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**SOVEREIGNTY: THE KEY TO BRIDGE THE GAP BETWEEN IR PRACTITIONERS AND ACADEMICIANS**

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**NOT TO CITE**

## **INTRODUCTION**

The notion of sovereignty has traditionally been defined using the groundwork laid by the Westphalia Treaty of 1648, and as such it is an indivisible and absolute idea. In modern tradition, the Montevideo States Conference of 1933 reinforced the idea of classic sovereignty by declaring that a State needs territory, population and an established government in order to be recognized as sovereign. Nevertheless, new actors and concepts have, in the XXIst century, attacked the foundations of sovereignty. Amongst these, human security, humanitarian intervention and the expanded role of civil society and NGO's have questioned the traditional definition of sovereignty.

In addition, cultural and social traditions as demonstrated by constructivist theories have further eroded the basis of sovereignty by putting forth the notion that sovereignty can differ in its interpretation from country to country, and culture to culture. Furthermore, most decision makers within the field of international relations also differ from academicians as to their understanding of the term.

They equate sovereignty with their ability to exert power and avoid impositions, whether from within the state or from the outside while those in the academic world go beyond the power sphere in their definitions of the term. As such, it can be argued that a new approach towards the definition of sovereignty can eventually help bridge the gap between those in the public field and those in the academic world.

### **CLASSICAL APPROACHES TO SOVEREIGNTY**

Within the study of international relations, sovereignty is best defined by the realist paradigm. “According to [it], the central feature of the world is that it is divided into a series of territorial, mutually exclusive, exhaustive, sovereign states.”<sup>1</sup> These states enjoy an internal sovereignty defined by their capacity to exert power over the people in its territory. However, some argue that “a state is not sovereign simply because it establishes control over a given piece of territory and its people, but rather is sovereign because it is recognized as sovereign by the other states in the international system.”<sup>2</sup> This is what is called external sovereignty.<sup>3</sup>

Internal sovereignty is associated with the concept of domestic order and as such, of a domestic hierarchy. “Hierarchy is, and always has been part of

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<sup>1</sup> See Internet: [www.yorku.ca/dmutimer/IRTheory.htm](http://www.yorku.ca/dmutimer/IRTheory.htm)

<sup>2</sup> Ibidem

<sup>3</sup> An example can be seen with Afghanistan throughout the years of the Taliban regime, when Taliban controlled over 97% of the population and more than half of the territory yet they were only recognized as a state by three countries – Pakistan, United Arab Emirates and Saudi Arabia -, to others they were a rebellious regime. Technically they lacked external sovereignty.

international relations. From the empires that dominated the ancient world to the colonial ones that ruled the nineteenth century, ... sovereignty is a type of authority relationship.”<sup>4</sup> Within the local realm of a state, this authority is essential in order to govern, as it defines the relationship between a sovereign and its people. As such, it has been a pillar of international relations since 1648.

Likewise, territory is also a basic concept in state and sovereignty theories. “Internal sovereignty requires effective control over the territory claimed by the state.”<sup>5</sup> What happens then to nations such as the Palestine one that has struggled throughout the last fifty years over a piece of land? They are people without territory and, consequently, they are not recognized as sovereign in the current international system; although, the UN has accepted their right to be part of it and even if it is so only marginally.<sup>6</sup> It means that classic sovereignty as we understand it is changing.

As for external sovereignty it “implies a relationship of formal equality. As Kenneth Waltz (1979:88) describes it, between sovereign states, ‘none is entitled to command; none is required to obey.’”<sup>7</sup> Furthermore, sovereignty is said to be mutually exclusive meaning that only one state can control a given piece of land and has the right to do so in the way that best fits its interests and aspirations.

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<sup>4</sup> Ibidem p. 304

<sup>5</sup> David A. Lake, “The new sovereignty in international relations,” in *International Studies Review*, Vol. 5, issue 3, September 2003, p. 305

<sup>6</sup> The Palestine are accepted as observers to the UN

It needs to be stated that Palestine was usually called a nation until it was given rights over certain territories, then the international community began talking about a Palestine State.

<sup>7</sup> David A. Lake, op. Cite., p. 305

This fact explains the concept of anarchy associated with the international system and especially, the realist paradigm. It is that of an anarchy defined by the billiard balls image where all states compete for their own interests but none can legally impose its views and interest over others. This idea of anarchy defies supranational international organizations as entities above the states.

