LEGAL GLOBALIZATION AND UNKNOWN OF DEVELOPMENT: THE CASE OF CHINA DURING GLOBAL CHALLENGES

On May 1, 2017 the World Expo Museum was open for operation to become an innovative international museum in China and the very best example of unique initiative of Shanghai Municipal People's Government with a purpose to educate the public. The World Expo Museum comprehensively demonstrates World Expos’ historical value, impacts of global change and regional outline of human development trends. The paper revises author’s vision of the future of global governance from the perspective of China-foreign interactions experience. Analyzing legal globalization from the aspect of involved agents, the author presents a case study of World Expo 2010 that signifies Shanghai's status in the 21st century, shifting from "the next great world city" to “the excellent global city”. Establishment of the World Expo Museum is explained as a subsequent result of international cooperation and a ‘bottom-to-top’ policy of global importance. Ongoing development of museums/expos is seen as a global innovative trend of eco-environmental intercultural exchange and a creative project for future generations, while China continues extending openness to the rest of the world. China is actively involved in global governance reform and a global agenda that defines the future of dignity, security and mutual benefit is noted. These provisions demonstrate that the rest of the world needs more information about China.

Expo 2020 Dubai has been postponed due to COVID-19 by a one year following the global mega event running from 1 October 2021 to 31 March 2022. It can be thus said that such actions show a global collective desire of mutual cooperation in times of undecidable global challenge.

Keywords: China - Global city -Global governance- Legal globalization- Shanghai – World Expo Museum.
1. China’s actions in legal globalization and governance

Since COVID-19 crisis is a product of globalization, its impact on cultures and legal systems is colossal. Since the early 2000s national and supranational governments began to implement global rules for further integration and competitiveness, giving birth to legal globalization [1].

In the era of globalization, the idea that openness and connectivity, mutual sharing and acceptance of the best achievements are to become key elements of foreign policy of modern state has been gradually developed.

Historically speaking, China actively participated in formation of legal globalization, since times of Ming Dynasty (e.g. early China-Portugal relations) to the times when the Chinese Government first framed the Going Global Strategy for firms in China,
making the outward expansion of business enterprises a major strategic initiative for the future economic development of the country [2, p. 144].

Nowadays China gains its own role in globalizing legal norms and practices.

Firstly, China has developed new architectonic of a overall openness and cooperation with other countries in eco-environment protection alongside Belt and Road Initiative [3] (BRI), the brainchild of the President Xi Jinping.

The Initiative has gained the features of a Global Project and covers the spirit and actions of two initiatives.

1. the new “Silk Road Economic Belt”, which is primarily land-based and is projected to connect China with Central Asia, Eastern and Western Europe;

2. the “21st Century Maritime Silk Road” Initiative, which is a sea-based project aiming to bond China’s southern coast to the Mediterranean, Africa, South-East Asia, and Central Asia.. By Xinmin Ma, this initiative «…calls for maritime cooperation among States based on the principles of consultation, contribution and shared benefits in order jointly cope with risks and challenges. China has advocated international cooperation and achieved fruitful outcomes in fields of international shipping, maritime scientific research, marine environmental protection, and maritime safety and security” [4, p. 9].

The BRI’s open-ended framework also has expanded in China’s growing global projects:

- “Digital Silk Road” – Information technology development (fiber-optic cables, 5G networks);
- “Space Information Corridor” – Manned spaceflight, lunar exploration, high-resolution satellites, etc.;
- “Polar Silk Road” – Arctic policy, which declared a “Near-Arctic State.” (infrastructure in the Arctic and trial voyages).

