COMMON FEATURES OF REGIMES AND NEGOTIATIONS IN COMMUNICATION FIELDS WITH GLOBAL COVERAGE

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Abstract: Globalization and networks' communication are two interrelated aspects; globalization is impossible without efficient and quick communication. But the activities realized in the communications' field must be governed – in order to be efficient and to work smoothly – by principles, rules, norms and procedures for actions' taking in those specific areas of international relations. Here appears the necessity of regime's creation in communication's areas, regimes which are born from the common interest of the nations of the world to create efficient links among them.

How could we think about globalization without talking about communications? What globalization is, if it is not the men's, business' and society' capability to gather information from whole of the world in real time. How can we imagine the globalization of tourism, trade and information without having airplanes, ships, postal communications (which work together with air and sea communications) and radio. Here we must note that there is a strong link between radio communications and air transport, and between radio communications and sea transport. But in order to have safe airway and seaway transportation, and to avoid human looses and material damages, there must be provided with high accuracy the weather peculiarities. This is another direct link between surveillance satellite communications and airplanes and between satellites and ships.

All these – air, sea, postal, radio, and information's sharing regarding weather – have a global coverage, and each one of them must be regarded with a global perspective in mind. A good proof which underscore this point is the fact that there was created for each one an intergovernmental institution with statute of specialized agency, linked to the United Nations Organization. As this is an organization with universal (global) values, what proof is needed anymore to demonstrate the global character of the institutions which focalize upon air, sea, postal and radio communications?

But here it is noteworthy to be mentioned that all these institutions help states in sharing and changing information, in optimizing the global communications' activity, and in creating convergent expectation and modes of action in the specific field. These expectations are the base for international regimes in international communications, and these regimes comprise principles, rules, norms and procedures for specific actions to be taken in that field.

International communications are the material instrument which provides the links among one national economy with the other economies from the world. They provide the production process' continuation in the global economic circuit and represent a complex technical-economic system through which a part of social product obtained is sell on external market, for another necessary goods for that economy, directly contributing to the structure's, quality's and quantity's changing in gross domestic product and in gross national product.

The infrastructure networks and the means of transport and communication actively contribute to export-import process, influencing this process' results; but the transport and communications activity is an activity which belongs to tertiary economic sector and generates expenses which contribute to international goods prices' establishment. These infrastructure networks provide the base for trade's development, which facilitate the accumulation of wealth and the rising of civilization level

for all those which are part in this process. Exactly this benefit resulted from trade seduces all the nations of the world, doesn't matter which religion share different nations and which language speak different people. These infrastructure networks and trade rises the interdependence degree among the nations of the world.

Furthermore, the development of transport and communication during last half century has facilitated the international tourism's and trade's development, international investment's proliferation, sustaining the capital, services and labor force movements between different geographical points.

As a result of modern technologies applied in transport and communication, the production activity has been influenced in a tough manner. Globalization isn't possible without transport and communication networks; globalization is quasi-free and cheap due to communication's revolution. And as the networks and computers are inseparable,[1] together with the telephone, the computer provides, along with satellites this revolution's manifestation.[9] Computer and networks have facilitated the relocation of production activities, changing even the way in which the production's activity is organized: there have taken place a modifying working ways, from a hierarchical institution to a network, the links among different "nodes" being provided from a "virtual office".[9]

Trade not only "cure fatal prejudices",[10] but the huge economic, cultural and social exchanges determine interdependences' rising among the nations of the world such a degree, that even international politics become modeled by those exchanges and interdependencies.[11]

Transportation and communications, apart they are basic for international trade and tourism activities, for production in a global network, they connects peoples which belong to different cultures, and through this connection there is facilitated the technical knowledge transfer. Toynbee argue that a technology pervades and is accepted easier in a society where people share a different culture in comparison with the culture of the people from where that technology emerges, while a religion pervades and is accepted very hardly.[8]

Cultures "broke" the world and technology "unite" it. Even if in different countries there is spoken different language and people share different religions and different aspirations, technology "speaks" on the same language for all of them. For example, the airplane over-fly different countries, with different cultures, but that airplane has the same technical characteristics all the time. It is a *technical mean* which unite different people from different nations.

But in order to provide maximum benefit, these technical innovations which are applied in transportation and communication areas, must be accompanied by juridical arrangements which would increase the efficiency for those implied in international activities, providing predictability, information's gathering and sharing, international surveillance, and "punishments" for those which cross the established rules.

International governmental institutions in communication areas provide the framework for the rules' establishing and for generating new rules, norms and procedures, being in the same time the "surveyor" of the activities attained by all actors implied in international communication activities: states, companies, people.

