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2019

Evolving Conceptions of Sovereignty as Applied to Membership in International Organizations

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Submitted to

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For

Senior Thesis

Fall 2018 – Spring 2019

29 April 2019

ABSTRACT

In the current international climate, both nations and individuals increasingly question both the validity and necessity of international organizations. This paper seeks to answer some of those questions, and to determine why countries choose to surrender significant portions of the national power that they are afforded under traditional perceptions of "Westphalian sovereignty". This question is answered through an analysis of historical political thought on the concept of Sovereignty, then is applied to two case studies: The United Nations and the European Union, in which the benefits and downsides of surrendering sovereignty are discussed. Ultimately, this thesis concludes that the concept of Westphalian sovereignty is weakening in the modern world, as the international system gradually adopts new ideas about what national power allows, and reapplies old concepts that had long fallen out of use. Additionally, many of the problems faced by humanity in the present day are too large and complicated to be solved by singular nations, and require concerted international action. Together, these evolving conceptions of sovereignty and increasingly complex global problems have greatly contributed to the growth and empowerment of international organizations.

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ACKNOWLEDGEMENTS

Introduction: The Rise of International Organizations

An immense number of international organizations have been brought into existence since the end of the Second World War, and their number seems to increase every day. As these organizations have grown, they have increasingly infringed upon the traditional measure of national power and independence, "Westphalian Sovereignty". Though there has been some degree of pushback to every large expansion of an international organization in history, the tide of nativist, nationalist, and anti-integrationary sentiment expressed in current times is larger than any seen before. Across the world, both nations and people are questioning the value of international organizations, unimpressed by their benefits and concerned by their downsides.

Therefore, in a time of increased skepticism of international organizations, it seems fitting to discuss where they come from both physically and ideologically, look at why countries have historically chosen to join them, and analyze both powers what powers nations and individuals surrender, as well as the benefits they receive in return. This is done through an analysis of sovereignty principles both historically and in the present day, and followed with two case studies: one on the European Union, by far the most integrated international organization in the world, and another on the United Nations, by far the largest. Both of these organizations are prominent, well-known, and dominant in their respective spheres, and so it might be hoped that analysis conducted on them might have implications for other international organizations as well. Ultimately, this this thesis endeavors to explain the myriad reasons nations have for the surrender of their traditionally-held national power, and in doing so determine the value of that decision.

Chapter 1: A History and Analysis of Sovereignty in the International System

Introduction

The topic of sovereignty in the international system is by no means a simple one. There exists a staggeringly large literature on the topic, and the term has been defined dozens of ways by hundreds of authors. Furthermore, the concept of sovereignty itself is under contention: authors often make distinctions between political, legal, economic, external, and internal sovereignty. This paper, however, will focus on the surrender of a single conception of sovereignty: that of the traditional, "Westphalian" concept, which is based upon an expectation that states have the ability to make and enforce laws, and additionally are granted both legal and political supremacy within their own territorial boundaries (Frieden et al 47). Though this definition remains relatively limited, it is nevertheless the most commonly used and accepted way of looking at the issue, and is most familiar to the layman. Furthermore, this definition of sovereignty is the type enshrined as an essential undergirding principle of the international system, written into the United Nations charter, and most commonly brought up in international discussions. It is therefore the most relevant when asking a question along the lines of "why do countries give up sovereignty".

Though perceptions of the topic span the spectrum from "nations never had sovereignty in the first place" to "no sovereignty is given up by joining an international organization," this thesis will proceed under two basic assumptions. Firstly, it must be assumed that under current international perceptions, countries are traditionally the ultimate and only sovereign actors. This is a fair assumption because it has been both accepted as a norm by states and codified in international law for at least 70 years. Secondly, it must be assumed that the surrender of key

domestic powers results in an unavoidable loss of traditional, Westphalian sovereignty for the nation that takes that action. Once again, this stems from common perceptions going back into history: in every large expansion of an international organization, member states have brought up worries about losing sovereignty. Furthermore, without these twin assumptions, sovereignty by definition either *is not* or *cannot b*e surrendered by a state, making any arguments and discussion about why it would choose to do so instantly moot.

This chapter will show the origins of the concept of sovereignty, and will tell of its evolution through various political thinkers – both mainstream and more obscure. Then, it will reflect on the dominant political perceptions of Sovereignty in the world today and what their implications are for the international system, as well as the increasing trend of Westphalian sovereignty violation through international organizations. Ultimately, it will attempt to argue that the dominant conception of sovereignty in the world today is increasingly obsolete, and will advocate for a return to two prior conceptions that better define the international system.

Sovereignty's Origin

Though the conception of sovereignty as we know it today originates from the peace of Westphalia in 1648 (Grimm 81), it has been an essential part of political discussion for centuries (Grimm 1). However, its meaning has transformed significantly over time. In Medieval Europe, the "old," traditional concept of sovereignty was seen as the "highest, final decision-making authority" (Grimm 14) but also as a "moral responsibility of the ruler for the common good of the people" (Johnson 101). In other words, sovereignty was not only the power to create and enforce law upon others, but also the duty that each monarch or leader, so empowered, must follow in order to ensure maximum wellbeing for their people, whatever it took. Furthermore, the sovereign was tasked with occasional, measured discharge of this responsibility (Johnson

137): if they felt that another group or person, such as a regional baron, could more adequately

provide for the common good in one way or another than the sovereign could, they were

empowered to create positions and transfer some of their sovereignty to them. These Barons,

Dukes, and other nobles, while still subservient to the ultimately sovereign ruler, nevertheless

had jurisdiction over varied aspects of life in the name of ensuring greater wellbeing for the

common man[1]. At this time sovereignty was exclusively delegated downwards, with the king

maintaining ultimate authority in the nation. However, over time, lower-level leaders took a

greater and greater portion of sovereign power for their everyday use, and ultimately became

functionally sovereign in and of themselves. The kings then functioned as something of a

"supervisory sovereign" that was responsible for maintaining diplomatic relations amongst

different subservient political communities (Johnson 137), resolving disputes when they arose,

and occasionally utilizing his massively pooled power for massively pooled power for the

creation of new laws to apply to all, or for large undertakings such as war making or defense of

national borders.

Sovereignty's Evolution

Over an extended period of time, the concept of sovereignty began to shift. Many authors

have attributed the first conceptualization of "modern sovereignty" to the sixteenth century

French thinker, Jean Bodin (Hoffman 36), in that he envisioned sovereignty as "the complete

possession of governing authority" (Grimm 21), an indivisible, unconditional, and unconstrained

power located at the top level of the nation. Bodin's ideas, first published in 1576, were shaped

by religious warfare, and he approached the concept of sovereignty as a necessity in order to

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[1] The idea has been proposed that that this old idea of sovereignty is now remarkably similar to the modern
system: basically, the international organizations we have created are the kings, and we provide them with the
powers that they have in order to do things that individual nations cannot, such as ensure good relations between
nations, resolve disputes, and band us together for common defense.

restore and ensure peace within a nation. Modern conflicts between Catholics and Protestants

had sparked discord in many nations, and strong centralization was what Bodin saw as the

answer - something to force warring factions "into a secular order that would allow the opposing

faiths to exist side by side" (Grimm 20). According to Bodin's views, the sovereign was

independent in his exercise of power, and could both make and enforce laws on subjects. This is

the origin of one of the crowning principles of modern sovereignty, the concept of "monopolized

use of force" - essentially, the idea only the sovereign power of a nation has the ability to

legitimately use force within that nation, including the ability to deprive individuals of their

rights, through arrest, imprisonment, and even legalized murder (executions). Under Bodin's

ideology, there was no room for the people to have a say, or for checks and balances: he noted

that "if one might appeal against a law, and if there were a body that could declare it invalid…

the prince would no longer be sovereign" (Grimm 23). Though later thinkers would iterate upon

Bodin's basic ideas, his writings signaled a new birth for sovereignty: though it still was

supposed to be helpful to the common man, it attempted to do this through a massive

centralization of power and authority.

Hugo Grotius, writing in 1625, built upon Bodin's ideas of sovereignty, but added his

own adaptations to them. It was Grotius who conceptualized sovereignty in terms of absolute

control over a region and its people, and the international order as a complex but ordered system

of interactions between these "states" (Johnson 25). Though Grotius successfully laid the

foundation for the ideas that would emanate from the Peace of Westphalia, and by extension the

international order as it would remain for centuries, he did leave out one key aspect of earlier

conceptions of sovereignty: that of the earlier, medieval conception of "sovereignty for the

common good," choosing instead to identify sovereignty as something that was owned wholly by

the leader of a defined state with established territory (Johnson 25). Grotius is in many ways the

"father of sovereignty", and though other, later thinkers such as Hobbes would explore different

aspects of his arguments, it was upon his basic tenets that the international system was formed.

One important thinker who developed his own ideas in compliment and contrast to both

Bodin's and Grotius's thought was Thomas Hobbes. Hobbes agreed with Bodin on the need for a

strong, centralized sovereign, and with Grotius in the absolute and indivisible nature of

sovereignty once established. Under Hobbes, there were six basic tenets, or powers, that were

held exclusively by the sovereign. These were "legislation, adjudication, making war and peace,

allocating offices, reward and punishment, and assigning ranks and honors" (Grimm 29). Hobbes

viewed these six basic tenets as not only core to the functioning of the sovereign, but also as

entirely indivisible - inseparable from both the concept and implementation of a sovereign ruler.

However, despite Hobbes's alignment with earlier thinkers on the powers of sovereignty, he

found himself disagreeing on the origin of the power, writing in his 1651 <u>Leviathan</u> that "the

sovereign… does not possess sovereignty originally but gains it through a covenant among the

individuals who join to form the state" (Grimm 29).

By Hobbes's view, sovereignty is not given by a god, nor does not occur naturally in the

world. Instead, it is a construction - a covenant - between the individuals that join to form a state

and its ruler, by which the authority of every individual is combined into one office (Hoffman

39). Legitimacy and power come with the consent and agreement of the governed, and only by

the mass surrender of individual rights could a truly absolute sovereign ruler be created.

However, Hobbes was also careful to note the self-sustaining and immutable nature of sovereign

power once it was created. He wrote that the people, once they have enacted the contract and

created the sovereign, are locked into place - unable to change the agreement without the

sovereign's consent, because they so thoroughly surrendered their natural rights to him and

therefore no longer had any power (Grimm 29).

Alternate Conceptions of Sovereignty

Of course, sovereignty did not follow one consistent train from its original conception to

its modern perception. Throughout time, thinkers proposed definitions of sovereignty that

allowed a little more flexibility, and though it would be impossible to do them all justice, several

are particularly noteworthy with regards to international organizations. The first of these ideas

come from Emer de Vattel, the famed scholar of international relations. His ideas, adopted by

Americans as one of the ideas for the Articles of Confederation, centered around the idea that

"independent states could unite in a permanent confederation without sacrificing their character

as states or their sovereignty" (Grimm 36)[2]. In essence, Vattel's argument is that, provided

sufficient looseness of integration, it was possible for states to maintain their essential nature and

sovereignty while choosing to cooperate only on large issues of import to all of them. Under this

model, the confederation would be approached as an international treaty, with signatories

choosing to obey the rules in hopes of ensuring that other nations complied, in the name of

cooperation for all. Of course, this type of international organization would inevitably be stricken

with the same problems that plague national confederations: failure to fulfill obligations, lack of

enforcement mechanisms, and inefficient centralized institutions. As a result, many international

organizations today, the EU included, have moved past Vattel's conception of the sovereignty-

preserving international organization, through the introduction of binding treaties and

enforcement mechanisms to ensure compliance.

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[2] Indeed, article 2 of the Articles of Confederation reads that "Each state retains its sovereignty, freedom, and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled"

A second alternate conception of sovereignty is one that held credence in international law for a long time, and consists of the sentiment that as long as integrational steps were self-imposed; that is voted and agreed upon by the members of a country, they did not consist of a surrender of sovereignty (Grimm 80). Essentially, since the state is doing what it wants to and ideally is not forced or coerced in any way, its sovereign decision to give up certain aspects of its power - be it military, economic, or lawmaking - is entirely within its purview as a state to make (Grimm 65), and is, once again in contrast to the Hobbesian model, entirely reversible. This is a typical argument made within the European union: no nation is coerced to entry, and indeed many aspiring member states put themselves through radical political and economic change in order to increase their prospects of accession. Furthermore, they are able to leave anytime they wish - as evidenced by the ongoing Brexit process.[3] This is supported by Hoffman, who argues that supporters of a stronger EU rarely frame it as opposed to sovereignty, choosing instead to speak about the "greater sovereignty of a united Europe" (Hoffman 13) - encouraging the thought of benefits from membership in the organization while soothing worries about freedom of choice. In some cases, staunch advocates of integration may even argue that it *promotes* sovereignty, along the lines that a more integrated organization helps to promote national desires and enable the realization of national interests, therefore increasing the power that a nation may exercise (Hoffman 11).

Many European union states themselves subscribe to these ideals, advocating on the governmental level that despite their deep level of integration, they still maintain national sovereignty. A French constitutional council ruled that while a "transfer of competencies" may

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[3] One key thing to note here is that it isn't difficult for Britain to leave the EU, it is difficult for Britain to leave the EU *with some aspects of integration intact*. If the British wanted a clean break "hard Brexit", they could relatively easily make it happen – the EU would not and could not stop them.

occur, "the essential conditions of the exercise of national sovereignty must be ensured" (Grimm 72). Likewise, Germany's federal constitutional court, when reviewing the Maastricht and Lisbon treaties, decided that "the federal republic remains sovereign even as a member state of the European Union, however to the extent that powers have been transferred, it exercises its sovereignty with other member states" (Grimm 71). By promoting the benefits of collective action while downplaying the abnegation of sovereignty, European member states seek to allay public fears about a lack of control over policies and ensure support for integration. However, this is not merely a government ploy: once again, it is worth noting that Germany and France, like all EU member states, forge willingly ahead with support from both their governments and their populations - support that they could withdraw at any time should they desire to.

Current Sovereignty

Sovereignty first was formally codified into international law in the 1648 Peace of Westphalia (Grimm 81). Here, at the conclusion of the Thirty Years' War, principles were established that defined sovereignty in order to ensure not only territorial integrity but also the absolute power of sovereign authority. Here, sovereignty was generally understood as being delegated upwards, from the population to a single ruler. This settlement also shifted the power of the ruler, greatly expanding it domestically but also putting concrete territorial limitations upon its reach (Grimm 5). It is from Westphalia that the traditional modern conception of "statehood" springs from, therefore making it the essential foundation to all of modern international politics.

