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### **STATUS QUO TERRITORIAL OF NEW WORLD ORDER UNDER RULE PANTA RHEI**

*A new world order is based on international law, which includes the principle of respect for the integrity of the state and the principle of self-determination of nations. These two assumptions in practice often prove irreconcilable. Increasingly territorial claims put forward by the separatist movements quarrel with the idea of a global world. So far, many disputes in this area are unresolved. According to the rule Panta Rhei maybe it is time to reorganize the international system, so that the modern territorial conflicts did not increase, but found their outlet. The article describes the legal issues and the contemporary international situation as to research the opportunities of escalation of the territorial conflicts, which occur around the world.*

**Key words:** *the integrity of the state, geopolitics, globalization, new world order, self-determination of nations*

The geographical factor, according to the classical theory of geopolitical occupies a leading position in international relations and is referred to as the determinant of the formation of state structures and relations between them [2, p. 4]. Exemplification of international relations by means of geographical determinants seems to be quite pragmatic and accurate. Searching in geography cause – effect relationships, explaining the formation of states and nations is characterized by realism, and the arguments seem to be much more obvious than other factors in international relations, which, however, are not less important. Underestimation of the reasons of specified phenomena in the system of global/regional/national/local of social, cultural, economic or political would be wrong - but to simplify the analysis of the relationship between states, you can sometimes see such a trend.

The use of geographical determinism is convenient in many ways. After all, international relations have a complicated structure, reaching for the discussion of one of the aspects of the given relation between states, you have to move with the other aspects. The leading role of one of them is not any absolute property. It can therefore be assumed that the state properties are associated with the territory have functions relevant to different aspects, namely: territorial issues in international relations assume versatile character.

The territory of the state as the basic element is associated with local history, nature, culture, tradition, and thus goes beyond the traditional geopolitical scene. Geopolitical shot characterizes territory in terms of: resources, location, shape of the coast, etc. [2, p. 4] The evolution of statehood began in modern times was very active in the presence of socio-cultural activities of the state, resulting in the formation of nation-states. It in a sense affects later introduction of the principle of the territorial status quo, which is the method of inhibition tendencies of individual empires for territorial expansion because of the need to respect the territorial integrity of existing states. Of course prerequisites to the development of that principle is much more, but the idea of the nation-state has found its special anchored in the concept of maintaining a permanent search of a new world order.

Two world wars have affected the decision to ban war as a categorical attribute of state power. The status quo gives expression to it, because it makes it impossible to benefit from the conduct of the war, which inhibits the incentive to pursue aggressive actions against any

state. The source of this is the Charter of United Nations, which after World War II became the guarantor of the collective security system and maintenance the global status quo. However, history teaches us that none contractual principle in international relations is stable enough in time to finally be deformed - such a state of affairs is depicted by the expression *panta rhei* (everything flows) that is, each state with respect to the given space-time is substantially different state, so its properties should be closely observed and repeatedly formulated, as a rule, is not even mentioned and durability is identified with fossilization – while it determines the occurrence of crises and revolutions. In the case of the concept of territorial status quo another rule enshrined in the Charter of United Nations is noteworthy namely: the rule of determination of nations, to which this elaboration has also been made due to the special relations and contradictions that exist between these two principles.

*The outline of the idea of the state and nation*

In distant times, when national idea could not find its place in political thought, Andrzej Frycz Modrzewski, an outstanding humanist, religious reformer and social, political journalist and writer, who lived in the sixteenth century, found the peaceful and happy life of the citizens to be a primary goal of the state. Whereas citizens were all people who lived in the Republic and were its members; the state should provide legal assistance to citizens and protect them from harm and exploitation [8, p. 40]. His demands included in a number of works are an expression of the fact that even then the problems of the nation (in this case: citizens) were recognized. The second half of the sixteenth century is the right major breakthrough in the understanding of the state because of the emergence of new forms of community – these are strong and numerous communities and take the form of modern European societies in which the development of social awareness leads to deepening cultural, linguistic, moral and historical individuality. Friedrich Meinecke created the theory, according to which nations are divided into political and cultural ones [9, p. 23]. Hence Edmund Lewandowski distinguishes Americans, Swiss, French, English as nations, for which national identity is based on the state (citizenship) from the Italians, Jews, Poles, Czechs, Slovaks, Finns, or Basques, for which the national identity is based on genealogy, language, culture [10, p. 44]. On the other hand, what is most important, the two models can be mutually penetrated and they permeate each other. Referring to the social identification by Norman Davies, the nation-state is one in which the vast majority of citizens are aware of a common national identity and belong to the same culture [3].