Furthermore, external sovereignty was conveniently redefined in classical terms during the cold war. For those countries in the West it became part of its founding international values, for those in the East, it protected them from foreign intervention and it allowed them to create their own system and for those in the so called third world, it provided them with the arguments necessary to justify decolonization and autonomous movements.<sup>8</sup> Nevertheless, with the demise of the Soviet Union and the arrival of an alleged new world order, the alliances that had been formed, in many times by long time adversaries in order to protect themselves from a common enemy and that served to promote a feeling of sovereignty, were broken giving rise to what are now called failed or collapsed states, as in the case of former Yugoslavia.

#### **THREATS TO CLASSICAL SOVEREIGNTY**

The Yugoslavia case and other threats from within are part of the challenges that classical sovereignty faces in the twenty first century. Amongst these are international organizations both governmental and non governmental.

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<sup>8</sup> Bertrand Badie, *Un Mundo sin soberanía: Estados entre artificio y responsabilidad*, Bogota, tercer mundo Editores, 2000, p. ix, translation by Maria Teresa Aya Smitmans

International Governmental Organizations – IGO’s – have embraced the idea of globalization and as such, they believe that “the protection of the environment, demographic problems and poverty [amongst others] are no longer compatible with a traditional administration of public goods: they require different ways of acting that are difficult to implement within the realm of classic post medieval state principles.”<sup>9</sup>

In addition, civil society and non governmental organizations – NGO’s – have augmented their influence on state decisions to the point that

“private enterprises interact with and influence states each day more, the relocation of companies, financial deals, communications transactions and migratory patterns no longer obey the rules of classic sovereignty; they are not domestic questions nor international ones. States have [also] lost the monopoly of war in benefit of a number of actors that include religious, tribal, ethnic ... and mafia groups that bypass sovereignty laws in their actions. ... As such, states are no longer absolute and indivisible.”<sup>10</sup>

Likewise, identity problems have created further challenges to the idea of sovereignty. Furthermore, there has been an “increase ... [in the] importance of popular sovereignty”<sup>11</sup> that combined with the introduction of human security into the international arena questions even more the validity of a classical definition of sovereignty.

Human security states that traditional “security has for too long been interpreted narrowly: as security of territory from external aggression, or as protection of national interests in foreign policy. ... It has been related more to

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<sup>9</sup> Bertrand Badie, op. cite, p. x, translation by Maria Teresa Aya Smitmans

<sup>10</sup> Ibidem, p. x, translation by Maria Teresa Aya Smitmans

<sup>11</sup> International Commission on Intervention and State Sovereignty, “The Responsibility to Protect: Background Research, Part 1, Section A: Elements of the Debate,” [www.iciss.gc.ca](http://www.iciss.gc.ca), pg. 8.

nation-states than to people.”<sup>12</sup> As a result they argue that given the increased importance of civil society within the international arena, states must now focus on the needs and interests of its people. Nation States should provide “a world, [where] every individual would be guaranteed freedom from fear and freedom from want, with an equal opportunity to fully develop their human potential. ... In essence, human security means freedom from pervasive threats to people's rights, their safety or even their lives.”<sup>13</sup> Failure to do so may be perceived as lack of authority and thus failed sovereignty, both external and internal.

Furthermore, “the concept of human security - including concern for human rights, but broader than that in its scope – has also become an increasingly important element in international law and international relations, increasingly providing a conceptual framework for international action.”<sup>14</sup> As such, it has created new and sometimes higher expectations in the way States treat their people, while at the same time limiting the field of action for those in government. This fact can be seen in the approval of new Conventions such as the Ottawa one, and in the establishment of the International Criminal Court.

“State sovereignty ... is being redefined. ... States are now widely understood to instruments at the service of their peoples, and not vice versa. At the same time, individual sovereignty, [meaning] the fundamental freedom of each individual, enshrined in the Charter of the UN and subsequent international treaties – has

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<sup>12</sup> UNDP 1994 Report, Chapter 2: New Dimension of Human Security, p. 22, in [http://hdr.undp.org/reports/global/1994/en/pdf/hdr\\_1994\\_ch2.pdf](http://hdr.undp.org/reports/global/1994/en/pdf/hdr_1994_ch2.pdf)

<sup>13</sup> “The Vision of the Human Security Network” in <http://www.humansecuritynetwork.org/menu-e.php>

<sup>14</sup> International Commission on Intervention and State Sovereignty, op. cite., p. 6

been enhanced by a renewed and spreading consciousness of individual rights.”<sup>15</sup>

As such, it can be argued that “individuals [now believe to] have a series of inalienable rights which no one, not even the state, can override. This liberal conception of universal rights clearly contradicts the simple realist notion of sovereignty [for] if the state cannot override the rights of its citizens, then it is not entirely free to do as it pleases within its own borders.”<sup>16</sup> For sovereign states these actions can also mean a decrease not only in power but also a loss of dignity, pride, national identity and freedom of action. As such, it has been argued that international agreements undermine a state’s sovereignty.