Throughout the centuries between Westphalia and World War II, new state constitutions as well as international treaties affirmed the principles first established at Westphalia, enshrining sovereign power within the state. However, they also built upon the ideas of Hobbes and later

thinkers, who ensured that sovereignty, for all its indivisible power, was recognized as emanating

from the people, and only functioning with the consent of the governed (Grimm 46). The essence

of this thought pattern, reflected around the world and bolstered particularly by independence

movements, is perhaps best illustrated by the US constitution, which famously begins with the

words "We the People." By choosing those words, rather than "We, the Nation", or even "We,

the States", the Constitution recognizes that it is the population of the United States that creates

and empowers the nation, with politicians and leaders being mere representatives of the broader

political will.

Three hundred years after the Peace of Westphalia, Westphalian sovereignty gained a

new name: United Nations sovereignty. In the aftermath of World War II, the newly created UN,

designed to promote and protect peace in the world, developed and codified its basic principles

along the lines of classical sovereignty (Johnson 1). In doing so, it solidified the principles of

independent states with sovereign rulers, who were empowered to take essentially unlimited

actions within their own nations and prohibited from interfering in the affairs of others.

However, in ensuring these principles, the UN charter missed out on some of the development

that had happened in ideas of sovereignty since the Peace of Westphalia - notably, those on the

origin of sovereignty and the ability of populations to assert their power. In other words, though

the UN did much to ensure national sovereignty, it "empowered and obligated only states, but

not citizens" (Grimm 80). Therefore, in modern discussions on the international level,

sovereignty is most commonly discussed in terms of states themselves and their ability to remain

entirely independent and in control of themselves, rather than in their ability to manifest their

will[4].

Sovereignty in the International System

The United Nations conception of sovereignty, for all its flaws, has done a reasonably

good job of organizing the international system. Under its Westphalian conception, article 2 of

the UN charter forbids the use of force by one member to infringe upon the "territorial integrity

or political independence" (UN Charter) of another. However, somewhat ironically, the UN has

also led to the downfall of its own enshrined concept of sovereignty, largely through enabling

greater communication and cooperation at the international level, which in turn has slowly over

time eroded traditional sovereign powers of a state. Economic problems of trade, security

problems like terrorism, and existential threats to all humanity such as climate change are all too

large to be addressed at the national level, which has led to the creation of supranational

institutions. These supranational institutions, in order to have any efficacy, require the

permission and ability to exercise traditionally sovereign rights, which countries find themselves

increasingly transferring to the larger institutions (Grimm 6). Without empowered international

institutions, action on humanity's greatest threats will be unattainable.

In clear violation of traditional principles of Westphalian sovereignty, it is no longer

uncommon for international institutions to exercise sovereign rights with binding effect on states,

who in principle should not answer to any outside power. Along these lines, Grimm notes that

"no state today is sovereign in the traditional sense" (Grimm 6), and the trend continues: the

prospects for traditional sovereignty seem to be getting worse and worse as time goes on. States

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[4] This definition has given rise to conflict, such as when dictators exercise their sovereign right to use of force within their country for something like genocide - is it a violation of sovereignty to go in and help? This is still very much up for debate in the international arena (Johnson 119).

are still the essential building blocks of the international order, but they no longer hold absolute

power - instead, they are partially beholden to international organizations that can dictate

everything from trade to security to justice policy (Grimm 91). Consequently, the concept of the

nation state - while not disappearing - is becoming blurrier and less realized.

Fortunately, there are two saving graces to this power distribution. Firstly, in every

modern international organization, there are mechanisms for both states and the people within

them to have a say on governance (Grimm 92). The time has not yet been reached that

international organizations pass judgement on high without their constituent states weighing in in

a significant manner. Secondly, members of international organizations, unlike the populace in

Hobbes's model, are empowered to take back their sovereignty and withdraw from the

international organization, should they so desire. Both of these policies act as checks to the

potential of gross abuse of international power. Therefore, though international institutions are

increasing in power, they are also kept in balance, and are not in particular danger of replacing

the state anytime soon (Grimm 92).

A Return to Old Fashioned Sovereignty

Sovereignty is a tricky concept. It has changed meaning dramatically over the years, from

an empowered leader with a duty to his people in medieval conceptions, to the complete

possession of governing authority under Bodin, to a contract between the ruled and ruler

according to Hobbes, and finally - and longest lasting - to a conception of strong states and

unimpeachable territorial integrity enshrined at Westphalia. Though the most recent definition

has been the dominant one in international relations for centuries, and has undoubtedly played a

massive role in shaping our world, some argue that it is deeply flawed. Johnson in particular

states that "something of great importance was lost when the older western conception of

sovereignty as responsibility for the common good was replaced" (Johnson 155). What, then, was lost? Which conceptions of sovereignty should be returned to? There are two primary ideologies that have been unfairly left behind, considering that they accurately describe the modern exercise and perception of sovereignty. The first is the medieval, "stewardship" idea, and the second is the "democratic" idea.

The medieval, "stewardship" conception of sovereignty is particularly valuable in today's international system for its emphasis on responsibility: under this framework, leaders could take actions that they felt would benefit their people, even if those actions involved delegating power to others, without violating any immutable laws of the land. This has become relevant once again today, when politicians lead the charge to join the European Union in order to promote economic benefits and provide security guarantees for their people, frequently assuaging domestic political fears with the promise of greater long-term benefits. It would be completely counterintuitive under traditional Westphalian ideas of sovereignty for the ruler of a country – that person invested with the sovereign power to rule it without foreign interference – to willingly subsume themselves to a greater organization, but under the "stewardship" conception, it makes complete sense, provided that they genuinely believe the surrender of power will be ultimately good for their populace.

Likewise, under the "democratic" conception of sovereignty with its roots in Hobbes and other enlightenment thinkers, the power of the people as the ultimate source of sovereignty and their ability to influence decision making is emphasized, which is relevant today especially in contexts where a leader holds back on integration for fear of sovereignty loss. When Charles de Gaulle balked at further integration, causing the empty chair crisis, he was nearly voted out of office by those who desired the economic benefits of further integration: this constituted a

remarkable use of "democratic sovereignty" to support the surrender of "Westphalian sovereignty," and additionally makes a compelling case for its relevance. Far too often, the modern international system sees the immutability of states as the most important thing to consider, without taking into account the fact that those immutable states are a construction of the people within them. When the people decide to vest their power in a "supranational organization" rather than a "national government", it is their right to do so as the original sovereign entity.

The traditional, "Westphalian" definition of sovereignty is useful too, of course - but it cannot stand alone (Johnson 155). States are still largely immutable – for now – but that can no longer be the only thing considered in the international arena. To better analyze the modern international system, it makes much more sense to use various conceptions of sovereignty, especially the "stewardship" and "democratic" ideas,[5] which can and do come into conflict with more established Westphalian sovereignty - and find themselves winning with increasing frequency. Westphalian sovereignty is not obsolete, and likely never will be, but it is facing a large scale decline across the world, a fact that may not be as calamitous as it seems on the surface.

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[5] A third conception, that of "collectivism", emphasizes the idea that many problems humanity faces today simply cannot be addressed at the national level, and require greater action.

<u>Chapter 2: The European Union and Sovereignty:</u>

<u>Economic Integration in the Name of Peace</u>

Introduction

  The European Union is today the most closely integrated, and arguably the most powerful, international organization in the world. However, this was not always the case: the EU had humble beginnings as an economic peace project established between several specific industries of both France and Germany in the aftermath of World War II. Over time, the European Union has grown significantly, and in doing so has absorbed many powers that were traditionally reserved for sovereign states under the Westphalian system. This chapter will seek to determine both the reason the EU has taken sovereign powers and the reason member states have given them up.

  Beginning with background to clarify where the European Union came, the chapter will discuss the EU's steady growth over time, the debates surrounding it, and its clashes with sovereignty over time. Then, the chapter will proceed by identifying and analyzing the most salient powers that the EU currently claims for itself. Having discussed history and the surrender of sovereignty, the chapter will then investigate the objective benefits that both individual countries and European citizens receive by membership in such a large international organization, directly tied in and contrasted with the powers given up as a condition of membership. Following this, there will be an analysis of the different ways the organization attempts to ensure fair representation for both states and citizens at the international level, and the chapter will conclude by analyzing what both political leaders and European voters think of this tradeoff.

History and Growth

At the end of World War II, much of Europe lay in ruins. Six long years of war had brought death and destruction on a scale never before seen in human history. However, it also brought about a serious desire for change. This is reflected in Winston Churchill's famous 1946 Zurich speech, in which he called for those across the continent to "recreate the European fabric… and to provide it with a structure under which it can dwell in peace, safety and freedom" (Churchill). Under what he called "a kind of United States of Europe," he believed that there would be "no limit to the happiness, prosperity and glory which its 300 or 400 million people would enjoy" (Churchill). This was not the first time integrationary ideas had been brought forward - ideas for a united Europe as a source for peace can be traced back as early as 1306, when Pierre DuBois gave a speech entitled "One Christian Europe" (Staub). These ideas were carried forward through time, advanced by the likes of Dante Alighieri, Erasmus, William Penn, and Aristide Briand, but they seemed unable to enter the mainstream (Staub). That all changed at the Congress of Vienna in 1815. Here, in the aftermath of the Napoleonic wars, some small level of European Integration was put into place for the first time (Staub). War weary, the former Quadruple Alliance and a restored France came to an agreement under the "Congress of Europe" that included closer trade relations and the ability to call "conferences" in order to peaceably resolve larger issues (Mowat 29). Ultimately, however, the Congress broke apart and Europe fell to war yet again, and subsequent attempts at long-lasting peace, including the ill-fated Paris Peace Conference after World War I, proved ineffectual. With an eye towards this dark history, leaders in the aftermath of World War II knew that something dramatic and radically different had to be put into effect (Dinan 9). Fortunately, the Schuman Plan and the ideology that it sprung from turned out to be just the radical solution that Europe so desperately needed.

The supranational nature of what would become the European Union was revolutionary. Taking serious powers that had previously been delegated to nation states and instead assigning them to an international "high authority" was a radical proposal, with serious implications for traditional conceptions of national sovereignty. However, it is important to take into account that what would become the European Union was designed this way - intentionally - from the very beginning. Jean Monnet, the head of Charles de Gaulle's economic planning office and one of the key players in postwar European integration, strongly believed that conflict in Europe was inextricably tied with concepts of the nation-state. Monnet wrote as early as 1943 that, "if countries re-established themselves on the basis of national sovereignty with all that this implies by way of prestige politics and economic protectionism," there could never be peace in Europe (Dinan 11). By integrating key parts of nations, Monnet hoped to build goodwill and create some semblance of a "European" identity to rival that of a purely "German" or "French" one. This would then lead to a self-reinforcing peace, as populations that identified strongly with each other would be extremely reluctant to wage war against their friends, coworkers, and even brothers.

After the war, Monnet had an opportunity to implement his ideas, in which he was far from alone. The sentiment of European Integration, which had long resided in the writings of European thinkers, was now, in the aftermath of the two most devastating wars in history, brought into the mainstream. Governmental officials and national populations agreed that a divided Europe was doomed to fall to war, again and again, while countries working together could hope for a brighter future, given certain safeguards. The sacrifice of some degree of national sovereignty was therefore not just an unintended and unfortunate side effect, it was a

deliberate action to safeguard a tenuous peace.[6] Pursuant to these ideologies, Monnet approached

Robert Schuman, the French Foreign Minister[7] and a strong believer in the concept of a united

Europe, about a "dramatic step" on the road to European Integration (Dinan 17). Schuman

gained the approval of the French, German, and United States governments, with particularly

vocal support from German Chancellor Konrad Adenauer, who saw the sharing of German

sovereignty with France as "the key to Germany's international rehabilitation" (Dinan 17), as

well as U.S. secretary of state Dean Acheson.[8]

At a "hastily convened press conference in Paris" (Dinan 18) on May 9, 1950, the

Schuman Declaration was made, calling initially for "the creation of a European Coal and Steel

Community" (Schuman Declaration), but also going far beyond that basic idea. While peace

plans in previous wars, most notably the Treaty of Versailles after World War 1, were

characterized by their exclusionary and penalizing nature, the Schuman plan was something

different. Not only did it accept the newly fledged Federal Republic of Germany as an equal, it

proposed an entirely new and radical concept: The unification of the coal and steel industries of

France and Germany under a single "supranational authority" (Dinan 9). In the postwar world,

these two industries were not only essential for effective war making, but also for reconstruction,

meaning that the decision to unify them was not merely insurance against future war, but also a

conscious decision to tie together, inextricably, the national fates of the two former enemies

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[6] This argument, stemming originally from Britain's founding fathers, has been brought up again in the context of the Brexit debate. Scholars have argued that "A nation may decide, wisely, to accept reductions in its de facto autonomy. If domestic political authorities willingly enter into welfare-enhancing arrangements that supersede de jure sovereignty, such departures are not 'violations.' They are cooperative accords." (Bryant). The underlying theory that sovereignty freely given is not a loss of sovereignty at all is hotly contested.

[7] Not to be mistaken for Robert Schumann, the famous German Composer

[8] The United States played an essential role in these negotiations for two primary reasons: indirectly, it was the premier "western" power in the world at the time, and was responsible for overseeing many postwar international institutions. Additionally, alongside Britain and France, it occupied a significant portion of West German territory, and its voice needed to be heard on any topic involving integration of industries in that area.

(Dinan 9). Furthermore, though the program was planned at the outset to include only France and Germany, the speech deliberately noted that the new organization would be "open to all countries willing to take part" (Schuman Declaration) and additionally did nothing to hide the fact that it was envisioned as merely one step towards a greater goal. Schuman stated in the speech that "The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in the federation of Europe" (Schuman Declaration), creating not just a unity in material production but also a solidarity in national spirit. In other words, the hope was to not only make two countries unable to fight, but also entirely unwilling to.

Therefore, although the primary predecessor institution to the European Union was founded using economic principles, it was also created with an eye towards promoting peace in Europe, a mission that continues to this day. The European Union emphasizes this history, tracing its founding spirit to the words of the Schuman Declaration. Europa.eu, the official website of the European Union, states that the European Coal and Steel Communities were founded "to create interdependence in coal and steel so that one country could no longer mobilize its armed forces without others knowing," and notes that this was primarily a tool to "ease distrust and tensions after WWII" (European Union).

