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THE ISSUE OF GLOBALIZATION AND STATE SOVEREIGNTY

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The term globalization for the first time was used in the beginning of the XX century by Theodore Levitt in «Harvard Business Review» magazine describing “the process of merging markets for certain products manufactured by multinational corporations”[1]. But despite this fact, the problem and the process of globalization is more actual these days.

A lot of scientific researches have been made concerning this issue. Most of the scientists consider this process as a positive one, but some of them believe that globalization undermines state sovereignty. The only sphere where the process of globalization was prevailed on its first stage was economy which implies a global market but now it covers almost all spheres of the state and human life.

Globalization also has a great influence on the political sphere. A question appears in connection with this. Globalization and Sovereignty: are they compatible? Does globalization mean the end to the state sovereignty?

Under the present conditions the process of globalization that impacts on state-legal and socio-political life is very big and important. Until now there is no appropriate and precise definition to globalization. The essence of globalization is in the title of the concept. «Global» means something that is spread all over the world.

As it has been already mentioned, the process of globalization is considered from different sides: political, economic, social etc. For instance, American sociologist Roland Robertson defines it as “a process of ever-increasing impact of various factors of international importance on the social reality in some countries”[2]. In other words, globalization is a process of unification of any

definite areas that spreads on the whole international society. According to professor Marchenko M. N. “globalization is a two-sided process. From one side, it can provide the abundance, improve the productivity and raise its efficiency. And on the other side, it increases the inequality, makes it difficult to adapt to the new conditions, reduces the diversity and undermines civil society”[3].

To consider the concept of sovereignty we should answer the following questions. What is the meaning of sovereignty? What is the importance of this concept? Does it have any significance in modern conditions?

Georg Jellinek, a German public lawyer, considered state sovereignty as “an ability of the state to an exceptional legal determination. A sovereign state power, therefore, is a power that did not accept any other strong power over itself; thus this power is characterized as an independent and sovereign one” [4].

L.F.L.Oppenheim, a German jurist, also confirms the fact that sovereignty is “the highest power that does not depend on any other powers” [5].

However, despite the similarity of views of the most authors sovereignty acts as a kind of barrier to the states integration into a single global system and the way to progressive development of the world civilization. Taking into account nowadays` situation and conditions, sovereignty should be considered not only as the independence of the state on international arena but also as the state`s non-obedience. Though, these concepts are closely interrelated with each other their meanings are not absolutely identical. Independence means a complete freedom that is not debatable on international arena and non-obedience means the same freedom but including the liberty of the other states too.

In order to prove that globalization can not be realized without some limitation of the state sovereignty the following example can be given. The 3rd part of article 4 of the Constitution of the Republic of Kazakhstan specifies the following.

The international treaties ratified by the Republic have priority over its laws and are implemented directly, excepting the cases, when the international treaty requires the promulgation of a law. In other words, the law indicates that the international instruments take precedence over national legislation.

According to the dualistic theory of interaction between national and international law, there is a statement that the national and international laws are two separate legal systems. Without denying the possibility of a collision or interaction of these law enforcements, the supporters of dualism believe that the national law does not apply to international legal relations. In this case, the prevalence of the dualistic theory is obvious. It can also be considered as a consequence of globalization in the modern world [6].

A question about the national sovereignty is one of the key issues in the field of private international law (PIL). In PIL theory and practice there is the concept of "immunity" states which is based primarily on the fact that each state has its sovereignty, the fact that all the states are equal (the principle of sovereign equality of states). According to judicial immunity, a state can not be brought to the court of another state. However, not all the cases provide this type of state immunity. Contracts and transactions in the commercial field do not accept this theory. Foreign trade transactions do not recognize the immunity of states, therefore, do not recognize their sovereignty. Such characteristic has the conception of the functional or limited state immunity which takes place in the sphere of economic turnover.

Accordingly, the prevalence of globalization in the economic sphere has been proved.

Supporters of the fact that globalization is necessary for a whole society process and supporters of the idea that globalization exacerbates the situation of a state pose a single controversial question: Is there a necessity in security? The difference is that the supporters mean the security of certain countries in particular and the dissenters mean the international security, which is more important. If there is no security at international level, how can we talk about the security at a private level? To ensure the safety inside the state, the security should be provided in the whole world at first.

The president of Kazakhstan Nursultan Nazarbayev in his message to the people of

Kazakhstan "Nurly Jol" stressed that based on his considerable experience he had a feeling that "the upcoming years are going to be the time of great trials for a whole world and for us as well. Not all the governments are able to pass with dignity through this rather complicated stage. This milestone is crossed only by the strong and united people and states" [7]. .

In fact, during the period of globalization no country can exist in isolation from the other states. The head of the state Nursultan Nazarbayev since the independence in 1991 has set the task of integration of Kazakhstan in Central Asian countries, the countries of the former Soviet Union, United States, European countries and some other developed states.

There are several blocks of integrating character in the world with whom Kazakhstan is closely cooperated. Kazakhstan is a member of such international organizations as the UN (United Nations), the OSCE (Organization for Security and Cooperation in Europe), the IMF (International Monetary Fund), World Bank (WB), EBRD (European Bank for Reconstruction and Development), ADB (Asian Bank Development), SIC (Organization of the Islamic Conference) and ECO (Economic Cooperation Organization), TC (Customs Union), EAEC (Eurasian Economic Union). Kazakhstan has the diplomatic relations with 139 countries - the members of the UN.

In conclusion, I want to say that some politicians oppose globalization and state. From their points of view, globalization is the process of establishing the dictatorship of world powers over the economy and politics, social and ideological aspects of the other countries in the world. In this connection the borders of sovereign states, their patriotism and people themselves are not so important factors. Of course, such opinion has right to exist. It coincides with the theory of limited sovereignty during the expansion of globalization. However, we can not assume that globalization is a conspiracy of world powers or "world government" against the rest of the world. We should admit that globalization is a natural process that changes the world qualitatively, including the international relations in its all manifestations. That is why this process requires more effective regulation and development of unified rules and standards of living in the world within the frameworks of the UN and other international organizations.

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HISTORICAL AND CULTURAL SIMILARITIES OF KAZAKHSTAN AND SOUTH KOREA AS A FACTOR OF INTERNATIONAL COOPERATION.

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The Republic of Kazakhstan occupies an area of 2.7 million square kilometers. On its territory