The creation of *minimum international standards* to which states must comply has given rise to a debate as to how much can the international and the civil communities intervene in state decisions. Sovereignty is still very much the pillar upon which legitimate decisions are taken for most states; nevertheless, compliance with international law, as well as the welfare of its people, is important to many countries. It needs to be stated that compliance in the international system has characteristically been associated with power: those with power are less likely to comply than those with not as much power, and power generally means military capabilities and, to a lesser degree, economic means.

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<sup>15</sup> Gerd Oberleitner, “Human Security: A Challenge to International Law” in *Global Governance: A Review of Multilateralism and International Organizations*, vol. 11, No. 2, April – June 2005, p. 195.

<sup>16</sup> Internet: [www.yorku.ca/dmutimer/IRTheory.htm](http://www.yorku.ca/dmutimer/IRTheory.htm)

Consequently, it can be argued that power and sovereignty go hand in hand within the international system and that sovereignty has come to identify “the ensemble of rhetorical practices that allow a state to claim ultimate power with the sole objective of being recognized as sovereign by those with whom it deemed to coexist.”<sup>17</sup> As such, in order to close the gap between academicians and decision makers, definitions regarding sovereignty must take into account how much power is perceived to be lost by a state vis a vis the adoption of those *minimum international standards* that aim at creating a new framework for international relations and, how much power they still have over its citizens.

#### **NEW APPROACHES TO DEFINING SOVEREIGNTY**

How power is perceived in each society and how important the international sphere is to them varies from country to country. As such, constructivist theories that look towards social traditions as the basis upon which to build a new definition of sovereignty can be said to be on the right track.

“It sees sovereignty as a feature of the social life of states; it is an idea whose meaning has emerged from the ongoing diplomatic interaction of states. ... The limits of sovereignty are constantly negotiated by states, and other relevant actors in the international system. Thus, for example, human rights limit sovereignty because of the way state practice has developed over the past, particularly, fifty years, not because there are some 'universal' human rights which transcend time and restrict state action. ... [Furthermore, it] means that the content of the rights are the subject for negotiation and change [and] that the limitation on sovereignty imposed by human rights is contingent, and it must be struggled to maintain.”<sup>18</sup>

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<sup>17</sup> Bertrand Badie, op. cite, p. 60

<sup>18</sup> Internet: [www.yorku.ca/dmutimer/IRTheory.htm](http://www.yorku.ca/dmutimer/IRTheory.htm)

“States learn new norms and modes of acting partly as a result of being *taught* these norms by international actors.”<sup>19</sup> This fact underscores the importance not only of new actors within the international system but it also plays on the notion that states can rebuild their approach to the international system based on new ideas and “follow[ing] the traditions of various practices that have grown up over time.”<sup>20</sup> In turn, these practices can be interpreted as social constructions upon which modern states base not only their internal legitimacy but also their relationship to others outside their realm of influence. They are ideas that help shape how they are perceived in the system.

More than a threat to sovereignty, human security can also be understood as one of the socially accepted basis that redefines sovereignty in the XXI century. As such, it has been associated with the idea of responsibility more than classic authority.<sup>21</sup> The State has the obligation to answer to its people regarding matters that affect their survival. Consequently, through the construction of newly accepted obligations for those in power, the concept has become a two way street as opposed to the one way street that characterized the imposition of

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<sup>19</sup> Kofi Annan, “Two Concepts of Sovereignty” in *The Economist*, September 18, 1999 in Kurt Mills, “Neo-humanitarianism: The role of International Humanitarian Norms and Organizations in Contemporary Conflict” in *Global Governance: A Review of Multilateralism and International Organizations*, vol. 11, No. 2, April – June 2005, p. 163.