Subsequent treaties broadened the scope and expanded the powers of the European Union, but its founding in and of itself marked one of the most remarkable political transformations of the twentieth century, from "unprecedented violence to unprecedented cooperation" (Frieden et al 615), a transformation which would have been impossible without international institutions and shared sovereignty. Though "in each prospective member state, the ratification debate was lively" (Dinan 21), and some expanded versions of the proposal such as

the "European Defense Community" ultimately were unsuccessful (Dinan 21), the ECSC treaty

was ultimately approved in national parliaments, and the European Coal and Steel Community

began to function in August 1952. With Belgium, Germany, France, Italy, Luxembourg and the

Netherlands as the initial members, the ECSC established a common "High Authority" to

supervise the market and monitor compliance, though the Authority did not always meet with

success in that mission. The High Authority "disappointed European federalists" by its relatively

small scope (Dinan 22) and ineffectiveness - national bureaucracies had to cooperate closely

with it in order to implement any regulations (Dinan 19), but it nevertheless laid essential

foundations for further integration, in the creation of an international agency that held a

supervisory role over certain actions of sovereign nations and that was designed to be superior to

them. Furthermore, the ECSC Treaty established the European Court of Justice, an organization

to "adjudicate disputes and ensure member states' compliance with the terms of the treaty"

(Dinan 20), another vital international institution that held jurisdiction over the actions of

sovereign nations. Though the European Court of Justice was relatively weak at the time of its

inception, it was even then imbued with an oversight role, and the commitment of the nations

under the ECSC Treaty to abide by its rulings made its decisions superior to those of sovereign

states. Overall, the ECSC Treaty took steps to establish a system wherein power could be

feasibly delegated to a supranational organization rather than a nation state, as had been the norm

since the Treaty of Westphalia in 1648.

Expansion

Five years after the establishment of the European Coal and Steel Communities,

European leaders sook to increase integration along two significant lines. The first, that of a joint

atomic energy community to continue in the "war-preventing" spirit of the coal and steel

community, was heavily favored by France, though other ECSC members found themselves

skeptical, fearing that it would lead to French dominance within the communities (Dinan 23).[9]

The second proposal was dramatically more ambitious. Initially put forth by the Dutch, this

proposal called for a "customs union" with unified trade policy and a single market (Dinan 23).

While this met with general approval amongst ECSC members, the French found themselves

worried that removal of protectionist policies would lead to massive losses for their domestic

industry (Dinan 24). Ultimately, a conclusion was reached, partially due to the fact that France

was able to obtain guarantees of support for the Euratom project and partially due to "a concern

that France might be left permanently behind its more economically advanced neighbors" (Dinan

24). This latter point is particularly significant, and shows the growing momentum of a collected

European community: though France had a large economy in its own right, and was able to make

reasonable economic advancements on its own, it ultimately realized that passing on a single

market while other nations joined it would represent the loss of significant economic growth,

even if it had some short-term negative effects for industry.[10][11] The resultant Treaties of Rome,[12]

signed on March 25, 1957 and entered into force on January 1, 1958, established the European

Economic Community and Euratom and represented the next large step in European Integration.

From the treaties of Rome, something resembling the European Union of today began to

take shape - and with it, greater demands of national sovereignty were made. The cooperation

and shared research represented by the Euratom Treaty was not a particularly dramatic change:

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[9] France was at this time the only member of the communities that held Atomic power.

[10] It was recognized way back that pooling resources can lead to economic development: Hawtrey wrote in 1929 that cooperation could be helpful in the creation of infrastructure and the undertaking of large economic projects, as well as the idea that countries with close economic cooperation could benefit (Hawtrey 28-60)

[11] Dedman also discusses the fear of "missing the European Bus" with regards to Britain, on page 108. Throughout the European Union's history, the fear of consequences from non-integration has remained high.

[12] A collective name for the EEC treaty and the Euratom treaty, which were signed simultaneously in Rome.

countries had cooperated before on grand projects, and agreeing to share funding was a relatively

standard tactic. However, the treaty establishing the European Economic Community under the

EEC Treaty was an enormous leap. By reducing customs duties pursuant to forming a customs

union and proposing a single market for "goods, labour, services, and capital" (EEC Treaty)

across all member states, as well as laying the foundation for a common agriculture policy and

common transport policy, the EEC Treaty represented a tremendous degree of integration. All of

these new policies needed to be overseen and enforced, of course, and so - in another key move

towards the consolidation of sovereignty at the supranational level - the EEC Treaty established

the Commission on the European Economic Community (EEC Treaty). At this point, there

existed three separate Commissions - one for the EEC, one for Euratom, and one for the ECSC.

Collectively known as "The European Executives," these three organizations would coexist until

the Merger Treaty of 1967 (Dinan 31).

Under the terms laid down by the EEC, individual nations no longer had the ability to

create "restrictive agreements" or "government subsidies" that could "affect trade between the

six countries" (EEC Treaty), essentially abolishing customs duties and ceilings on imports.

Finally, the EEC Treaty established a "common external tariff on imports from outside the EEC"

(EEC Treaty). While a boon for the concept of free trade, this shared policy did have negative

implications for homegrown industries within several of the member states - the elimination of

protective tariffs meant that they were sometimes forced to compete with much larger and more

efficient foreign companies, and there was nothing that their domestic government could to help

on that count. However, understanding the concerns that could arise from this massive increase

in supranational power, the EEC Treaty also took a momentous step in ensuring representation

for its members, through the creation of the "Parliamentary Assembly" (EEC Treaty), later to

become the European Parliament - a popularly elected body to represent the interests of the

people within European member states at the supranational level. The Parliamentary Assembly

was the EEC's attempt to mitigate the downsides of sovereignty loss for the people of Europe: by

creating a new forum for their voices to be heard, it helped to ensure that it would not pursue

policies directly against the interests of the people. However, by the same token, the parliament

increased the legitimacy and power of the EEC, allowing it to pass even more policy on the

justification that it had a popular mandate to do so – which, to an extent, it did.[13]

Throughout the 1950s and 1960s, various ideas were advanced for further integration,

many of which met with little success before being shut down due to their disproportionate

impact on national sovereignty. One key example of this policy was the overarching "European

Security Community" (Dinan 33) advanced by Charles de Gaulle. Under this proposal, known as

the Fouchet plan, broad-scale foreign and defense policy cooperation would be paired with

cultural and scientific coordination. However, it was not to be. Afraid of hegemony by larger

states - most notably France and Germany - the other member states denied the plan, leading to

its failure (Dinan 33). Though the European Communities were close, they were not close

enough to justify surrendering control of key military forces – yet.[14]

De Gaulle's support for this shared military proposal was actually somewhat out of

character for him: in general, he was a strong proponent of national power and was reluctant to

yield French sovereignty to European internationalism. He developed something of a rivalry,

especially with Walter Hallstein, a dedicated integrationist who "seized every opportunity to

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[13] Once again, the argument is brought up that sovereignty freely given by a nation does not constitute a sovereignty loss at all: however, under the auspices of the European Parliament, this decision is not made by domestic political authorities but instead directly by domestic populations, bypassing national government altogether.

[14] In the present day, many ideas brought up in the early days of European integration are being resurrected, as is the case with the European Union's current work on a Common Foreign and Security Policy.

enhance the Commission's power and push European integration along federal lines" (Dinan 37),

a tension that ultimately led to the Empty Chair Crisis – a conflict between de Gaulle and

Hallstein's commission that would turn out to be the largest constitutional crisis in the history of

the EU.

The empty chair crisis was caused by the desire of the Commission to enhance its power

and further European supranationalism, and on de Gaulle's equally strong desire to resist this

where he saw it as unnecessary (Dinan 37). Most notably, there were two causes to the crisis.

The first was under financial terms: under the Treaties of Rome, import taxes on both industrial

and agricultural products belonged to the Commission, and the Commission proposed to further

this by increasing both its own budgetary powers as well as those of the European Parliament.

The second was under governmental terms: the proposal put forth by the Council called for

"qualified majority voting" under which, in certain circumstances, binding resolutions could be

passed even if a nation refused to agree. France saw both of these proposals as unacceptable

(especially the second, called by de Gaulle "an unacceptable abnegation of national sovereignty"

(Dinan 38)), and had made their opinions on the matter clear previously, yet Hallstein decided to

bring them forward anyway, in a blatant violation of the Commission's unwritten rule to avoid

taking action that would almost certainly be vetoed by a national government (Dinan 37). In

reaction, the French government withdrew its representatives from the Council, and refused to

participate in any activities – thereby crippling the Council from conducting any new business.

Eventually, terms were agreed upon, and France returned to the council – spurred, in part, by

public opinion: businesses and labor unions within France greatly feared economic consequences

of non-participation in the Union, and made their voice known in French elections, in which de

Gaulle was forced to go into a runoff round that he barely won (Dinan 38). Regardless of the

politician's political views, the French people were broadly pro-integration, and so it proceeded

forward in direct contradiction to traditional sovereignty concerns. Looking back, the empty

chair crisis is a perfect example of the assertion of "democratic sovereignty" – stemming from

the people - originally conceptualized by enlightenment thinkers coming into direct conflict with

established notions of Westphalian sovereignty. Though de Gaulle was the leader of France, and

desired to preserve "traditional" Westphalian sovereignty through balking at integration, the

people asserted their will against him, utilizing their nature as the origin of sovereign power to

make their desires known: and those desires pointed towards further European integration.

The building of the European Union should never be misinterpreted as a grand consensus,

and instead is better represented by an extremely extended tug of war, with different nations

representing different sides dependent upon the specific issue at hand: while France might have

greatly appreciated shared European military ventures, that does not mean that it was broadly

pro-European integration, and similar arguments could be made for many other states. Yet,

despite setbacks, and throughout the triumphs and crises of the 1960s and 1970s, the European

Communities persisted, growing ever closer together with time.

The Merger Treaty of 1967 helped to consolidate the diffuse governing structure of the

European Union. It created a single Council: The Council of the European Union, and a single

Commission: the European Commission (Merger Treaty). By centralizing what formerly had

been diffuse, European integrationists hoped to streamline and simplify European lawmaking

and enforcement in order to increase the effectiveness of the current level of integration, as well

as prepare for future integration. By creating a single administration and a single administrative

budget, the Merger Treaty proved to be a "major stepping stone toward the modern EU" (Merger

Treaty). The Merger Treaty was significant, but was not debated quite as hotly as many other

treaties of the time, because it had something for everyone: those in support of more centralized

power saw the foundation in a cleaned and streamlined central system, while those in opposition

to more centralized power saw the removal of bloating from the various overlapping institutions

as well as more clearly stated powers and purposes as unequivocally a good thing for the

protection of national rights.

Though discussions continued in the aftermath of the Merger Treaty, throughout the

1970s and early 1980s, the era was generally characterized by "Eurosclerosis" or "Euro

Pessimism" (Dinan 53). When times became difficult, further integration halted while leaders

addressed the issues of the day. Financial turmoil across the world led to fluctuating exchange

rates and massively disparate performance of member states, as well as the growth of

"stagflation" – stagnating economies but increasing inflation. The EC at this time did not cease

to function by any means – instead, it was an all-hands-on-deck mentality, but those efforts went

towards stabilizing economies and solving problems rather than further integration.

However, from the 1980s, a movement arose aimed at institutional reform and further

integration. Spearheaded by Francois Mitterrand, the president of France (Dinan 68), it

eventually resulted in the Single European Act, which was signed in 1986. This treaty, following

in the spirit of the Merger Treaty, further reformed European Institutions by extending qualified

majority voting in the council, which made single country vetoes of proposed legislation far

more difficult (Single European Act). Previously, a single country, despite being beholden to

European Union policy, could effectively veto most policies that it disliked, and so lawmaking

was essentially only conducted as a matter of consensus (Dinan 81). Though the effective

removal of veto power dramatically sped up policy making, it also represented a fairly

significant loss in national sovereignty, as it was now possible for a country and its people to be

beholden to international law that they disagreed with, while having little say provided the other

community members agreed on it. [15]

Mitterrand's support in pursuing these policies was crucial, as was Thatcher's. France,

going back to the days of de Gaulle, had traditionally been one of the more skeptical powers with

regards to European integration, and Britain had held up integration with its budgetary question

(put simply, the concept that Britain paid far more into the communities than it received in

benefit). The fact that the leaders of both these nations not only supported integration, but now

did so enthusiastically, was a tremendous step in integration, as was the sense that further

cooperation could help prevent and resolve the problems of the past decades. Thatcher

eloquently put what many European leaders thought at the time: "if the problems of growth,

outdated industrial structures and unemployment which affect us all are to be tackled effectively,

we must create the genuine common market in goods and services" (Dinan 66).

European integration only continued with time. Just a few years after the Single European

Act, during which East and West Germany unified, two Intergovernmental Conferences -

procedures for negotiating amendments to the EU's founding treaties - were created, one on the

topic of a European Monetary Union, and the other on institutional and policy issues (Dinan 91).

These conferences resulted in the Maastricht Treaty, formally known as the Treaty on European

Union. This marked a "watershed in the history of European integration" (Dinan 91), and laid the

groundwork for a monetary union and the launch of a common currency. The Maastricht Treaty

encompasses three separate pillars: the European Communities, which groups the actions of the

EEC, the ECSC, and EURATOM under a single umbrella; a Common Foreign and Security

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[15] Pursuant to these and other sovereignty concerns, the Single European Act also increased the power of the European parliament and thereby increased the representation that European citizens had on the supranational level (Single European Act).

policy designed to "safeguard the EU's common values, fundamental interests and

independence" (Maastricht Treaty); and cooperation between EU governments on both justice

and home affairs, through establishing common rules and controls for external EU borders,

cooperating on criminal and civil judicial matters, and creating a European Police Office.

Additionally, it strengthened the powers of the European parliament and - veering dangerously

close to the concept of nationhood - introduced the concept of "European Citizenship"

(Maastricht Treaty).

All together, these policies represented a significant seizing of national sovereignty on

behalf of the Union. Citizenship and border control, dictation of foreign and economic policy -

and, in particular, a monopolization on the use of force within one's own borders - all of these

matters are traditionally core tenets of sovereign nationhood as established in the Peace of

Westphalia. Yet, as of the 1993 Maastricht Treaty, every one of these basic ideologies were

delegated to a supranational organization and no longer wholly the purview of its member states.

This treaty did not pass easily at all, and as is the case with many complex international

negotiations, nations were frequently split: while they found certain aspects of the treaty to be

favorable, they held strong reservations about others. Illustrative of this point, Germany had a lot

to gain from political union but also much to lose from unified currency, while France pushed

strongly for an integrated currency while balking at further political integration (Dinan 92).

Therefore, nations had different concerns about losing different aspects of sovereignty,

depending on public and governmental perceptions about which was more important to preserve

as a national power and which offered more potential once integrated.