Classic state existed in the twelfth and eighteenth century (in the modern era) and was characterized by monarchial – ness, the exercise of absolute power, ruler of an independent and despotic, who was the creator of order and authority of the sovereign state as the subject of politics. Then the evolution of a rather complicated character followed. The French Revolution had place at that time. It was a base of a new post feudal order, and the conditions for the existence of the national idea [6, p. 34].

At that time we are dealing with widespread support in the international arena for the development of liberal democracy, which has become a political standard of states belonging to Western civilization [6, p. 21-42]. Liberalism preaches the idea of freedom of the individual. This freedom refers to the political and economic spheres. The main eulogists this theory include John Locke, who has made the work *Two Treatises of Government* – regarded as the first work of mainstream Liberal Charles de Montesquieu, and whose most famous work entitled *The Spirit of the Laws*. The fullest freedom of the citizens and other characteristics of liberal democracy have found their impact on resulting in 1776 the United States. The socio-political-economic representation characterized by the principle of social egalitarianism, pluralistic social model. Society of the United States, which is a conglomerate of European immigrants, worked out in each civic duty to care for the public good and

welfare of the community, despite individual differences cultural, economic, religious [6, p. 119-125]. Activation of the individual to the collective life has become a cornerstone of democracy. Democratic model is the institutional solution of reaching political decisions in which individuals acquire the power to decide through a competitive battle for voters [11, p. 336-337]. In contrast, liberal democracy is the wording of the policy concept, which is not based on the realization of the common good, but to ensure such conditions society to individuals who constitute it, have the opportunity to fight for the interests according to the established rules – laws that make the rivalry between units is non-destructive to any entity [5, p. 472-476]. The possibility to combine in one nation of many ethnic groups is a kind of sensation. The US Constitution, which provides for the completion of liberal thought, is the first such act that normativised liberal democratic system.

Liberal democracy is closely associated with multiculturalism. Marian Golka defines this phenomenon as a system of adjacent groups and their cultures, in which a fairly common and expressive is the interpenetration and participate to some extent in their mutual life [1, p. 99]. Colloquial term multiculturalism is a positive vibe global world system. It also had to loosen intercultural relations and release form of the state of nationalist tendencies, which have become a dangerous tool during World War II, as well as during the regional ethno-national conflicts, which often brings complexity to an impasse, and the formation of "frozen conflicts".

*Territorial disputes as the challenge to the integrity of the state*

The international system based on the United Nations in relation to national and ethnic minorities made one basic step that had to designate and emphasize the place of the individual in the world, namely, led to the formation of the international law, assuming the protection of human rights. It is one of the basic principles of democracy: everyone has the right to life and liberty, as well as other fundamental rights enshrined in specific legislation.

The fundamental document in this regard is the Charter of United Nations. Article 1 of the Charter says that one of the objectives of the United Nations is to lead to international cooperation in solving problems of economic, social, cultural, or humanitarian character, as well as promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language or religion [12, art. 1, § 3]. This record is an obvious attempt by the incorporation of intercultural dialogue universal system of the United Nations. Freedom and equality before the law, the individual is a simple principle, which is a unit of the impossibility of discrimination regardless of race sex, language or religion. Thus, the claims of national or ethnic minorities seem to be largely mitigated. Not quite but it happens. Still the world's trouble spots are conflicts over ethno-national, inter alia, they manifest themselves in secessionist tendencies. In this regard, please refer the Charter of United Nations, which regulates this issue legally as one of the unusual human rights, which does not refer to an individual, but a social group. There is a record in the Charter concerning the conditions to be met by a community to be able to legally secede. They are so called determination of nations principles are as follows:

- 1) The principle of self-determination of nations is organically linked to equality of nations.
- 2) An important element of that principle is free and genuine expression of the will of nations.
- 3) It is anti-Fascist.
- 4) Principle does not oppose to voluntary associations of nations.
- 5) Principle applies to all nations regardless of their level of development and forms of political existence.

