulate international relations in their favor. For the reason that no force was unable to set power to everyone, was formed broad coalitions of powers, which led to the creation of a balance of power in the international community (Klabbers J., & Peters A., & Ulfstein G. 2010 ". pg. 153).

Most international organizations have independent legal personality. They can operate with their instruments and perform actions on behalf of litigants. They are a second category of legal persons in international law, different from the states. Contemporary international society is hard to find its identity as a society of law, in which all members contribute positively to their progress. For this reason, it is necessary to create a forum for discussion and cooperation in the development of principles and rules relating to the establishment of more effective international legal order. It is too early to say that such a forum could be established by the United Nations. This is because the resolutions of the Committee of the UN General shall not constitute an independent source of international law. United Nations contribute internationally, as well as new rules of international law, providing evidence as it is possible to reach agreement among member states, established from them. According to this way, affect the practice of their bodies, but also for member states, without being able to impose obligations on states or limit the sovereignty of their members in a way that is not provided in the statute (EJ Schwöbel Ch. 2011 ". pg.16).

With the establishment of the UN and the world's largest union joining countries is created vertical relationship of states - members of an organization that is irrelevant to the states - members and limit their sovereignty, to the point that the statute provides. Therefore it is likely that the United Nations in the future be the highest authority of the joint venture, which will directly force any member to become one with it and would reinforce international law exclusively (Lipstein K. 19810. pg. 8). As, moreover, Sir Gerald Fitzmaurice said that the current international order cannot be achieved by asking the disappearance or transformation of the nation - state, but accept it as the environment in which international law and international order should strive to achieve maturity.

3. The International Society on "Agenda for Democratization" of Boutros Boutros Ghali

"The Agenda for Democratization" of Boutros Boutros Ghali was written in 1996 and is the third version and the latest in a series Agendas: Agenda for peace and development Agenda.

The text takes into account the policies of recent years. The fall of the Berlin Wall and the end of the Cold War brought about changes in international relations and marked the abandonment of bipolar system. So, today highlighted a new international order. Under Boutros Ghali, effective and legal procedures for the establishment of an international system, which responds to the geopolitical implications, as well as economic needs, social and cultural international society, the process of democratization of relations between countries, within countries and in within the United Nations. The democratization for Boutros Ghali is a process that leads to a more open society, which encourages citizen involvement in public affairs. Democracy is a system of government, which through specific institutions and mechanisms, to support political power over the will of the people (Ghali B. B. 1996 pg. 3). Democratic regime is characterized by the state, which answers directly to common problems, the effective protection of human rights while maintaining peace and security, provide justice and socio-economic development. Without peace there can be no development or democracy.

Also, no democracy can not develop and maintain peace (Tansey O. 2009". pg. 27). At the same time, democracy is necessary for a continuing significant growth and the development is a necessary component of effective democracy, whose members can participate in the economic, social and political life. Essential elements of democracy, are holding democratic elections, the rule of law and the principle of good governance, which essentially is an indicator of government effectiveness. Also needed is the development of a democratic culture, a culture that promotes political participation of members of society together and allows the expression of diversity.

United Nations undertake to promote democratization by statute and in accordance with the "Declaration on the Granting of Independence to Colonial Countries and Peoples" and "Universal Declaration of Human Rights".

The promotion of democracy is not to include the United Nations in the internal affairs of states (Köchler H. 1995 "pg. 50). The United Nations, help in creating a sustainable democratic system, also collect accurate information and organize an international forum for public debate and issues between states. Leaving more enterprising society to choose the method of democratization and the new character Democracy established. The democratization of international society should be at three levels: between countries, within countries and within the United Nations (Ramcharan B. G. 2008 "pg. 224). The fact that democratization is the most reliable procedure to fix and improve national governance. It can easily be seen that the democratization of international relations can lead to the efficient organization of international society. A society which is based on human dignity and the promotion of equality between men and nations. UN democratization can be achieved by strengthening the role of the General Committee, the Economic and Social Council, the International Court of Justice and the remodeling of the Security Council. The level of participation will promote the democratization of international society and international forum will provide an opportunity to resolve international conflicts through the use of dialogue. In the political-economic field, democracy will bring cooperation between developed and underdeveloped countries. Sovereignty relations of a state or other group of states will develop through democratic relations, which will enable effective cooperation and participation of non-state actors in international affairs.

To enable democratization at the international level, it is necessary the international law assistance, cooperation of state and non-state actors in international society and the creation and promotion of human rights. International law, encourages mutual respect between states and peoples, providing a functional legal framework for addressing issues of common interest and development in the actions of the members of the international community (Tadjbakhsh Sh. 2011". pg. 52). For this reason it is a powerful weapon of democracy. Moreover, democratization internationally reinforces respect international law and contribute to the harmonization of national legal systems. In the spotlight of international society already appear younger players aspiring to increase their influence in international affairs. These are called non-state actors. Ghali recognizes the important role for some of them. He emphasizes the role that society can play in international and regional organizations, NGOs, experienced politicians, local authorities, academics, media and multinational companies. All these factors have influence on the political, social and economic sciences in shaping international relations and public opinion, can greatly contribute to the implementation of international democratic order. We can say that since 1945, the year of the founding of the United Nations, international relations have evolved. Continuing globalization and the creation of a new world order requires democratization at the international level, national stabilize democracy, overcoming the problems of globalization and a new order, sustainable and equitable world, to replace the old system of international bipolarity.

4. The International Society similarities in the work of Hermann Mosler and Boutros Boutros Ghali

The concept of international society is based on teamwork of Mosler - Boutros Ghali, and the two analysts know better the participation of the state and non-state actors in contemporary international relations. Mosler wrote his book in the mid 70s, which is still prevailing climate of the Cold War. It gives a more limited role to the non-state actors in international society, highlighting among them the United Nations. In contrast, Boutros Ghali wrote "Agenda for Democratization" in 1996, after the fall of the Berlin Wall, the Cold War and the collapse of the bipolar system. It is updated with the latest developments in international relations and encourages participation in international affairs and further non-state actors, including regional organizations, non-governmental organizations, multinational corporations, the media, politicians, local and academic authorities (www.un.org/fr/.../democracyday/.../An_agenda_for_democratization).

Both analysts also handle the creation and development of international society as a practical necessity. Both have the same opinion that the problems facing the modern international order cannot be solved by the collective efforts of state and no state actors worldwide. Mosler strongly emphasizes the urgent need to address the problem of

overpopulation and the depletion of natural resources. Boutros Ghali stressed the need for cooperation in international society to ensure peace, to strengthen the development and socio-economic gap between North and South countries.

5. Conclusions

Both analysts, visionaries for the full organization and better functioning of international society, which is able to adapt to the demands of the time. They have different approaches to issues related to the theory of international law. Different approaches exist partly due to the fact that the Mosler makes a consideration of these issues from a legal standpoint, but politically Boutros Ghali.

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