Britain in particular led opposition to the treaty, once again along sovereign lines. The

language of the draft treaty initially described European integration as "a process leading to a

Union with a federal goal" (Dinan 92), and the British people met this idea with significant

discontent: while they approved of many of the goals of the treaty, they were uncomfortable in

stating a commitment to a federal future. The solution, when it was developed, turned out to be

remarkably simple: simply striking the word "federal" from the treaty gave the British

population what they wanted, while still preserving the essential nature of the treaty. After a

period of pushing from John Major, the British prime minister, Jacques Delors, the president of

the Commission, decided to concede, and deleted the word. Delors' remarks at the time were

telling: he noted "what does the word matter, as long as we have the actual thing?" (Dinan 93).

In successfully removing the word "federal" from the treaty while not changing any substantive

points, John Major was able to win a political victory at home while still promoting integration,

and in so doing perfectly demonstrated the "stewardship" conception of sovereignty first

recognized in Medieval times: the leader taking action to ensure the future wellbeing of his

people, trusting that further integration will be good even if it leads to initial resistance.

However, the difficulties of the Maastricht Treaty were far from over. In a routine

approval referendum, it was found that Danish voters, reflecting a trend across Europe at the

time, barely supported the treaty: only 50.7% of the electorate voted for it, while 49.3% opposed

it (Dinan 96). This result came as a shock to European leaders – they had spent so long

negotiating the treaty and doing what they thought was best for their peoples, and simply did not

think that there would be any significant public opposition. Ultimately, the problem was that

many Europeans knew far too little about the steadily growing supranational organization that

was coming to play a greater and greater role in their everyday life – represented in the eyes of

many by the surrender of their traditional national currencies (Dinan 96). Therefore, European

leaders undertook an ambitious program to promote increased transparency on behalf of the

community, especially with regards to televising some Council meetings and publishing all

formal votes taken (Dinan 98). This undertaking was largely successful, and opinion of both

European integration and the Maastricht Treaty grew. However, approval was still lacking in

both Denmark and Britain, who had expressed previous grievances on the "federalism" point and

in their referendum. Both nations particularly opposed giving up their currencies, and so the only

way forward was to offer exceptions, or "opt-outs" of certain aspects of the treaty. This is why,

today, the official currencies of Britain and Denmark remain the Pound and the Krone,

respectively, rather than the Euro. Sometimes, the only way forward in negotiations was to

concede defeat on certain points, which European leaders reluctantly did in the name of greater

overall integration. Though castigated by their populations, political elites pushed the European

idea forward, convinced that it was ultimately the best for their nation and following in the

medieval "stewardship" conception of sovereignty – doing what must be done, even if involved

losing some of their own power to a supranational organization. Finally, after long debate and

much negotiation, the Maastricht Treaty came into effect in November 1993, creating the

European Union as we know it today and paving the road for even greater future unification.

The most recent "depth" treaty[16] passed by the European Union is the Treaty of Lisbon.

By reforming how EU institutions operate, and broadening the European Parliament's legislative

powers, it is aimed at "ensuring greater democracy in EU decision making" (Lisbon Treaty).

Specifically, it reforms election procedures to make European Parliamentarians better

representative of their electorates, as well as giving the parliament itself jurisdiction over 40

additional policy areas, including matters of humanitarian aid, tax harmonization, police

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[16] That is, a treaty promoting further integration among existing states, as opposed to a "breadth" integration. The European Union frequently characterizes expansion as one or the other: while "broader" or "breadth" refers to expansion of the EU to more nations, such as those in Eastern and Southern Europe, "deeper" or "depth" refers to new policies that promote increased integration amongst existing member states.

cooperation, and "measures on external border controls, asylum, and immigration" (Lisbon

Treaty). It also dramatically increases the jurisdiction of the European Court of Justice to include

all EU policy areas "except for the common foreign and security policy" (Lisbon Treaty).

Finally, it strengthens and furthers the common foreign and security policy, delineating areas in

which the European Union has exclusive purview (monetary policy, commercial policy, and

customs union); as well as areas in which European countries share power with the European

Union (transport, agriculture, energy, and public health) (Lisbon Treaty). In addition, it

establishes that "all policies on border controls, asylum, immigration and judicial and policy

cooperation become an EU competence" (Lisbon Treaty). The Lisbon Treaty was signed in 2007

and put into force in 2009, and represents the latest iteration of the European Union.

Through all of the measures the Lisbon Treaty represents, a common thread is continued:

this treaty, like many of its predecessors, serves the twin functions of increasing the European

Union's power and ability to respond to crises, while simultaneously attempting to account for

the power increase by improving representation to both the governments of member states and

the citizens of European nations. The European Union is a story of how expanding economic ties

and expanding governance go "hand in hand" (Frieden 616). Economic interactions have led to

converging interests, and converging interests lead to deeper cooperation, which has in turn

spurred on a demand for governance structures to enforce rules (Frieden 616). This process, by

which the European Union has grown both wider and deeper, has turned out to be self-

reinforcing. Expanding in one area concept leads to increased demand for expansion in another,

looping back on itself ad infinitum.

It is also worth noting that while the European Union has continually increased its level

of integration, as is represented above, it has also broadened significantly. From the original six

signatories to the ECSC, the European Union has grown to include 28 member states today, encompassing a significant part of the European continent. While wider integration does not have quite the same level of impact on sovereignty that depth of integration does, it nevertheless is an important consideration. The more countries that are in the union, the more room there is for differing opinions and the more complicated the negotiations. Additionally, the voice of one nation is dramatically quieter in a room of 28 than it is in a room of 6, leading to concerns that some countries - especially those that are smaller and less powerful - will become sidelined and ignored, while policies are pushed through without regards to their consent. Through both wider and deeper integration, the European Union of today is significantly more powerful and influential than could have been imagined in 1949, and through its supranational structure and the supremacy of its laws to those of individual nations in several areas (Frieden 616), holds a large number of previously sovereign national competencies either partially or exclusively unto itself.

Ultimately, this snowball effect of growth will likely contribute more to the decline of traditional Westphalian sovereignty than any single other treaty or movement. While this cyclical expansion can be checked or even reversed in theory, it has historically moved along through periods of backlash, and though its conception sounds vaguely sinister, it is not necessarily a negative thing: one must remember that it is ultimately both the people and the leaders of the European Union's composite nations that spur further integration. While the European Union has expanded to obtain many traditional national competencies, it cannot – and almost certainly will never – have the ability to increase its own size without the impetus and support of its respective national governments. Therefore, the decline of Westphalia sovereignty at the EU comes down to a choice, the options weighed by both leaders and the common citizen: is the expansion of

international power and the benefits of further integration worth the surrender of traditional

sovereignty?

The Sovereign EU

There are five particular competencies in which the European Union holds at least partial

power that have been traditionally reserved for the nation state. The first is economic and

monetary policy, including both internal and external trade and currency. The second is

diplomatic policy, in which a nation may set its stance towards other countries as it wishes

without being forced to adopt stances they see as unwise or disagree with. The third is security

and justice policy, including border policies, police control, monopolized use of force, and court

jurisdiction. The fourth is law making ability, the power for a national parliament to create and

oversee the implementation of binding laws rather than having them dictated from the outside.

The fifth is that of citizenship, the ability for the leadership of a nation to dictate who lives and

belongs within its borders. Together, these issues of sovereignty form a major point of contention

within the European Union: does it have too much power? Or not enough? While some nations,

particularly those that benefit most from pan-European policies, are staunch advocates for deeper

integration, other more protectionist and populist countries tend to believe the EU has gone too

far already.

The dominance of the European Union in the realm of economic policy is longstanding

and was envisioned from the start, though perhaps not to quite the degree to which it has been

extended. Tracing its origins to the founding of the European Coal and Steel Communities, the

unification of key economic industries was seen as vital for the creation and preservation of

peace. Over time, this unification of industries has become a unification of markets, and

extended to provisions for the free movement of goods, capital service, and labor. While all of

these economic freedoms sound quite simple in principle, and do much to promote absolute growth, they also have great potential to harm potentially sensitive national industries, which may be unable to face international pressures without the benefit of protectionist tariffs, hurting local economies. Additionally, the competency of basic economic policy has expanded over time. It now includes a unification of external tariffs, which removes the ability of individual states to set economic policies vis-à-vis foreign actors. This then harms the foreign policy competencies of individual member states, and has led to widespread discontent, especially in nations such as the UK who seek to negotiate trade deals with fast-growing economies such as India and China (James).

Building on this, the lack of ability to modify currency or monetary policy removes an essential tool from the kit of nations that are attempting to solve domestic economic problems. This has been blamed as one of the reasons for the deepening of the Euro Crisis in Greece: namely, that the Greek government was unable to take the steps that it needed to address its problems before the crisis got out of hand. The resulting contagion of the crisis to other nations was also partially the result of a common economy: when multiple nations use the same currency, it is rare that negative effects will be localized to only one place where that currency is used. Finally, also connected to issues of economic policies are the concepts of environmental, social, and labor regulations: laws created for one country, or even by consensus of several, might not be what is best for another nation, who would then be forced to adopt what they saw as harmful policies that are not wanted by their people. While a weaker organization might merely make non-binding policy recommendations, the European Union's supremacy in these matters ensures that when they create a regulation, it must be followed by their members, whether they like it or not.

The second way in which the European Union has taken control of typically sovereign powers is in its common foreign and security policy. Originating from the Maastricht Treaty and reinforced by the Lisbon Treaty, the Common Foreign and Security policy has several focuses: to "safeguard the EU's common values" and to "promote international cooperation" (Maastricht Treaty). However, the common foreign and security policy also dictates policy for member states, sometimes with minimal input from the member states themselves. This is because the EU is currently recognized as having a "legal personality" (Lisbon Treaty), and is able in and of itself to sign international treaties. Furthermore, it has its own diplomatic service and can take actions to which its member states are bound, particularly in economic realms: an individual European member state is unable to levy sanctions against another country unilaterally, for example. Traditionally, an absolutely vital part of state sovereignty has been the ability of sovereign nations to set policy and negotiate with other sovereign nations in an international system according to their own national policies and the will of their peoples, and the European Union ensures that its member states cannot always do so.

A third traditionally sovereign power that has been partially controlled by the European Union is that of security and justice policy. With its roots technically in the European Court of Justice created with the ECSC, its power has been expanded significantly over time, most notably by the Maastricht Treaty, which dictated border policy and promoted pan-European police cooperation, as well as the Lisbon Treaty, which dramatically broadened the jurisdiction of the ECJ. A particularly vital component of national sovereignty is the concept of the monopolized use of force within a nation by its government. In order to function, nations must have control over what is legal and illegal within their own borders, and must also be able to enforce punishment for illegal acts. While the European Union has not entirely taken this

competency for itself, it has made some significant inroads: passing certain pan-European

legislation on how people are required to be treated and undertaking multinational police action

in several member states. Also included under the provisions granted to the European Union

under the Maastricht Treaty are those controlling the European Union's external borders, as well

as dictating immigration and asylum policy. This in particular has been met with pushback by

certain countries, especially Hungary and Poland, but also France's Front National, Brexiteers in

Britain, and others, who fear immigration especially in the light of the recent refugee crisis.

While some say that high levels of immigration from other EU members has been "overall

positive" (Niblett), others assert that it has "exacerbated preexisting pressures on public services

[and] may have restricted wage growth" (Niblett). These external-border policies have also been

described as ineffective, noting how especially southern European nations such as Greece and

Italy without the means to enforce the external borders have been portrayed as gateways to the

rest of Europe through which illegal immigrants can flow, faced with little trouble due to the lack

of internal European borders after entering the union. Immigration and refugees have brought

about problems in the legal sense too: many countries are unhappy with being required to take

refugees who they see as endangering their countries, and being punished if they refuse. In the

case of the powers granted by the Lisbon Treaty, the Court of Justice now has power over

everything except for the common security and foreign policy, including the ability to take action

against EU countries for infringing EU law, as well as presiding over "preliminary rulings from

national courts on interpretation of EU law" (Lisbon Treaty).

A fourth national power that has been absorbed by the European Union is that of

lawmaking. Though the European Parliament's predecessor was created by the treaty

establishing the European Economic Communities, it has had its power increased frequently over

the time since its inception, and as a result now presides over a significant body of law. When combined with the European Council, particularly in the aftermath of the Single European act, it is possible for the transnational European Union to create policy that is not agreed upon by all European member states, yet put it in to force regardless. By treaty, member states are obligated to implement this law, in some cases even if they did not vote for it and their people did not want it. This concept, while rare in practice, is greatly feared by many Eurosceptics, and played a large role in the Brexit debate both before and after the referendum. There is additionally a general sense within some EU member states that Brussels is prone to overreach, creating laws that are unneeded and unwanted. Regardless of how commonly it actually happens, the idea of an international institution making laws that affect a nation's domestic policy, that they are then bound to uphold despite not wanting to, captures the imagination of many and proves to be a powerful argument against further centralized European lawmaking power.

The fifth, and arguably most dramatic way in which the European Union has taken over the role of a traditional state is through the creation of the concept of European Citizenship. Tied in with the ideas of free movement of people, the concept of European Citizenship gives people to travel and live anywhere in the European Union, as well as ability to both "vote and stand as a candidate in European and local elections where they are living" (Maastricht Treaty). One of the most zealously guarded powers of a sovereign nation is its ability to dictate who lives within its borders, stands for and votes in its elections, and in general gets to call the nation home. The European Union, by emphasizing the concept of European Citizenship, undermines this. Essentially, the EU says that because someone is a citizen of the European Union, they are therefore entitled to equal rights within the varied member states, much as a US citizen is entitled to equal rights in different US states (McGiffen 57).

The Benefits

The European Union is messy, absorbs the sovereignty of its member states, and is not nearly as accountable to either voters nor countries as many believe it should be. Yet, nations still choose to join it, and stick with it, even in the face of tremendous skepticism. Why is this? Because the European Union, for all its flaws, also offers tremendous benefits. Membership in the European Union has long been desired by non-members, and its growth despite the often harsh accession criteria that it imposes represent the tremendous will of many nations to be a part of this great project. In order to become members of the European Union, states have overhauled their economies, reformed their laws, and in some cases – such as that of Spain – entirely changed their form of government (Powell). [17]

What, then do states receive in exchange for surrendering portions of their sovereignty? first, some would argue that the framing of the question is somewhat flawed, stating that states do not so much surrender their sovereignty as they pool it. By delegating powers to a larger multinational organization, states enable that international organization to take actions that no single country would be able to successfully achieve on its own. This has been one of the biggest arguments of those British who wish to stay in the EU – they advocate that "Continuing to pool its sovereign power… would enable the UK to help design integrated EU responses to many challenges that it cannot resolve on its own" (Niblett).