6) Principle should be interpreted in conjunction with the other provisions of the Charter of UN [4, p. 535].

It is important to emphasize the importance of the right of the state to which the territorial area at issue. Self-determination for the people shall not be contrary to what is the law in force in the territory. The simplest and does not require a specific interpretation of the secession based on an international agreement for a specified period, after which the data can be disconnected voluntarily or as a result of the resignation of voluntary participation in a country with a federal level. It is also important in such situations is to determine the suitability of a given community to have their own state. If the chances of maintaining the sovereignty of the state unit promising as unlikely, you should seriously consider the desirability of the existence of a new state structure, which can only be a burden to the countries bordering the area – it is also necessary to have in mind, so as not to exacerbate conflict, ethnic and national level. Secession is not the only possible solution for existing ethno-national antagonisms.

Legislatively thing seems to be quite obvious. The integrity of the state should not be violated, if the law of the Member State provides otherwise. After all, the problem begins to take additional dilemmas due to the determination of certain ethnic groups who aspire to a separate existence on the political map.

*Liability of the new world order*

New world order, which followed the Cold War, the triumphant America's determination and its allies to the development of democracy, the growth of prosperity, peace and reduction of armaments. The period during which the new values are as applicable to the whole world, falls on the last decade of the twentieth century. President Bill Clinton in his speech at the UN General Assembly in New York September 27, 1993 expressed unambiguous objectives, confirming the above statement, saying: «In the new era of threats and opportunities, our main goal should be to extend and strengthen the community of democratic countries with a market economy. During the Cold War, we were trying to prevent the threat of free institutions. Today we want to increase the circle of nations that benefit from these institutions, as we dream of the day when the ideas and energy of every citizen of our planet will find full expression in the world of flowering of democratic states that cooperate with each other and live in peace» [7, p. 885].

It was a new situation, not only for the world, but for the sake of America, whose foreign policy has often distant and uninvolved in close relations with other countries. The collapse of communism has made the world began surprisingly quickly accept American ideals as the only right way to maintain the peace and prosperity in the world. None skepticism would not be able to stop thinking of the American-based democracy, free trade and international law. The illusion of the world endlessly professing the values of democracy was the target and the basis of the existence of a new world order with the United States as the main guardian of all these ideals.

Liberal approach, however, is not a solution to all issues in international relations, so that proclaimed the idea of freedom and equality of individuals, was real and fundamental norm of the modern world. Respect for different peoples, cultures, religion is a good practice. The problem is that Western values are cloudy and increasingly rejected because of the universality stemming from global processes. On the other hand, there are various types of statistical population whose cultures and religions are often characterized by fundamentalist, and therefore: they become much more significant and noticeable. Looking at the international system of the twenty-first century, you will see two major obstacles. We are dealing with intensive dissemination to the ever-growing globalization and particularism. This is a certain polarity providing two co-occurring processes: the universalization of

particularism and the particularization of universalism [6, p. 345]. In this case, none of the countries should forget that the national interest is a priority of state policy and approach to global issues should not abandon issues relevant from the point of view of the state and its citizens. This discrepancy in international relations makes the international system proves to be ineffective in some situations. Undertaken activities are performed globally based on the interest of the state, which takes the form of imperial in international relations. In this case the United States.

Given the history and the fact that none of empires survived the test of time, the world already looks to be the successor to the United States. Liberal democracy appears to no longer work in all corners of the world, and the opposition appears non-liberal democracy, which is an example of China seems to be much more attractive in times of capitalism.

The question is, what in connection with the durability of national borders, which according to the principles of democracy, are the basis for the integrity and sovereignty? Some areas are characterized by long tradition, norms, mentality, and others are much more susceptible to change and transformation. Whether, if there will be a new "world leader", he decides to deal with the dilemmas of the territorial status quo? "Everything flows", and therefore must be reconciled with the fact that the new cultural and social processes, as well as the political and economic, inevitably deformed states and nations? Another issue is whether the world is ready for a change?