It is obvious that China is a main driver of a world economic development, although China is a middle-income developing country, with a per capita GDP of 21,772 trillion International Dollars (2018). The most recent data from discussions on the 2019 Article IV Consultation of International Monetary Fund Mission to China (IMF 2019) give trend that “China’s economic growth is expected to moderate to 6.2 percent and 6.0 percent in 2019 and 2020, respectively, as the planned policy stimulus partially offsets the negative impact from the recent US tariff hike on US$ 200 billion of Chinese exports. Growth is expected to gradually slow to 5.5 percent by 2024 as the economy moves towards a more sustainable growth path. Headline inflation is projected to rise to 2.3 percent in 2019, reflecting higher food prices. The near-term outlook remains particularly uncertain given the potential for further escalation of trade tensions” [5].

China’s history of fast-growing wealth is based on foreign trade, foreign diplomacy closely linked with residence of foreigners. Prof. Branko Milanovic gives his own proffs concerning reasons why China-foreign interactions experience is different than in the United States, Great Britain, France, Germany or Russia.

He explains that China was “…during most of that time either invaded by foreign troops, or had foreigners manage activities that are normally reserved for nationals (budget, trade policy, education); or because foreigners enjoyed extraterritorial status (could not be judged by Chinese courts), or because they ruled parts of the county, or finally because China had foreigners heavily involved in its life be it as humanitarian workers, missionaries, technical experts or military advisers. Because of such intimate connection
between major powers and China, Chinese internal political history is as much a history of dealing with foreigners as it is about inter-Chinese politics [6].

Secondly, China actively participates in achieving of the 17 Sustainable Development Goals (SDGs) of the 2030 Agenda for Sustainable Development. To implement the SDGs the Chinese government released its National Plan on Implementation of the Agenda (2016) [7].

Thirdly, as a responsible major country, China is focused on importance of city planning as a main course of development strategy within the practice of "One Country, Two Systems". For example, in February 2019 the Central Government promulgated the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area. It is a national strategy personally devised, personally planned and personally driven by President Xi Jinping.

The Chief Executive of Hong Kong, Mrs. Carrie Lam made a statement that benefits of the Greater Bay Area to Guangdong, Hong Kong and Macau are multiple. She said, “We are all very committed to building a bay area economy which is open, which is international, which will consists of an international innovation and technology hub which has the personal support of President Xi Jinping himself.” [8].

Mrs. Carrie Lam also focused:

‘…To deepen understanding of the development of the Greater Bay Area in the wider society in Guangdong, Hong Kong and Macao, the Hong Kong SAR Government will launch different forms of publicity and promotional activities to allow enterprises and the public, and young people in particular, to understand and grasp the opportunities brought to them by the development of the Greater Bay Area. We also attach greater importance to our overseas promotion efforts [8].

As President Xi Jinping mentioned in his speech at the meeting with the Hong Kong and Macao delegations from various sectors in celebration of the 40th anniversary of country's reform and opening up on November 12, 2018, the Greater Bay Area is to be developed under the conditions of one country, two systems, three customs territories and three currencies, without any precedents internationally. We should be bold in experimenting in order to break new ground’.

II. Global city and the world in undecidable times: Shanghai development in the era of openness and reform

In order to understand the importance of Chinese central governmental actions for legal globalization, let us reveal the essence of Shanghai 2035 - a highly influential legal document that plays an exemplary role as the first master plan of a megacity to envision as far as 2035 and the first one approved by the State Council following the 19th National Congress of the CPC. “The document comprehensively implements the spirit of the 19th National Congress, takes Xi Jinping’ s thought on socialism with Chinese characteristics for a new era for guiding ideas with a clear stand. It comprehensively implements the basic policy of upholding and developing socialism with Chinese characteristics for the new era [9].”

However, Shanghai is not situated in the center of China geographically, strategically speaking - Shanghai is a super international financial center, supreme region, a global city with an influence in economic, cultural and environmental protection.
It is worth to stress that Shanghai has manifold relations with the rest of the world. After the Treaty of Nanjing 1842 and opening Chinese ports in 1843, Shanghai became a highly open and international city to meet the needs of foreigners - mostly Europeans and Americans [10].