Yet, the very idea of pooling sovereignty, so frequently brought up in the contexts of international organizations generally and the European Union specifically, seems antithetical to the traditional Westphalian conception of sovereignty. Westphalian principles mandate that

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[17] This is a fascinating story, where Willi Birkelbach, a German statesman, led the movement within the European Union advocating that "the guaranteed existence of a democratic form of state, in the sense of a free political order, is a condition for membership," and refused entry to Spain until it had gotten rid of the Franco regime.

states have both legal and political supremacy within their own territory, while pooled

sovereignty ideology assumes that that control can be delegated to an outside organization.

Therefore, what is called "pooled sovereignty" consists of the *opposite* of sovereignty, at least in

its classical, Westphalian conception. However, this once again may be explained by alternative

definitions of sovereignty: most notably "stewardship" sovereignty of pre-Westphalia times.

What, after all, is pooled sovereignty but the leader instituting a measured discharge of his

sovereign power in order to promote the good of the people beneath him? Rather than dancing

around the violation of traditional sovereignty inherent in international organizations, it would be

much better for advocates of "pooled sovereignty" to embrace the violation, and instead discuss

why it is merited.

It is also important to note that the European Union does not require sovereignty to be

surrendered for sovereignty's sake alone, and when looking at each of the primary modes of

traditional state sovereignty that the European Union has now either wholly or partially claimed

for itself, it is possible to identify the exact reasons that the EU has for taking each power, as

well as the corresponding benefits that comes with the surrender of sovereignty. In each of the

five competencies – Economic, Diplomatic, Security, Lawmaking, and Citizenship – that the EU

has taken either partial or total control of, there are also tangible benefits to the member states.

The First EU competency that is reserved traditionally for states is that of economic and

monetary policy. The EU single market is the "largest barrier-free, common economic space in

the world" (Thirion). Enabled by a common regulatory framework, whereby nations promise to

implement parallel rules and mutually recognize standards (Strauss), it represents the

abolishment of intra-EU tariffs as well as other non-tariff barriers, and enables companies to

operate effectively across national boundaries – selling their products and services across the EU

while minimizing risk and costs (Strauss). This, in turn, has led to the development of economies

of scale within Europe (Thirion) and enhanced competition amongst transnational firms, which

has led to both a wider variety of options and a decrease in prices for European consumers.

Membership in the single market is highly desired, to the point that when Croatia finally joined

the EU in 2013, its government celebrated the success of "one of its main foreign policy

objectives" (Hina). It made sense to celebrate – in the five years after joining the Union, Croatia

increased its exports by 56%, and was given access to 10.7 billion Euro in "grants form EU

structural and investment funds" (Hina). These benefits are reflected across other European

Union countries as well - on average, new member states grow 12% richer in the ten years after

joining the European Union (Campos). Furthermore, EU accession generally leads to a reduction

of interest rates, a boost in commodity exports, a dramatic drop in unemployment, lower prices,

and more tourism (Hina). The jobs issue, though, is both particularly noteworthy and timely in

the context of Brexit: researchers have suggested that as many as 3.1 million British jobs were

linked to the EU (Lewis).

Of course, these benefits do come with tradeoffs: Membership in the single market means

that individual countries cannot have protective tariffs on goods to ensure domestic wellbeing of

sensitive industries, and additionally cannot refuse to sell products that are already approved

across the EU or, conversely, choose to sell products that are banned across the EU (Kenton).

However, in general, the single market has done much to promote trade and economic growth

across the union, as well as "improving the quality and availability of goods and services"

(Kenton), leading to prosperity for European populaces.

In addition to facilitating business "domestically," within the EU, market integration also

leads to a "powerful trading presence in the international arena" (Kenton), and allows the EU to

collectively assert its will rather than falling to the whims of nations with larger economies, such as those of the United States and China. The Euro, both a product and driver of this economic integration, contains benefits unto itself as well: notably, the "obliteration of… exchange rate fluctuations and reduction of transaction costs", the "stimulation of trade", and greater predictability in currency fluctuation (Geoghegan). Furthermore, the Euro promotes economic stability and strengthens the EU's position in the global economy, making it "an attractive region for third countries to do business" (European Commission). Overall, though individual member states have significantly less control over their monetary and economic policies than they did before the implementation of the European Single Market, they nevertheless receive benefits that could not exist without a high level of integration.

Though the EU's depth of economic integration undoubtedly plays a large role in the benefits that its members receive, its breadth is also a tremendous factor. Collectively, The European Union is the second largest economic entity in the world in the world by both Gross GDP - after China - and GDP by Purchasing Power Parity - after the United States (Budiman). Furthermore, the EU is the largest market in the world by a moderate margin (Mogherini), and though it is not often popularly perceived as such (Budiman), even within its own borders, the European Union has tremendous influence on the world stage. It uses this influence to further the interests of its members economically, including by negotiating sweeping new trade deals such as the recent EU-Japan trade pact (Casert). It has also, in an era of American protectionism, risen to prominence as arguably the greatest promoter of free trade and liberal economic policies in the world today. Internal to the EU, trade flows smoothly, enabled by the free movement of goods, capital, services, and labor enshrined in the Single European Act (Single European Act).

A second major benefit of European Union membership comes from the surrender of Diplomatic and Foreign Policy power. These powers were absorbed by the EU for many of the same reasons that external trade policy was absorbed: in general, European nations share key common interests - in human rights promotion, free and open markets, and rule of law - but are relatively too small and weak to do anything about it on their own. As a result, the European Union has developed a common foreign and security policy, designed to "resolve conflicts and foster international understanding" (EU CFSP Page). All EU member states are full participants in this shared policy, as well as the connected European Security and Defense Policy (Tuomioja). Because of this shared policy, the EU is able to speak with one voice on these issues, and that significantly increases its impact on the global stage.[18] For purposes of international negotiation, the EU functionally exists as one enormous and tremendously powerful nation, rather than several weaker ones, and this offers great benefits across the spectrum.

The European Union as a whole represents a formidable force, and even without a collective standing army, boasts the deterrent capabilities of two of the world's five NPT-authorized nuclear weapons states and the political dominance of two permanent UN security council members. The EU's External Action Service, its diplomatic arm, boasts 140 different offices around the world to "promote and protect the EU's values and interests" (EU CFSP page). Much how the European single market has allowed the European Union to compete on an economic level with such world powers as China and the United States, shared diplomatic power enables the European Union to defy much more powerful nations when going alone they would certainly fail. Because of its unity of power and purpose, the EU is able to take stances in

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[18] This is because, when navigating trade negotiations as well as international conflicts of interest in general, it is usually a significant advantage to be a larger and more powerful nation (on both economic and military terms) than a smaller and weaker one.

negotiations that would be frivolous for a singular nation to consider. By contrast, the EU

through collective action has flexed its foreign policy muscle with regards to sanctions against

Russia, and has mobilized its largest-ever assistance package to support Ukraine (Mogherini).

The collective strength of the EU not only enables it to stand up to rivals, but also allows it to

take stands separate from its traditional allies, such as with its recent decision to continue to

adhere to the Joint Comprehensive Plan of Action agreement with Iran[19] despite the withdrawal

and intense disapproval of the United States (Mogherini).[20] While any single country, even a

power such as Germany or France, would be likely to bow to economic and diplomatic pressure

from the United States, the European Union with its ability to speak with one voice, can adopt

stances together that they would not be able to adopt alone.

In addition to being able to stand on level with the most powerful nations in the world,

The EU looks outward to promote peace and support those countries who need assistance – they

are "the only power that engages in regular human-rights dialogue in all corners of the world"

(Mogherini), and control large programs focusing on Africa. Furthermore, the EU plays an

essential role in mediating the dialogue between Serbia and Kosovo (Mogherini), pursuant to its

goals in peace promotion within the borders of Europe, and has met success with conflict

interventions such as bringing an end to the fighting in Lebanon in 2006 (Tuomioja). Together,

these divergent programs paint a bigger picture: while the European Union is not the strongest in

pure military terms, it represents unparalleled soft power, and takes action all across the world

that would unquestionably be less effective if any one, or even all nations individually, were to

be involved (Kundnani). Finally, while concerns have been raised as to the commitment of some

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[19] Better known as the "Iran Nuclear Deal"
[20] Additionally, it is unlikely that this treaty ever would have been agreed to without the European Union's collective pressure upon Iran in the form of sanctions – yet another area where collective action far exceeds several instances of individual action.

larger and more powerful EU nations to providing for and protecting the smaller, Federica

Mogherini, the High Representative of the European Union for Foreign Affairs and Security

Policy, states that "The unity of our Union is much stronger than often perceived. What I see in

my daily work is an EU that makes decisions jointly, implements them together, and – especially

in the field of foreign and security policy – acts as one" (Mogherini). This unity of action is

reflected in the international policy that the EU makes as well: though the EU is legally

empowered to sign treaties, it generally refrains from doing so without the *unanimous* consent of

its members. This limits the foreign policy areas the EU can be involved in, but also ensures that

when it is involved, all members are able to get behind it, and limits functional loss of

sovereignty.

  European Union cooperation on security and justice policy has led to another surrender of

typical sovereignty. By expanding the jurisdiction of the EU Court of Justice, countries open

themselves up to potential penalties levied without their consent. However, the because EU court

of justice plays a vital role in interpreting and applying EU law equally amongst all nations, it

needs a mandate that allows it oversee states. Without the COJ, there would be no guarantee of

equal or fair treatment within the EU (EU COJ). Furthermore, cooperation on policing within the

Union only serves to enhance security: when there exists a single market with the free movement

of goods, capital, services, and labor, care must be taken to ensure that crime does also not roam

freely, and this necessitates close cooperation in policing and security. Likewise, though it is a

large requirement for nations to surrender con troll of their own border policies, the concept of

free economic movement across nations necessitates shared control.

  Lawmaking ability is always a complicated issue when discussing the powers of

international organizations. Without the power to create binding law, the European Union would

be powerless to the point of effective nonexistence. However, creating law that must be followed by member states brings up a whole host of sovereignty concerns. This is addressed at the European Union level through the steadily increasing power of the Parliament over time (EU Parliament), in addition to greater accountability and transparency levels at both the council and commission levels, and – for all the concerns associated with it – the European Union very rarely creates laws or even adopts non-binding policies that are not agreed upon on a unanimous basis already. In exchange for this sacrifice of some small degree of lawmaking ability, the European Union is able to create and oversee institutions that all member states benefit from, from foundational principles such as the single market to new territory such as an ever growing common foreign and security policy, the EU's structure and power has always been based on the consent of the countries it sits above.

The fifth key sovereign power taken by the European Union is that of citizenship. This issue has its roots, like many of the others, In the European Union's single market policies that allow for the free movement of peoples across different countries. However, European Union citizenship also conveys other benefits upon its citizens that represent the ideology of the European Union as a whole. These include guarantees of universal suffrage and the ability to participate in government, basic human rights protection including freedom of the press, and certain legal stances such as the prohibition of the death penalty. Much in the way that a nation such as the United States grants its citizens rights inscribed in the constitution, so too does the European Union guarantee rights for all its people. Though these rights are oftentimes redundant within a citizen's country of origin, as they are nearly always also enshrined in the founding documents of the individual member states (McGiffen 61), the EU's support of them mean that those rights are guaranteed no matter where in the EU a citizen will travel. It is unprecedented

that the citizens of one nation – say, Spain, could be guaranteed all of the same legal rights when

travelling in a foreign country that they would be granted at home, but within the EU this is

absolutely the case. In addition to ease-of travel benefits such as this, the European Union

provides a secure backstop and an added degree of assurance to the population should something

go horribly wrong domestically.

Overall, EU member states receive a high price for their sold sovereignty. As a result of

joining the European Union, new members typically receive a boost to economic growth,

increased bargaining power on the international stage, and security guarantees, which

collectively elevates them to a powerful position in the world. Additionally, they are guaranteed

certain key rights when travelling anywhere in the EU, and have an opportunity to make their

voices heard through parliamentary elections and citizens initiatives.

Vox Populi: Representation in the EU

The question of representation within the European Union is a complicated one. While its

system is designed so that both member states and citizens have a say in policymaking, things do

not always work out as they are planned. In principle, the European Union functions as a

representative democracy. The European Parliament serves as a forum for individuals to make

their voices heard, through direct elections of EU parliamentarians. Likewise, the European

Council is a forum where European Member States can represent themselves, and the European

Commission serves as the executive arm of the Union. Efforts are made to make the actions of

the EU transparent, including posting a wealth of easily accessible information online in all of

the EU's official languages. European Union citizens have the right to petition the EU through

the European Citizens Initiative, can stand for elections, and are guaranteed basic human rights

by the government. In many of these ways, individuals function within the EU just as if they

were citizens of a country. However, as is typical, the larger an organization gets, the more

difficult it is to access it for the common man, and European elections have been plagued by low

voter turnout as well as been faced with skepticism as to their efficacy by those in many

countries across the European Union (Politico).

The European Parliament is the legislative body of the European Union. Though

originally weak, the it has "had its powers increased by every treaty since direct elections were

introduced in 1979" (Economist), turning it over time into a formidable force. It is made up of

751 MEPs, or Ministers of European Parliament, who are directly elected for a 5-year period on

the principle of direct universal suffrage (European Parliament), in elections that are decided

based upon proportional representation. MEP's come from all 28 member states of the European

Union – larger states are assigned more parliamentarians than smaller states, similar to the design

of the United States House of Representatives. Finally, the parliament is presided over by a

president, who is elected for a renewable two and a half year period. As the body of the

European Union designed for popular representation, the parliament makes efforts to be

accessible to the European citizens who vote for its members, and over time has assumed the

political role of a "co-legislator" (European Parliament). Under this system, the Parliament

shares with the Council the power to adopt and amend legislative proposals. Additionally, in

another parallel to the US House, the EU Parliament has the power of the purse, and decides the

EU budget. Finally, under the rules of the Lisbon Treaty, the European Parliament plays a role in

the election of the president of the European Commission. Depending on the topic, the

Parliament votes by simple majority, qualified majority, or unanimity.

The Council of Ministers of the European Union is another key player in EU governance.

As the other "legislative house" of the EU, it is somewhat analogous to the United States Senate.

The council is responsible for creating legislation, alongside the parliament, to be put into practice within the European Union. It is smaller than the parliament, comprised of only twenty-eight national ministers (one per state). It is not elected directly, but it is comprised of government ministers from each state (Council of the European Union). However, unlike the parliament in which the representatives remain the same for the duration of their elected term, the council is changeable based on the topics up for discussion on that particular day. For example, when a topic concerning Justice and Home Affairs is being discussed, the twenty eight Justice and Home ministers, one from each member state, will represent their nation and debate the topic, while if a topic concerns Economic and Financial affair, the council will be represented by the each of the twenty eight European nations' Finance Ministers (Council of the European Union). Depending on the topic, the Council votes by simple majority, qualified majority, or unanimity.