Along with international law and with international institutions, *international regimes* use the principle of equality among their members, diminishing power and resources differences, providing weak and small countries with facile instruments for attaining their interests.[8] The great merit of international regimes in communication field is that they provide governance for transport activities without a government, and this is possible due to a continuous negotiation process.[14]

There are four communication areas where the actions of the actors on international arena – states, traders, services providers, peoples – impose the governance's providing through international regimes' creation.[2] These four areas are:
- postal communications;
- telecommunications;
- maritime transportation;
- airway transportation.

The activities specific to these four fields succeed in combining the conception of exclusive control over a well defined geographical area, with acting unbarred on international arena, peculiarity which comprised the whole modern international system.[3] The specific activities provided in these four fields are governed by specific regimes with *global coverage* and different problems' solving, and the making of rules of acting, too, for those implied in international communication activities, must be solved having in mind a *global perspective*. Airway transport provides all of the continents' connection and links all the countries from these continents. Seas and oceans link together all the continents. Postal communication has a direct link with maritime transport or – especially in last decades – with airway transport. Telecommunications provide instant data and information transfer on global level, and the surveillance of the activities in maritime and air transport, which, as we have noted, have a global coverage. The onset of these activities couldn't be else, but a global one.

The aim for negotiations in these fields has always been the solving of disputes which appear in the activities provided in those four domains, through the establishment of a *regime*, accompanied by institutional arrangements. "Such a perspective is one which would produce effects in the long run, and it could be the classical way for solving political disputes with international dimension."[4] The results of the negotiations carried on for the purpose of an international institution's creation belong to the category of negotiation which establish a regime, and international regimes and institutions appear as legal constructions.[4] The *multilateral* negotiations carried on in the specific context of the last half century, have been evolved in order to codify the rules which established specific legal standards for a specific field of international relations. The negotiation carried on in the communication areas posses the same characteristics, too.

But the distinctive feature of those "treaties which create norms" face-to-face with the "contractual" negotiations is this: in a contract, the parties look to regulate their relations through the rights' and obligations' defining. A "normative treaty" is *a multilateral agreement* arrived at by more states, which provide the creation of norms to influence the subjects being under their jurisdiction, and those states, in their interactions, too.[4] Specific "treaties" with normative character could be found in the legal instruments from international communications fields.

The distinctive features of post-agreement negotiations in regimes established in activities with global coverage are as follows:[12]

1) during the regime's creation:
- the negotiations are very formal and institutionalized;
- the negotiations are multilateral and fluid;
- the negotiations cover a great number of issues, which could modify and which could be redefined as the negotiation process advances;
- in the negotiations, there are present much NGOs;
- the negotiators are very experienced;
- the negotiations have many times only partial results;
- in the negotiations regarding global regimes, the structural factors – power and hierarchy being the key-elements which define the international relations' structure[5] – strive to influence in the greatest measure the negotiations' results.

2) the negotiations which provide regime's governance:
- are characterized by the preeminence of aspects with technical character;
- they involve only few changing regarding the problems' portfolio;
- they aren't subject to external influences;
- a lot of aspects during these negotiations are solved during informal meetings, through simple agreement upon them.

3) the negotiations carried on for the regime's adjustment:
- the process of these negotiations strive to be influenced by external factors and events;
- the regime's adjustments through negotiations is motivated by the modifying of the issues' importance on the agenda of regime's members;

4) during ratification's negotiations of those agreed upon at international level:

- the negotiations need a long period of time in order to solve the legal aspects at domestic level;
- the negotiations strive to be formal and to be carried on in some specific institutions;
- NGOs strive to be salient during these debates;
- the participants are almost al the time negotiators with strong experience.

If at domestic level the negotiations strive to be dominated by *political aspects*, at international level, they have a prominent technical character and they imply new actors; and when external events and changes in the power field started to put significant pressure on the regime, the negotiations are necessary, in order to adjust the rules and the norms upon which the regime's work is based.[12]

In comparison with regimes with regional coverage – where the character of the problems and the existent situation influences the negotiations' result – in global regimes the factors which depend upon the actors' sway and upon the international system's structure strive to influence the negotiations' results in the greatest measure.[12]

Having in our mind the fact that maritime and air modes of transportation, and the postal communications, and telecommunications too, are services which have to be square up to a global manner, the international institutions which focalize on these aspects are – definitively – institutions with a global perspective. Furthermore, in all those four fields remembered before, there exists an international organization with governmental character, which is in the same time a specialized agency of UN – which is in her turn an organization with global, and universal vocation. These four institutions are:

- ITU (International Telecommunications Union) – focalizes on international communications (through cable, satellite, or radio);
- UPU (Universal Postal Union) – focalizes upon international postal activities;
- ICAO (International Civil Aeronautical Organization) – regards airway transportation;
- IMO (International Maritime Organization) – regards the peculiarities of maritime transportation.

Together with the UN, other governmental and non-governmental organizations provide a continuous and facile framework for the sustainability of international contacts and they offer an efficient place for the negotiations' carrying on, through which the *evolution* of specific regimes in these areas is guaranteed.

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