<sup>20</sup> Internet: “Justice: Some of Its Many Meanings” in <http://www.wku.edu/~jan.garrett/ethics/justice.htm>

<sup>21</sup> See Internet: International Commission on Intervention and State Sovereignty, “The Responsibility to Protect: Background Research, Part 1, Section A: Elements of the Debate,” [www.iciss.gc.ca](http://www.iciss.gc.ca)

power in classical sovereign states. In addition, it can also be seen as reasserting security as a way of “maintaining sovereignty.”<sup>22</sup>

Furthermore, when it comes to internal sovereignty this idea is especially important in states where popular sovereignty and democracy are an accepted practice for it gives voters the right to impeach, in some cases, and to rebel, in some others, when their security expectations are not met by those in power. In other words, it creates a new system of checks and balances where civil society becomes part of the equation. This can account for a number of states that are threatened with internal conflict and, in the worst of cases, with collapse. This fact can be seen in Africa, in current Iraq and can be traced to the origins of the war in Colombia.

Therefore, “maximizing domestic economic growth can only serve to strengthen domestic state sovereignty, whereas neglect can only serve to weaken the relationship between the state and society.”<sup>23</sup> As a consequence, states whose economy is weak and thus whose relationship with its nationals is endangered, have a greater chance of becoming collapse or failed states and, collapsed states are at greater risk of becoming a threat for the international system. Thus, those responsible for maintaining an internal sovereignty are also

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<sup>22</sup> Christopher Rudolph, “Sovereignty and Territorial Borders in a Global Age” in *International Studies Review*, Volume 7, issue 1, March 2005, p. 7

<sup>23</sup> *Ibidem*, p. 8

responsible for keeping their actions from endangering the world outside their borders. Thus sovereignty becomes an intermestic responsibility.<sup>24</sup>

As for external sovereignty, the notion of responsibility entails showing other states that you are capable of providing a safe environment for the inhabitants of your territory. In the words of the Canadian, it means that you can guarantee an environment where people can live without fear. More importantly, it stresses to the outside world that the relationship that exists between civil society and government is one of mutual respect, it underlines the legitimacy that allows the state to be perceived not only as independent but as a cohesive decision making entity.

When states are incapable of showing to others that their people live without fear and that their right to life is guaranteed, they open the door to criticisms on the basis that a state cannot be sovereign if it means that its people must suffer or die. Sovereignty as a responsibility brings forth the idea of a new social contract build upon the trust of its citizens and the respect of others. As such, it must be earned as opposed to being automatically granted. In addition, the notion of a contract brings forth the idea that it can be broken both voluntarily and involuntarily and as such sovereignty is not absolute.

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<sup>24</sup> The nineteen countries listed by Foreign Policy as Critical Failed States in July 2005 all have internal legitimacy and sovereignty problems. See: Foreign Policy and Fund for Peace, "Failed States Index" *Foreign Policy*, July – August 2005

Furthermore, it can be perceived as the appropriation of John Rawls' theory of distributive justice to the international arena.<sup>25</sup> Rawls's distributive justice theory states that there should be "justice in assigning rewards and burdens as if from a common source."<sup>26</sup> Likewise, "there is a duty of assistance only toward "burdened societies," who due to adverse circumstances (either historical or natural), lack the ability to establish a well-ordered society."<sup>27</sup> Consequently other states may act in order to redress the balance between burdens and rewards within a given society, taking into account that burdens can be equated with the infringement on the basic rights of the people by the state.

Both sovereignties are clearly two sides of the same coin. Furthermore, In addition, "maximizing domestic and Westphalian sovereignty ... would appear to weaken interdependence sovereignty, [while] ... easing interdependence

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<sup>25</sup> Furthermore, it needs to be stated that Rawls tries to answer the question of "what is needed is a way to determine when social systems, or the rules of justice that govern society as a whole, are just." Taken from Internet: "Justice: Some of Its Many Meanings" in <http://www.wku.edu/~jan.garrett/ethics/justice.htm>

<sup>26</sup> Internet: "Justice: Some of Its Many Meanings" in <http://www.wku.edu/~jan.garrett/ethics/justice.htm>

<sup>27</sup> Joseph Heath, "Rawls on Global Distributive Justice: a Defense" in Internet: <http://www.chass.utoronto.ca/~jheath/rawls.pdf>.

It needs to be noted that Rawls believes that the need to distribute justice is very important within the boundaries of a State for if not it unequal distribution of goods may lead to a diminished sovereignty. He does not necessarily believe that the same applies to the international system for he argues that cohesion is best promoted between people with similar national baggage and beliefs than between different cultures. As such, his theories reinforce the concept of a *nation state*. Nevertheless, his argument on distributive justice can be used to justify the promotion of a sovereignty based on the responsibility of states towards its people and the loss of the same when their accountability fails.

sovereignty ... compromis[es] Westphalian and domestic sovereignty.”<sup>28</sup>

Consequently, states have become accountable not only to their own people but to international society as well. The interaction that has developed between their public policies and how they are perceived by the outside world has given rise to a broader concept of sovereignty as responsibility.