The European Commission is the third main decision-making body of the EU, and serves as the "executive branch" of the European Union. It is the home to the President of the European Union, who is nominated by the European Council (the gathered group of all European Union heads of state), and then approved by the European Parliament (European Commission). The president is joined by 27 "Commissioners," one from each other member state, who serve as what is effectively his "cabinet" in analogous American terms (Economist). The Commission has the responsibility to propose new policy for the European Union, that is then considered by the Council and the Parliament. Each different president decides his own set of priorities, doing his best to analyze impact and need before bringing the proposal to the legislative bodies.

The European Union's governance structure is carefully set up with a design geared towards providing adequate representation for both member states and their peoples. However,

despite its lofty goals, it has come under criticism from several different sides for a myriad of flaws, with the two most prominent being ineffectiveness and undemocratic nature. The first criticism, of ineffectiveness, springs from the EU's sprawling nature and the frequent disagreements of its members. For all the concern about laws being pushed through without national consent, it is instead much more frequent that even simple policies will be blocked in the discussion stage, unable to advance beyond endless debate amongst member states that often have extremely varied views on what should be done for the good of themselves and the EU as a whole. Additionally, concerns have recently arisen regarding the illiberal status of several nations, such as Hungary and Poland, both of which have seen significant democratic backsliding in recent years and as a result have become increasingly Eurosceptic and willing to block proposed legislation.

The second common complaint with EU politics is that of an undemocratic nature, and it comes from a perennial idea that certain member states have disproportionate shares of power within the EU. While international discussions are all well and good on paper, it is noted that, in reality, "when important decisions have to be made, it is national governments, not EU institutions, that do most of the hard bargaining" (Economist). Currently, it seems to be the case that Germany, the European Union's "paymaster" (Economist) during the Euro crisis and major political player, is turned to for decisions more often than not. Additionally, many key positions in both the Commission and the Parliament are occupied by Germans, and Chancellor Merkel exerts control over other European states seemingly without even trying. This problem will only be made worse with an impending Brexit, the longstanding triad of Britain, France, and Germany will give way to an already heavily weighted two-sided tug of war. Overall, confidence in European institutions seems relatively low.

Though its institutions attempt to maintain a democratic nature, people in member states still complain about lack of sovereignty, yet "turnout in European elections is low and falling, and voters tend to rely largely on national and not European issues" (Economist). It would seem that, if lack of national power was truly as large an issue as many politicians and citizens make it out to be, there would be vastly greater turnout in elections on the international level, if only to elect Eurosceptic candidates that could work on bringing the power back home. One possible reason for this low turnout is that there is a popular perception of ineffective representation: an issue seen around the world, best summed up by the idea that "it doesn't really matter who I vote for, it is all the same in the end". The European Union has made great strides, especially in recent years, in order to make discussions at the European Parliament more transparent and accessible for citizens, as well as to promote understanding of what the EU does and why (Van den Brande 6). However, resistance still is widespread, largely due to the fact that many of the European Union's policies and competencies have too little interaction with the everyday lives of European citizens for them to care strongly one way or another.

Among those who do vote, Euroscepticism is on the rise, and with it comes criticism of the European Project as a whole. This skepticism is not limited to European Union, though, and it is also nothing new: Scholars have noted that "The extension of global governance can also generate conflicts over the decision-making procedures: that is, who has the ultimate say in making decisions? Which actors and interests have a seat at the table" (Frieden 620)? The European Union has made genuine attempts to increase public engagement, and has significantly changed its organization so that as it grows, it also better reflects the will of the European populace. These efforts, while not entirely successful, have not been in vain either: the European Union is objectively more accessible and transparent now than at any time in its history, and has

been designed to accept public input through several different official channels. All of these efforts have been undertaken for one primary reason: to mitigate concerns around the loss of sovereignty. The EU acknowledges that it takes powers that traditionally belong to governments, and in order to compensate, has taken great strides to be as available, if not more so, than the average national government. Of course, it faces several inherent challenges in this, most notably its degree of removal, though it has worked to emphasize infrastructure and policies in nations that result directly from its policies. Though the European Union has never been beholden to traditional national sovereignty, it always has needed and always will need the support of the European populace in order to exist and function.

Opinions on Sovereignty

At the end of the day, the success of the European Union must be partially determined by the people that it is comprised of. Fortunately, since 1974, the EU conducted public opinion polls on a wide variety of topics, across all its member states. This process, created as a way to gauge public opinion, was given an appropriate name for its task: The Eurobarometer. Each Eurobarometer survey "consists of approximately 1000 face to face interviews per country" (European Commission), and is operated twice yearly, once in the spring and once in the fall.

In 1974, when the survey began, opinions across the European Union seemed to be in favor of further integration. When polled as to the sufficiency of the common market, an average of only 10% of respondents within the European Community deemed it sufficient, while an additional 74% of respondents thought that it should be broadened and deepened (Eurobarometer 1). These responses were not limited to the common market either, and when asked about topics such as political unity, European currency, scientific research, and aid to underdeveloped countries, respondents indicated with averages of 76% in favor and 9% against that they felt the

European Community's action was insufficient and should be expanded. In the Community as a whole, greater than 70 percent of those interviewed "felt that important problems were more likely to be solved by all members acting together than by independent action by each member state" (Eurobarometer 1).

Over the years, this trend continued, and confidence in the EU remained high. Eurobarometer 3, a year after the first, states that "In the community as a whole, the majority – and in many cases the vast majority – of those interviewed were in favour of joint action on each of the problems listed" (Eurobarometer 3). While people plainly wished for the EU to act, there was also overwhelming support for accountability. For the first several Eurobarometers, it is interesting to note that there is little difference in opinions across the member states. Of course, some might have slightly higher support on some issues and slightly lower support on others, but they found themselves broadly in agreement. Eurobarometer 5 noted that the lack of difference between the nine members at the time "confirms that a European public does exist, affected by the same current issues, it is concerned by the same major problems and ranks them in much the same order of importance" (Eurobarometer 5).

From 1974 until present, approval of the European project has remained remarkably consistent. Unsurprisingly, it fluctuates to a greater or lesser extent based upon certain trends – notably, it is lower when the European economy is lower, and higher when there is economic success. Likewise, particularly salient debates in certain nations lead to decreased public opinion of the EU, including discussions around further integration. Yet, despite fluctuating opinions on the success or failure of the European Union, European citizens generally approve of further integration, and furthermore hold the idea that many problems going forward would be better faced collectively. These differing trends seem at odds, and can only be explained together by

inferring a kind of "unenthusiastic support" on the part of the general populace: while they don't love the European Union, they see it as a vehicle for success in the modern world. This evidence is supported by Van Ingelgom in the book, <u>Overlooking Europe</u>: essentially, she argues that "European issues are not prominent for ordinary citizens" (Van Ingelgom et al. 96). In other words, though the EU undertakes sweeping policy initiatives, it simply does not have a large enough presence in the everyday life of the average European citizen for them to particularly care about it one way or another. This also does much to explain the chronically low turnout in European Elections (Politico), and does little to promote an optimistic future of the European Union.

The implications for this "lukewarm support" vis-à-vis sovereignty can be viewed in either a pessimistic light or an optimistic one. On one hand, there seems to be no great national opinion on the loss of sovereignty, either for or against, with many accepting the European Union as a simple fact of life, meaning that the slow decline of Westphalian sovereignty has come to be accepted as a fact of life rather than a dramatic movement and replacement with something better. However, on a brighter note, the national leaders who are traditionally the primary defenders of Westphalian sovereignty have chosen to surrender increasing amounts to an international organization, once again following the "stewardship model" and trusted that the European Union will improve the life of their citizens, and have succeeded in bettering the lives of their populaces, facing – with few exceptions – little to no significant backlash.

When this backlash has been present, as is the case with the recent Brexit referendum, it has been mixed at best. The referendum famously succeeded by only a 51.9% to 48.1% margin (BBC), and in the ensuing three years an increasing number of Brits have come to see the referendum as having been a bad idea (Hall). Recent public opinion polls show that if Brexit

were held today, 52% would vote remain and 38% would vote leave, with an additional 10%

undecided, marking the whole situation as much less of a "deathblow for the European Union"

than many have made it out to be (WhatUKThinks).

In general, those that do have strong opinions have remained favorable of the European

Union, through thick and thin. From Eurobarometer 12, taken in 1979, through the most recent

Eurobarometer 90, taken in November 2018, Approval of the European Union[21] has remained

consistently between 50% and 60% for the last three decades, while disapproval has remained

between 12% and 20% and neutral responses ("membership is neither a good nor a bad thing")

clock in with a consistent 20-30% of the total. While there have always been outlier countries:

the UK, for example, had a terrible opinion of the EU in the 1980s that improved gradually over

time before dropping precipitously in the 2000s, across the whole of Europe those in support of

the European Union have always polled higher than those neutral, and those neutral have always

polled higher than those against (Eurobarometers).

Other data trends from Eurobarometers paint the European Union with a greater degree

of optimism. 1984's Eurobarometer 22, despite coming in the midst of Eurosclerosis - generally

accepted as a difficult time for the European Union - found citizens to be broadly supportive of

collective action on large problems, indicating that they would rather decide and act on a wide

variety of issues (including aid to the Third World, environmental protection, energy regulation,

and more) as a united Europe (70% or greater) as opposed to individually (22% or lower)

(Eurobarometer 22). Additionally, when asked whether European Integration should be speeded

up, slowed down, or kept at present speed, 42% of respondents indicated it should be sped up,

while 38% indicated it should be kept at the present speed. Only a very small minority (8%)

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[21] Or its predecessors, for older surveys

indicated that they desired integration to slow down (Eurobarometer 22). This data indicates that, even during difficult times in Europe, the populace in general seemed to be disposed towards integration, and that overall, "A majority of Europeans remain convinced of the necessity of the European Union to cope with future challenges" (Eurobarometer 82). Therefore, despite sovereignty concerns, European citizens frequently and consistently approve of moving forward together as a continent, rather than as a single unit. However, rather that being indicative of a "stewardship" or "democratic" view of sovereignty, this ideology seems to point a third reason for the violation of traditional Westphalian conceptions: one of "collectivism". Though this idea is more prevalent in larger organizations such as the United Nations, it is well reflected well here, because European peoples have clearly expressed that they feel the great issues of the day – aid, environment, energy and more – are better addressed at the international level than the national one.

More recent surveys have added further questions to the Eurobarometer, including a survey on European Identity. Results for this have painted a pleasant picture for the EU, with a large majority (74%) of respondents indicating they feel some amount of European identity (Eurobarometer 71), with 32% indicating they feel European "to a great extent". Likewise, European citizens are consistently able to enumerate benefits that they see in the European Union, including "'a greater say in the world'… 'the freedom to travel, study, and work'… 'peace'… and 'democracy'" (Eurobarometer 82). These survey responses would seem to indicate that European populations prefer to be a part of a greater identity, and would rather have increased access to other nations and greater power in the international sphere, even if it means a loss of traditional national power represented by Westphalian sovereignty. In the most recent Eurobarometer survey, conducted in fall 2018, each EU member state had more than half of its

population indicate that they saw themselves not just as citizens of Europe, but as citizens of the

EU, with 71% affirmation of this identity on average (Eurobarometer 90). If this trend continues,

there can only be a more integrated Europe on the horizon: one in which populations view the

benefits of integration as outweighing the negatives, and in which a European identity comes

before a national identity. Though the growth of the European Union might mean the downfall of

traditional, Westphalian sovereignty, it will also – in the view of its citizens and the leaders of its

constituent states – mean a better future.

Chapter 3: The United Nations: Protector and Violator of Sovereignty

Introduction

The United Nations is without a question the largest international organization in the world today. Membership has transitioned over time from a voluntary national commitment into an almost mandatory prerequisite for recognition as an independent, sovereign state. In today's world, having a seat at the UN has become functionally equal to being recognized and at least somewhat respected by other countries around the world, and it is for this reason that even the most isolated and unfriendly nations on earth, such as the Democratic People's Republic of Korea, maintain seats there.

The United Nations was created in the aftermath of World War II as a grand peace project to safeguard the future of humanity. At the conclusion of the second devastating global war in a period of thirty years, there was a shared sentiment of fear regarding the potential consequences of a third one, and with it came a powerful commitment to peace. From its inception, the UN has had a complicated relationship with sovereignty: while it clearly and unequivocally commits to the concept in its founding documents, it also establishes principles that require the surrender of sovereignty to put into practice.

This chapter will trace the origins of the UN through the trend of philosophical thought that led to its founding. In doing so, it will show earlier attempts at a global peacemaking organization, most notably the League of Nations, and give the reasons for their failure. The chapter will continue by presenting what the founders of the United Nations thought of the principle of sovereignty at the organization's inception, and will demonstrate how conceptions of sovereignty in relation to the organization have evolved over the period of its existence. After this, the chapter will discuss the ways in which the UN protects the concept of Westphalian

sovereignty in the world today, and contrast those instances with the ways in which the UN

violates traditional sovereignty through its policies. The chapter will conclude by talking about

the ideology of "collectivism" as one of the primary reasons for surrender of sovereignty at the

United Nations level, and predict the ideology's course in the future.

Origins of the United Nations

Though the United Nations Organization was created in the wake World War II, and

most trace its ideas back to the founding of the League of Nations immediately after World War

I, the reality is much more complex. The core tenets of the UN's founding: as a protector of

collective security, as a forum for the settlement of international disputes, and as an upholder of

international law, can all have their intellectual traditions traced back dramatically further than

the 20th century (Peters 4). The core principle of the United Nations as a way to attain

international peace trace their inception to the Peace of Westphalia in 1648 (Peters 4), the same

international agreement that brought about the commonly accepted principles of sovereignty so

dominant in the international system. It must be remembered that the idea of sovereignty itself

was originally envisioned as a method to promote peace: if every nation abided by the principle

of the sovereign immutability of territory, no country would ever invade another, and war would

be prevented entirely. This was of course not the case in the real world, but in a time when

sovereignty is increasingly being surrendered in the name of international peace it is important to

recognize that its origins came from the same sentiment.

One of the primary reasons for the existence of the United Nations is as a guarantor of

international peace, something that it attempts to ensure through principles of collective security.