According to Professor Pan Guang, from 1933 to 1941, Shanghai accepted almost 30,000 European Jews who escaped from Nazi Persecution and the Holocaust. Excluding those who left Shanghai for other countries, by the time of the Japanese bombing of Pearl Harbor in December 1941, the city was sheltering 20,000 — 25,000 Jewish refugees. Prof. Pan Guang presents the data of the Simon Wiesenthal Centre on Holocaust Studies, according to which Shanghai took in more Jewish refugees than Canada, Australia, New Zealand, South Africa and India combined [11, p. 65].

Thanks to promotion of internationalization, since 1978 till spring of 1989 Shanghai faced huge economic changes and was a center of international finance.

In 1990, the government of Peoples Republic of China announced the launch of the project for development and further openness of the Pudong area, proposed by Deng Xiaoping. This program gave platform for Shanghai to participate in international economic dialogue together with other global cities - London, New-York, Tokyo and Paris.

Since 1992 up till now Shanghai has been known as the center of economic development.

Nowadays the Shanghai Master Plan 2016-2035 proposes a long time goal for a 15 years period for Shanghai to become an excellent global city. By 2020, Shanghai will gain global influence and will become a scientific and technological center. In addition, Shanghai will keep a strong position of cultural, ecological, maritime global influence city.

The Shanghai Master Plan 2016-2035 is organized and prepared by Shanghai Municipal People’s Government and is approved by the State Council. It serves as the basis and official document for city planning, construction and management within the jurisdiction of Shanghai. It is also an important document to guide the future development of Shanghai, and a development blueprint to realize “Better City, Better Life”.

It is interesting that the ‘Moto ‘Better City, Better Life’ first appeared as a motto for Expo 2010 and revealed idea of the exhibition in Shanghai.

China's first world's fair and the largest in history by size, attendance, and international participants, Expo 2010 saw the largest world's fair attendance in a single day: over one million of visitors on 16 October 2010.

Back to the history of the event, it is worth to mention that Shanghai Municipal People’s Government has rated the World Expo Museum (WEM) project as a major cultural facility construction project in its “Twelfth Five-year Plan”. The project started on November 23, 2010, when Shanghai Municipal People's Government and the Bureau of International Expositions (BIE) formally signed the Memorandum of Cooperation on the World Expo Museum in Paris, France, which defined the World Expo Museum as the only official museum and authorized documentation centre of BIE.

The WEM site is selected in Block 15-02, the 15th Neighborhood in the Culture Exposition Area of the original Expo Shanghai Site, north to East Longhua Road, south to Jumen Road, west to Block 15-01, and east to Mengzi Road. It takes a land area of 4 hectares, a total floor area of 46,550 square meters, and a total open management area of 90,580 square meters. The building height is 34.8 meters (6 floors are above ground and 1 floor underground). It was commenced at the end of December 2013, and The WEM is a new cultural landmark in Shanghai [12].
Today the World Expo Museum helps to present how the World Cities are seen in China through expo pavilions and local exhibitions in general. Expos inspire cultural tourism and mass audiences visitors travel all over the world in one single city [13].

Historically speaking, Chinese museums divulge strong economic, political and cultural ties with European and Post-Soviet Countries, including Ukraine. A great surge in Sino-Ukrainian cultural and economic cooperation is happening now.

E.g., during the 2nd Belt and Road Forum for International Cooperation (BRF) in Beijing on 25-27 April 2019, Ukrainian delegation offered a joint project portfolio: development of port infrastructure, alternative energy facilities, construction of highways and bridges, development of railway and airport facilities, high technology, cooperation in aerospace, processing of agricultural products.” Ukraine seeks to develop cooperation on the modernization of Ukrainian industry and to create joint production facilities. During the forum, the Ukrainian delegation agreed to sign an investment agreement between the governments of Ukraine and China totaling $ 340 million. USA to build a bridge across the Dnieper in Kremenchug. Advancing, Ukraine will participate in development of Ukraine-China BRI Road Map [14, p. 17].