Voices rising separatist movements in the global world seem absurd thing. However, their existence testifies about some unsung considerations of socio-cultural, where the desire to alleviate it is completely ineffective. The ideas of freedom and equality are now strained. Trying to find a new path for the development of Western civilization is increasingly inaccurate. As a result of the increasing role of Muslim civilization and Chinese civilization, the new world order becomes overvalued, and the position of the "West" is no longer quite as leading, as it was before. Moreover, the "dormant" conflicts on ethnic and national gain importance. Legal regulations which result from the activity of the United Nations Universal lose their driving force. Enforcement of international law is sometimes too inconsistent. Moreover, it should be noted that the international law in some cases leeway in the operation of the States concerned, what seems to be reasonable, but at the same time, however, stresses the importance of the national interest - as in the case of the legislation on secession, which gains legality, if State for which follow these demands, creates such a possibility in their law. The question is, what does this have to respect the people whose desire to achieve statehood in most cases is suppressed?

As a result of those conditions to maintain the current state of the world and the leading position of the United States is still doubtful. This begs the question of whether to maintain the current state of the world is necessary at all or whether it should be a principle *Panta Rhei* and give "baton" in new hands.

#### References

1. Golka M. *Imiona wielokulturowości* / M. Golka. –Warszawa : MUZA SA, 2010.
2. Gołębski F. *Balkany. Determinanty stabilności* / F.Gołębski. – Warszawa : PISM, 1982.
3. Davies N. Czy integracja europejska stanowi zmierzch państwa narodowego? [Electronical resorces] / N. Davies // Mode of access : <http://falanga.blog.pl/id,5484983,title,Czy-integracja-europejska-stanowi-zmierzch-panstwa-narodowego,index.html>
4. Florczyk A. *Stosunki międzynarodowe V* / A. Florczyk, T. Łoś-Nowak // Oficyna a Wolters Kluwer business. – Warszawa, 2010.

5. Maryniarczyk A. Demokracja [in] Powszechna Encyklopedia Filozofii II / A. Maryniarczyk. – Lublin : Wydawnictwo Tomasz z Akwinu, 2001.
6. Kaczorowski P. Nauka o państwie / P. Kaczorowski // Szkoła Główna Handlowa w Warszawie. – Warszawa, 2006.
7. Kissinger H. Dyplomacja / H. Kissinger. – Warszawa : Philip Wilson, 2002.
8. Kukulski J. Dziedzictwo Andrzeja Frycza Modrzewskiego w myśli politycznej / J. Kukulski, A. Marszałek. – Toruń, 2004.
9. Markiewicz B. Kryzys tożsamości politycznej a proces integracji europejskiej / B. Markiewicz, R. Wonicki. – Warszawa : SCHOLAR, 2006.
10. Lewandowski E. Pejzaż etniczny Europy / E. Lewandowski. – Warszawa : MUZA SA, 2004.
11. Schumpeter J. Kapitalizm. Socjalizm. Demokracja / J. Schumpeter. – Warszawa : PWN, 1995.
12. The Charter of United Nations, the Statute of the International Court of Justice and the Agreement establishing the Preparatory Commission of the United Nations // Dziennik Ustaw. - 1947. - № 23. - Pos. 90).

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#### **ТЕРИТОРІАЛЬНИЙ СТАТУС-КВО НОВОГО СВІТОВОГО ПОРЯДКУ**

*Новий світовий порядок на основі міжнародного права включає принцип поваги до цілісності держави і самовизначення націй. Ці два принципи на практиці часто виявляються несумісними. Територіальні претензії, конфлікти, сепаратистські рухи, що виникають все частіше, суперечать ідеї глобального світу. Поки багато суперечок у цій галузі залишаються невирішеними. Відповідно до правила Панта Рей може бути, що зараз саме той час, щоб реорганізувати міжнародну систему таким чином, щоб сучасні територіальні конфлікти не збільшувалися, а навпаки вирішувалися. Стаття описує юридичні питання та сучасну міжнародну ситуацію щодо дослідження можливостей ескалації територіальних конфліктів, що виникають в усьому світі.*

**Ключові слова:** цілісність держави, геополітика, глобалізація, новий світовий порядок, самовизначення націй.

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