The United Nations stems from two starkly opposed ideas on this topic: that of "negative peace",

defined by the absence of conflict and enforced by a deterrent effect, juxtaposed with that of

"positive peace", based upon shared principles of equality and justice. Laurence Peters, writing

on the history of the United Nations, argues that these ideas exemplify the east-west divide in

world relations. He traces the ideas of negative peace to Greek city states who bonded together

against larger common enemies such as the Persians (Peters 5), while attributing the concept of

positive peace to philosophical ideologies developed in eastern religion (Peters 5). In fusing

these wildly different methods of assuring peace, the United Nations provides itself with

competencies to enact both methods, depending on the situation called for.

This dual approach is clearly visible in the opening lines of the UN Charter. While the

preamble commits the organization to "practice tolerance and live together in peace with one

another as good neighbors" (UN Charter) Article 1 then commits to maintain peace through

"effective collective measures for the prevention and removal of threats to the peace, and for the

suppression of acts of aggression or other breaches of the peace" (UN Charter). When put

together, these sentences seem to come from entirely different documents: while the first clearly

affirms an alignment with positive peace principles, the second threatens darkly the

consequences to those who refuse to play along. However, this approach makes somewhat more

sense when it is taken alongside the global context of the UN's founding: it must be remembered

that those who conceptualized the organization had just lived through the bloodiest, most terrible

war humanity has ever experienced, and while they were of course hopeful for the maintenance

of peace, so too were they committed to preserve it at any cost (Peters 13).

The idea of the United Nations as a powerful enforcer of international peace was in line

with Franklin Roosevelt's personal hopes for the organization, but unfortunately proved to be

unrealistic in a Cold War context: fearing postwar conflict with the United States, the Soviet

Union insisted upon veto power in the Security Council. As a result of this veto power, and

placed against the background of the desire for international dominance on the part of both the

United States and the Soviet Union, the United Nations became too divided to take concrete and

unified action, and so became more a conference of world powers than a forum for true global

governance (Peters 26). Therefore, the United Nations at its inception was well situated to

preserve traditional Westphalian sovereignty, if only through a Cold War induced paralysis of

methods to violate it.

The UN's status as a forum for international disputes was not simply a side effect of its

ineffective peacekeeping mechanisms, it was a feature built into the organization from the very

start – and one with a long historical tradition of its own. Pre-enlightenment thinkers debated the

topic of a forum for international peace, but it never was able to enter the mainstream. This was

partially due the nature of the international system at the time – a world of strong rulers and

polarized ideologies did not leave much room for peace attempts. Nevertheless, several

conceptions arose, with the most notable being that advanced by Émeric Crucé, a French

political writer.

Spurred by the Thirty Years' War that had raged for much of his lifetime, Crucé wrote

the "Nouveau Cynée" - a proposal for an international body that sook peace through international

representation and discussion (Peters 36). His visionary plan included a multinational tribunal as

a means to settle disputes between nations, as well as a permanent council of Ambassadors from

across the entirety of the known world: he wished for "not just the Emperor of the Turks [to be

represented], but the Jews, the Kings of Persia and China, the Grand Duke of Muscovy[22] and

Monarchs from India and Africa" (Peters 37). This grand body would be presided over jointly by

the Pope and the Ottoman Sultan, with the idea that their combined religious authorities would

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[22] What would later become Russia

lend credence to peace processes as well as international negotiations.[23] Crucé hoped that his proposed organization could induce peace through creating a moderated forum in which to discuss and resolve disputes, a tradition that is carried forward in today's United Nations. Though Crucé attempted to emphasize the balance of power in his work, he made no particular concessions to ensure sovereignty, leaving it to later thinkers to innovate upon his ideas.

Hugo Grotius, who lived at the same time as Crucé,[24] was another thinker who saw the power of an international forum for discussion and mediation. He believed that states, much like individuals, needed to conform to social norms and established rules of the international system (Peters 62). Grotius focused particularly upon unprovoked aggressive warfare, and believed that international peace could only be attained with a global commitment to outlawing unjust wars – essentially, any warfare undertaken for principles other than self-defense (Peters 64). Three hundred years after his death, Grotius found success: While Crucé's ideas of a global world forum were only loosely adapted (and without his primary idea of religious leaders presiding over it), Grotius's thoughts found their way into Article 2(3) of the United Nations Charter, which asserts that "all members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered." (UN Charter).

In the aftermath of the Thirty Years' War, "pyramidal models" of international organizations arose. Under these frameworks, disputes between leaders would be settled through arbitration by an international organization, but members of the international organization would remain definitively sovereign rather than being subjects of the international organization. One

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[23] It is intriguing that, writing when he did, that Crucé did not include a Protestant leader in his organization, especially considering that one of the primary motivations of the thirty years' war was a conflict between Catholics and Protestants, and Protestants paid no allegiance to the Pope.

[24] Grotius also made contributions to the field of sovereignty theory – for discussion of this, see chapter 1 of this thesis.

thinker who innovated on this proposed idea was Emmanuel Kant, who in his *Perpetual Peace: A Philosophical Essay* wrote that that "no independent states, large or small, shall come under the dominion of another state by inheritance, exchange, purchase, or donation" (Kant). This statement, combined with his assertion that "no state shall by force interfere with the constitution or government of another state" (Kant), serves as an early and well-developed conception of an international forum in which nations could interact, but also one in which sovereignty would be ensured.[25] Kant's ideas would go on to be included in the UN charter, specifically Article 2(1), which states that "The Organization is based on the principle of the sovereign equality of all its members", as well as Article 2(4), which asserts "all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" (UN Charter). Another fundamental proposition advanced by Kant and included in the UN charter is the idea that all countries, regardless of size, receive equal respect for their sovereignty. This is affirmed today in the Preamble to the UN charter, which holds one of the founding purposes of the organization as the need to "in the equal rights of men and women and of nations large and small" (UN Charter). Overall, Emmanuel Kant contributed more to the idea of what would become the United Nations than any other thinker of his time – and indeed, more than many prominent thinkers of the mid twentieth century.

Though Kant was the dominant enlightenment thinker with regards to the United Nations, the organization arguably owes more to Woodrow Wilson than any other individual. In the aftermath of the First World War, Wilson committed himself to the creation of an international organization empowered to prevent another devastating conflict. In his famed "fourteen points"

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[25] Kant helped bring into the mainstream because he was already a popular thinker when he published these ideas. he also added a more pessimistic view, thinking that humans had to be almost tricked into peace, due to their nature more as "rational devils" than angels (Peters 53). This tied in with his theories on states, which he believed could only be enticed to peace through entry into a "gradually expanding federation" (Peters 53).

speech, Wilson asserted that "A general association of nations must be formed under specific

covenants for the purpose of affording mutual guarantees of political independence and territorial

integrity to great and small states alike" (Wilson). Wilson's peace and the League of Nations

born from it ultimately failed, but they did so not because the underlying ideas were flawed but

rather because there was no essential enforcement mechanism.[26]

The failure to include enforcement in what was envisioned as a grand international forum

was an entirely intentional move by the founders, partially out of a desire to maintain state

sovereignty and partially as a tactic to recruit more members. Both of these goals would be

irrevocably jeopardized had the League's founders given it any teeth, and so a commitment that

no government would be compelled to take action against its own desires was made (Peters 78).

In other words, while the League of Nations served as an admirable forum for the discussion of

international disputes, it had no tools to uphold the international law that it attempted to create,

and this – contrary to building strength as its founders had hoped – instead handicapped the

organization and allowed countries to proceed with essentially whatever actions they desired

while facing little to no censure.

When Mussolini's Italy, a full member of the League of Nations, chose to invade

Abyssinia, the organization grumbled and called for the imposition of sanctions. However, its

largely impotent nature failed to provide any deterrent effect on Mussolini's actions, and Italy

conquered Abyssinia in just over a year. While this event was seen as one of the death knells for

the League of Nations, it also taught the founders of the UN a mere ten years later a very

important lesson: that the right to sovereignty *could not* be construed as the unlimited right to

pursue national prerogatives, especially when those national prerogatives involved the violation

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[26] As well as the fact that Germany, one of the primary belligerents, was initially denied membership and Wilson's own United States refused to join and support the organization.

of treaty obligations and the sovereignty of other nations (Cosgrove and Twitchett 116). It is this intellectual idea, built upon the error of the League of Nations, that led to Article 1(1) of the UN charter, which affirms the ability of states to take collective action "to maintain international peace and security" and enables the "suppression of acts of aggression or other breaches of the peace" (UN Charter). At the cost of violating national sovereignty, the United Nations is empowered to *act* in order to preserve the peace, something that its predecessor never could do.[27]

The United Nations at its inception had a long philosophical tradition to build upon, from principles established at the Peace of Westphalia through enlightenment philosophers, and most recently the noble attempt and integration, the League of Nations, that had ended in terrible failure. In creating the new United Nations, national leaders and influential thinkers developed their ideas with an eye to the past, and this time succeeded in creating an organization that would stand the test of time (at least, for now).

Conceptions of Sovereignty at the Founding of the UN

In the views of the original fifty delegates to the United Nations, who affirmed the charter in San Francisco in 1945, the international system as a whole needed to be better controlled (Peters 68). These leaders attributed much of the ruin of the previous thirty years to principles of unrestricted sovereignty, and furthermore had seen with the League of Nations what happened when an international organization was insufficiently empowered (Peters 69). Yet, the idea of sovereignty was still of vital importance to them, not least as a check on the possibility of a system in which the "big five" allied nations of World War II[28] could dominate smaller nations at

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[27] While this competency was long limited by Cold War realities, it has been enacted with ever-increasing frequency in the present day, and has led to extensive discussions about sovereignty at the UN, which will be explored later in this chapter.

[28] Also referred to in United Nations terminology as the "P5", shorthand for "permanent five members of the security council." This elite club consists of the United States, Russia, China, France, and the United Kingdom.

will (Peters 69).[29] As a result, ideas around the UN charter toed a delicate line, and the final document included much discussion about the preservation of national sovereignty and autonomy, but also empowered the organization to act decisively when it needed to (Stanley 7). This debate is reflected well in the text of the Charter itself, which at times seems to contradict itself on the topic of sovereignty.

This contradiction is particularly visible in Article 2(7), which writes that "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state", yet continues in the same Article with the caveat that "this principle shall not prejudice the application of enforcement measures under Chapter VII" (UN Charter). Because Chapter VII empowers the UN to take action against "threats to the peace", Article 2(7) can be construed as stating that the UN will not intervene in domestic matters of its member states, unless it decides that it needs to do so – which is far from a clear legal standard. This is because The United Nations is placed in the unenviable position of being tasked with the protection of sovereignty, the exercise of which frequently requires violation of that same sovereignty.

Thinkers at the San Francisco conference also generally accepted that sovereignty would slowly decline over the life of the organization. This was because sovereign nations, in initially agreeing to membership, also bound themselves to accepting the future decisions of the organization. In the United Nations, which functioned on majority voting principles rather than unanimity, that meant decisions could be imposed upon member states, even if they did not vote for them (Nincic 106). The Security Council adds a further dimension to this loss of sovereignty:

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[29] Simultaneously, there were hopes that the "big five" leaders of the war would work together to keep the peace (Comay 12). This is initially why peacekeeping ability wasn't given to general assembly but rather to the security council, though the vision of the "five world policemen" broke down due to Cold War tensions.

despite its smaller size, its decisions are legally binding upon all UN members, which leaves

much more room for unfavorable policies to be forced upon unwilling states (Nincic 116).[30]

Today, the security council is to a large degree responsible for how far sovereignty extends

(Peters 78), and though the affirmation of basic sovereignty ensures near-complete equality in

theory (Nincic 37), the true extent of sovereignty for a given state depends on both the specific

situation as well as the nations involved: while a small and weak island nation might have very

little say on the UN level, it is virtually unheard of for a P5 member to be unsatisfied with a

United Nations action.[31]

This complicated founding has left it up to later generations to both interpret and further

develop the core ideas of the United Nations to best fit the international system of their time.

Functionally, this means that with each successive decade, the United Nations' mission has

expanded, rising from a fledgling international organization in the wake of World War II to the

behemoth with near-universal membership that it is today. However, despite all the time that has

passed, many of the core questions around sovereignty that were present at the founding of the

UN still persist: to what extent should national sovereignty be enabled? When is its violation

acceptable, or even morally required? Though progress has been made, a definitive answer is still

far off, if it exists at all.

The United Nations Today

Today, the United Nations is fundamentally different from the United Nations of 1945 in

several key ways. Notably, its mission has significantly transformed over time, especially after

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[30] The UN attempts to address this through the inclusion of veto power for the 5 permanent members of the security council, but this only ensures that the will of those specific five is not violated, rather than the will of other UN members. Throughout the UN's history, this has been a prevalent (and well-founded) criticism: that it seems to value the sovereignty of certain members (namely, the P5) over others.

[31] Though there are of course exceptions to this, such as the conflict over which China received the UN seat and Russia's abstention that led to UN action in the Korean war.

the conclusion of the Cold War. While the UN was initially envisioned as a mediator for interstate conflict, it has in practice focused very little on this, directing fewer than twenty percent of its missions since 1988 towards that objective. Instead, the UN finds itself involved increasingly with intrastate conflict, largely in response to the demands of the time. This is because "the overwhelming majority of today's armed conflicts are internal, not inter-state" (Gareth 13), and while an intrastate conflict does not necessarily have the same degree of a reach that an interstate conflict does, it still threatens international peace.

This transformation of mission has presented the UN with difficulties vis-à-vis sovereignty principles, because while it is relatively possible for a third party to successfully mediate or even intervene in a conflict between two nations while still respecting both of their sovereign integrity, single-state interventions almost always require the violation of traditional Westphalian sovereignty. The United Nations is dedicated to protecting territorial integrity, political independence, and national sovereignty in the pursuit of peace, but what happens when the pursuit of peace requires the violation of those normally ironclad facts? The UN has largely adapted to this conflict of interest with an attitude of "doing what must be done" – though it was originally intended to safeguard international peace and security through the preservation of sovereignty, the organization has increasingly seen the "peace" aspect of its mission as more important than the "sovereignty" aspect, and in several instances has violated the second in order to promote the first (Gareth 13).

UN military forces have only fought under their own flag in two conflicts to date: specifically, the Korean War and the Gulf War (Comay 13),[32] which illustrates how difficult unanimous agreement to violate sovereignty at the security council level is. Traditionally,

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[32] Furthermore, the Korean War intervention was only possible because the Soviet Union was boycotting the security council over the recognition of Communist China rather than Nationalist China at the UN level.

because of these difficulties, the UN was only able to intervene by mutual consent and under the auspices of peacekeeping, both of which mitigated the loss of sovereignty (Comay 14). However, in the aftermath of the Cold War, the UN security council has licensed extensive intervention in a wide array conflicts, and furthermore has allowed the UN to move beyond the realm of traditional peacekeeping into more humanitarian operations. This shift has challenged the principle of sovereignty, because recent UN interventions have not always been by request. Modern day UN peacekeeping and regional security is generally performed with the consent of only one party (Snider & Moffett 7), which signals a radical departure from previous ideas – away from a conception of the United Nations designated as an equal protector of all and into a different conception, of the United Nations as an international organization that asserts its will on sovereign states in order to fulfill its objectives (MacQueen).