According to the list of deliverables of the second BRF, Ukraine will participate in Multilateral Cooperation Mechanisms under the BRF Framework. The National Art Museum of China and 21 art museums or major fine arts institutions from 18 countries including Russia, the Republic of Korea, Greece, Belarus, Kazakhstan, Viet Nam, Sri Lanka, Ukraine, Lithuania, Bulgaria, Bangladesh, Hungary, Turkey, Moldova, Armenia and Poland, jointly founded the Silk Road International Alliance of Art Museums and Galleries [15].

Ukraine will benefit from the best experience and effect of the museums and expos with the impact they made on the host cities and the result of achieving social goals, such as:

- support Peoples cultural confidence,
- improve historical basis for legal globalization,
- promote patriotic campaign – e.g. WEM is the patriotic pride for a taining glory for China.

III. Chinese wisdom, mutual benefit and guides for developing countries

Waiting the above features of BRI’s innovating China’s verbal discourse, legal actions and ways of participation, it is worth to mention that the reform of the global governance system can not be achieved without the injection of new forces. By He Yafei, China’s success in domestic governance will bring oriental resources and Chinese wisdom to global governance [16].

There is a strong vision among American researchers that initial political success of China’s BRI is instructive. A long and still-growing list of countries has signed onto the BRI because it speaks to the hopes and aspirations of developing countries. As many countries have become wealthier, their interests have progressed from covering basic human needs to issues like energy, power, trade, and investment. China has tapped into these interests by offering large amounts of government financing, working bilaterally, and promising to deliver projects quickly. It has been successful largely because it is willing to assume risks that other investors have not, whether legal or illegal. In too many cases, China’s offer is not the best choice but the only option for developing countries [17].
Nevertheless, it is important to agree with Bellabona, P. and Spigarelli, F. that for developed countries, Chinese investments represent an opportunity to protect employment and to give new strength to assets no longer of strategic importance for internal development, in stagnant or declining sectors. For developing countries, China offers the possibility to grow, bringing them financial, technological and skills resources [18].

In the article “The China Miracle Demystified” Chinese researcher Justin Yifu Lin gives his answers to an interesting question:
- “Can other developing countries achieve a similar economic performance?”

Remarkably, Justin Yifu Lin gives a durable solution:
“..In the reform process it is desirable for a developing country to adopt a dual-track approach, providing some transitory protections to nonviable firms to maintain stability but liberalizing entry into sectors in which the country has comparative advantages to tap the advantage of backwardness. If they can do this, other developing countries can also achieve stability and dynamic growth in their economic liberalization process…”

After visiting China as a national of a country in Eastern Europe, I wonder - can other developing countries achieve a similar economic and cultural performance during Corona Crisis? I can reassure you: the answer is “YES!”

Conclusions. Mr. Liu Zhenmin, Under-Secretary-General of the Department of Economic and Social Affairs at United Nations Organization once declared:
“Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels [19].

This paper has surveyed the role of China in formation of legal globalization. China actively participates in global governance reform and global agenda setting to chart the future of dignity, safety and mutual benefits. The article reveals that the rest of the world needs more information about China. For now there should be an answer to a question – how to change the mechanism of understanding China from the USA and the rest of the world? Here comes the Chinese saying: ‘Only by learning extensively and accumulating profound knowledge can one be ready to achieve something’. Accordingly, Chinese experience of governance during COVID-19 pandemic is an evidence that developing countries should focus on technology, demographics and quality of education. At the same time, for China to augment its global position as one of the leaders in cultural identity promotion, there is a need for a system of envoys and official representatives who will transfer the knowledge and present the atmosphere, cultural heritage, traditional attributes and elements to build ‘a community of shared destiny’ despite global Corona Virus altering the life of nations all over the world.

Список використаних джерел:


8. CE’s speech at Symposium on the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area. URL: https://www.info.gov.hk/gia/general/201902/21/P2019022100429.htm


References:

12. Functional Positioning of World Expo Museum. URL: http://www.expmuseum.org/sbbwg/n137/n139/n216/n217/n221/u1ai20658.html

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