## **CONCLUSION**

The idea of sovereignty as a mutual responsibility contracted by the people and the government and based on mutual social conceptions of the duties and rights of both parties entails with it a new framework for both academicians and decision makers from which to approach the international system. It is an idea that renders both, those in the academic world and those in the sphere of public policies, accountable for the actions of a state towards its people and without being a danger to sovereignty per se, it can be seen as a challenge to the legitimacy that surrounds the governments and the classical theories.

As such, it is in both their interests to work towards a better understanding of the threats that have risen in the XXIst century, beginning with a redefinition of the post medieval theories that have shaped the international system for the past four hundred years. This framework in turn serves to lessen the gap between both as it functions as the basis for legitimacy for both those in power and those analyzing power. Likewise it is important to highlight the fact that “with only a few

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<sup>28</sup> Christopher Rudolph, op. cite, p. 12

exceptions, international relations scholars acknowledge that ‘domestic policies matter’<sup>29</sup> and, most decision makers are aware that international legitimacy is important. Thus a renewed social construction of sovereignty benefits both.

Finally,

“One of the key challenges in thinking about global governance in a human security context is to identify real world policy strategies and political mechanisms that can be implemented on the ground with local public engagement and participations.”<sup>30</sup>

In other words, there is a need to identify areas where academicians and decision makers can work together and thus redefine and strengthen security and thus sovereignty.

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<sup>29</sup> Suzanne Werner, David Davis and Bruce Bueno de Mesquita, “Dissolving Boundaries: Introduction” in *International Studies Review*, Volume 5, issue 4, December 2003, p. 1

<sup>30</sup> Fen Osler Hampson, “Human security in the XXIst century: from concept to global policy response” conference presented at the Seventeenth Annual General Meeting, Geneva, Switzerland, June 30<sup>th</sup>, 2004, p. 9

## BIBLIOGRAPHY

Ansell, Christopher and Steven Weber Organizing International Politics: Sovereignty and Open Systems in Internet: <http://www.ciaonet.org/wps/anc01/>

Badie, Bertrand, *Un Mundo sin soberanía: Estados entre artificio y responsabilidad*, Bogota, tercer mundo Editores, 2000

Del Arenal, Celestino, *Introducción a las Relaciones Internacionales*, Madrid, Editorial Tecnos S.A., 1994

Esther Barbe, *Relaciones Internacionales*, Madrid, Editorial Tecnos S.A., 1995

Foreign Policy and Fund for Peace, "Failed States Index" *Foreign Policy*, July – August 2005

Hampson, Fen Osler "Human security in the XXIst century: from concept to global policy response" conference presented at the Seventeenth Annual General Meeting, Geneva, Switzerland, June 30<sup>th</sup>, 2004

International Commission on Intervention and State Sovereignty, "The Responsibility to Protect: Background Research, Part 1, Section A: Elements of the Debate," [www.iciss.gc.ca](http://www.iciss.gc.ca)

"Justice: Some of Its Many Meanings" in <http://www.wku.edu/~jan.garrett/ethics/justice.htm>

Lake, David A. "The new sovereignty in international relations," in *International Studies Review*, Vol. 5, issue 3, September 2003

Mills, Kurt "Neo-humanitarianism: The role of International Humanitarian Norms and Organizations in Contemporary Conflict" in *Global Governance: a Review of Multilateralism and International Organizations*, vol. 11, No. 2, April – June 2005

Oberleitner, Gerd, "Human Security: A Challenge to International Law" in *Global Governance: A Review of Multilateralism and International Organizations*, vol. 11, No. 2, April – June 2005

Rudolph, Christopher, "Sovereignty and Territorial Borders in a Global Age" in *International Studies Review*, Volume 7, issue 1, March 2005

"The Vision of the Human Security Network" in <http://www.humansecuritynetwork.org/menu-e.php>

UNDP 1994 Report, Chapter 2: New Dimension of Human Security, p. 22, in [http://hdr.undp.org/reports/global/1994/en/pdf/hdr\\_1994\\_ch2.pdf](http://hdr.undp.org/reports/global/1994/en/pdf/hdr_1994_ch2.pdf)

Werner, Suzanne, David Davis and Bruce Bueno de Mesquita, "Dissolving Boundaries: Introduction" in *International Studies Review*, Volume 5, issue 4, December 2003

[www.yorku.ca/dmutimer/IRTheory.htm](http://www.yorku.ca/dmutimer/IRTheory.htm)