The United Nations' decision to intervene in conflicts at a greater level did not come out of the blue. It must be placed into the context of the evolving principles of the international system, represented both by different ideas in its leadership and different expectations of it by states in the international system. Increasingly, the UN has advocated that the collective good of individuals within its member states can "supersede" the value of traditional sovereignty (Snider & Moffett 15). This collective good can come in the form of humanitarian imperative, such as is the case with Genocide prevention,[33] but it has also been applied in cases of preserving regional stability (Snider Moffett 5), among other methods. Overall, the United Nations has -in recent years especially – helped to assert "the supremacy of international law over lesser expressions of sovereignty" (Larson 358), and this trend looks as if it will only grow with time.

The United Nations as a Protector of Westphalian Sovereignty

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[33] The evolution of the "Responsibility to Protect" doctrine is a tremendously complex case, and will be discussed in detail under the section "The United Nations as a Destroyer of Westphalian Sovereignty"

For all its fundamental organizational shifts, the United Nations still plays a significant role as a protector of traditional Westphalian sovereignty in the world. One of the primary ways in which it does this is by serving as a guarantor of sovereignty, especially for smaller and weaker states. For many nations, membership in the United Nations brings recognition and respect, a kind of "seal of acceptance into the community of nations" (Evans 13). It is often forgotten that the United Nations has played an instrumental role in inducting countless nations into the international order through its anti-colonial policies, and has then gone on to ensure rights and recognition for those nations, placing them on equal footing with their former colonizers within its chambers (Cosgrove & Twitchett 19). Because of this history of fostering decolonization, many small ex-colonial states uphold UN membership as both the cause and the continuing guarantor of their sovereign independence in an often large and uncaring international arena (Cosgrove & Twitchett 19).

As far as interventions go, sovereignty threats are often overstated. Though discussion abounds of UN violations of sovereignty and territorial integrity, in principle this only occurs in a very small minority of states, especially those who already face domestic instability or civil war, as well as those nations whose governments choose to commit unspeakably evil acts such as genocide or ethnic cleansing. In general, the United Nations is a steadfast upholder of the traditional view that the domestic affairs of a state are their own business, and it respects state sovereignty by not getting involved (Snider & Moffett 5).

Even in cases where there is civil war or other problems that provoke UN intervention, there exist arguments that this intervention itself helps to protect national sovereignty in the long term. In these types of cases, a year or two in which territorial boundaries are violated by UN peacekeepers might be a small price to pay if the tradeoff is the promotion of long-term stability

within the state and the eventual measured withdraw of the intervention. As Snider and Moffett

assert, those nations "vulnerable to collapse or to regional intervention unchecked by

international involvement" are frequently better off *with* a UN intervention than without one

(Comway 45).

Another argument for the United Nations as a protector of sovereignty is through the non-

mandatory nature of many of its resolutions. This especially applies to larger and more powerful

states, such as the US, which seems to have adopted a policy of "if the UN approves, go with it

(as was the case with the Korean war), but if the UN disapproves, go without it" (as was the case

in the Iraq war). Larger states, especially members of the P5, need not worry about losing

sovereignty to the United Nations, as despite the powers it is imbued with, it still lacks the ability

to place significant disincentives on large and powerful nations, especially those it depends upon

for funds and legitimacy. While true sovereignty violation would require policies to take effect in

violation of national will, the ability of powerful countries like the US to only get involved when

it suits their interests (Snider & Moffett 35) ensures that their sovereignty is never impinged

upon in any meaningful way.

This argument of limited ability does not only apply to large states, however: even among

smaller scale initiatives such as troop contributions to UN peacekeeping initiatives, national

governments have the final say as to if they want them to return home and when (Snider &

Moffett 8). Finally, and arguably most importantly, it is the UN members themselves that get to

decide whether to execute resolutions or not. The high degree of compliance with UN

resolutions, especially by smaller states, reflects more will than coercion – though nations could

technically violate UN principles with little consequence, their enactment in international law is

rarely questioned (Peters 59).

The United Nations as a Destroyer of Westphalian Sovereignty

Though the United Nations does much to preserve and protect traditional conceptions of Westphalian sovereignty, it also challenges them on a regular basis. The UN, especially in recent years, has placed its values more along the lines of greater international security, human rights, and development than of sovereignty (Walling 190), and this change of focus has led to decline of the principle when it comes in conflict with one of these several prioritized ideas. Furthermore, transitions in ideology have brought about the linkage of previously disparate concepts: for example, state sovereignty is increasingly conflated with an obligation to respect human rights (Walling 190) – an assumption that simply did not exist fifty years ago, but that now has gained significant international backing due to tragedies in Rwanda, Kosovo, Darfur, and more.

In 1999, then Secretary General of the United Nations Kofi Annan spoke before the General Assembly, promoting the idea that "gross and systematic violations of human rights" constituted a dramatically greater assault on sovereignty than would the humanitarian intervention required to stop them (UN Genocide Prevention Office). This would eventually give rise to the United Nations "Responsibility to Protect" doctrine, which more than any of the UN's other polices directly conflicts with typical Westphalian sovereignty. However, it did not come out of the blue: for the past decades, the UN has steadily developed its views on what a state is "allowed" to do before an intervention and its corresponding violation of sovereignty is justified. This evolution can be seen with multilateral interventions in Somalia and Haiti (Snider and Moffett 6), as well as resolutions condemning the development of weapons of mass destruction and expressing concern for the suppression of the Kurdish population in Iraq. Both the resolutions and the interventions significantly restricted state sovereignty (Snider & Moffett 6),

but both were seen as merited in the context of the respective states' actions: essentially, the UN expressed a view that sovereignty was important, but that states had to "deserve it" in order to have it respected: otherwise, it could be violated with little trouble.

At the end of 2001, The International Commission on Intervention and State Sovereignty issued a report entitled "The Responsibility to Protect" (walling 191). In the report, researchers laid out a foundation for a new view of the international system, based upon two basic principles: that "State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself", as well as the idea that "where a population is suffering serious harm, as a result of internal war, insurgency, repression, or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect" (ICISS Report). These principles, clearly stated and backed by pages of analysis, pushed the norm at the UN from an international system hinging on sovereignty towards an international system hinging upon the good of the people within it. However, ideology from the report would not be implemented until four years later, due to yet another terrible atrocity perpetuated by the leader of a sovereign nation.

The War in Darfur became one of the tipping points in the R2P debate, and was an important motivator in the 2005 decision to implement Responsibility to Protect principles. Darfur was a special case, because – unlike many situations of war, genocide, and instability – there was little disagreement as to who operated as the legitimate sovereign authority in Sudan (Walling 205). Here, it seemed that the case of "sovereignty as responsibility" was cut and dried: a legitimate, sovereign leader was causing serious harm to populations within his territory. Under R2P ideology advanced by the ICISS report, the United Nations had a moral obligation to intervene. Indeed, these arguments were put forward in the Security Council by the US, France,

and the UK, but they ended up clashing with the traditional sovereignty principles maintained by

China and Russia (Walling 205). Ultimately, no UN intervention was undertaken until 2007, four

years after the Genocide of the Darfuri people began, proving that even in the modern world,

where principles that compete with or supersede classical sovereignty exist and are espoused by

some nations, others cling to the ideas that have shaped the world since the Peace of Westphalia.

Unfortunately for sovereignty principles (though to the benefit of oppressed peoples in

the world), as time went on the UNSC found it easier to justify the use of military force under

R2P principles, as was seen in the intervention in Libya (Walling 214). This Libyan intervention

was groundbreaking, as it was the first time use of force had been authorized at the UN level

explicitly *because* a state had committed human rights crimes (Walling 241). Furthermore, it

paved the way for further acceptance. UN resolutions 1674, passed in 2006, and UN resolution

1894, passed in 2009, helped to reaffirm and strengthen the UN's commitment to Responsibility

to Protect principles (Walling 262), and they have continued to be relevant through the present

day: arguably having carved a niche out of sovereignty's formerly all-encompassing status as the

top principle of the international order.

Though Westphalian sovereignty has long been dominant in the mainstream, its flaws

have increasingly come to the forefront, leaving international organizations to find workarounds

without throwing out the entire principle. The Responsibility to Protect doctrine plays a

tremendous role in the breakdown of traditional Westphalia sovereignty[34], but intriguingly

remains more consistent with earlier ideologies of sovereignty than one might think at first

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[34] Another way that the R2P doctrine has had an impact on the decline of sovereignty is by contributing to the downfall of "sovereign immunity from prosecution." Now, a leader of a country can still be tried for crimes against humanity, even if they were acting under their Westphalian sovereign purview as the legitimate ruler of a nation (Walling 191). For the first time since the Nuremburg trials, precedents are being set to make the punishment of gross abuses of human rights an international matter rather than a domestic one (Snider & Moffett 34)

glance. In particular, it meshes well with the medieval "stewardship" idea of sovereignty, under which the ruler of a sovereign nation is not merely empowered to take action within their sovereign territory, but also *responsible* for looking after the best interests of their population. It is likely safe to say that neither murder nor brutal repression is in the interests of any state population, meaning that, as far as "stewardship sovereignty" is concerned, Omar al-Bashir of Sudan[35] surrendered his right as a sovereign ruler. This would naturally open the doors to foreign intervention in order to stabilize the nation and stop the murder of innocents.

While the Responsibility to Protect doctrine plays a massive role in the breakdown of traditional, Westphalian sovereignty at the United Nations level, it remains somewhat consistent with earlier ideologies. Furthermore, it is – if implemented properly – an unequivocal good for the world, and a fantastic example of why pure state sovereignty should not always be the unquestioned primary principle of the international system.

Though not as titanic in its sovereignty implications as the Responsibility to Protect, another way that the United Nations infringes upon Westphalian principles of sovereignty is through the legal dominance of its treaties. Though many resolutions the organization adopts are non-binding, it does have the capability to issue binding ones, and sometimes those come either without the consent of all assembled members or – even worse for sovereignty – from the Security Council. The United Nations General Assembly votes on the principle of either simple majority generally, and on two-thirds majority if the matter is an "important question". Therefore, a Member state which sides with either the dissenting half or third has the potential to be subjected to obligations that it did not vote for and does not approve of (Larson 359). This process is magnified in the context of the Security Council, because that body is significantly

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[35] The president and primary architect of the Genocide, later to be indicted by the ICC for Genocide and Crimes against Humanity.

smaller, and not all member states are represented there. Nevertheless, the UNSC has the ability

to enact binding regulations, which makes it feasible that an overwhelming majority of the UN

can be beholden to a policy that they don't just disagree with, but one that they *never had a*

chance to vote on (Larson 359). Furthermore, these member states are treaty bound to follow the

will of the security council: Article 25 of the UN Charter clearly states that "The Members of the

United Nations agree to accept and carry out the decisions of the Security Council in accordance

with the present Charter" (UN Charter).

Though theoretically the Security Council could approve of a resolution with only the

five permanent veto holding members plus half of the 10 rotating members, and proceed to

impose that will upon every other UN member, in practice this is staggeringly unlikely to occur.

Instead, the will of the UN as a whole generally follows quite closely with that of the Security

Council, and if anything, the five veto powers hold back resolutions that the body supports,

rather than the Council implementing decisions that the body disagrees with.[36]

Tied in with the binding nature of some UN resolutions are concerns around withdrawal

from the United Nations. While exit from the European Union is possible (if a little messy),

revoking UN membership is theoretically possible but in practice unthinkable. This is because of

the UN's assumed role as the guarantor of legitimacy in the modern international system means

that withdraw would entirely cripple a nation (Larson 360). This problem only compounds due to

the sheer scale and all-encompassing membership of the UN: once a state joins, which it

effectively bound to do in order to seek legitimacy, it is effectively prevented from leaving.

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[36] Of course, the Security Council has issued its fair share of ill-advised, naïve, or flat-out harmful resolutions. An example of the first is Resolution 1706, which authorized a UN peacekeeping mission to use "all necessary measures" to protect Darfuri civilians against the Sudanese government, contingent upon…. The consent of the Sudanese government. An example of the second, far sadder than the first, is Resolution 819. This resolution created a "safe haven" in Srebrenica that was woefully underdefended and later abandoned by the UN, and had the ultimate effect of delivering over 8,300 Bosniaks into the waiting arms of the Serbian army (Lynch).

Moreover, while it remains beholden to the UN, it is bound to follow a variety of resolutions, whether it agrees with them or not. Therefore, joining the UN constitutes an essentially mandatory and effectively irrevocable surrender of sovereignty by any state (Larson 373). This is an occupational hazard of an organization that has grown *so* large and *so* legitimate as to encompass all of international affairs, and it is only saved from being a more worrying prospect by the fact that no nation yet has expressed interest in leaving the organization.

Benefits of Surrendering Sovereignty to the United Nations

It must be emphasized that the decline of Sovereignty at the United Nations level is not only mitigated by ineffectiveness of binding policy, it also comes with concrete benefits across several different areas of both national and international affairs. The first of these benefits is access to a forum for international mediation, as well as an agency to work at ensuring peace between a member state and a rival. A strong example of this comes from the UN mediation of the Kashmir conflict: when a conflict broke out between India and Pakistan in 1947 over control over the Kashmir province, India brought it before the UN Security Council. The UN agreed to mediate the dispute, and passed several resolutions which helped to establish and maintain a cease-fire in the area (Brecher 195). Furthermore, the UN helped to monitor and enforce the ceasefire while ongoing negotiations continued. Though the Kashmir situation has still to this day not been resolved, the UN undeniably played a valuable role in establishing an end to hostilities and helping to facilitate talks.

The United Nations as on the whole succeeded in the mission laid out for it at its inception. It has become a protector of collective security by establishing both norms and laws against unprovoked aggression towards another state. It has met with success as a forum for the settlement of international disputes, from small conflicts between relatively insignificant nations

to enormous Cold War struggles between global superpowers. It has asserted itself as not only an upholder but also a creator of international law with its establishment of Responsibility to Protect doctrine, among others newly accepted norms and ideas. Furthermore, the United Nations has a variety of offices aimed addressing the needs of people across the world. This comes in the form of aid to Refugees from the UNHCR (Comay 26), efforts from the WHO to fight disease (Comay 87), including the long and difficult struggle that led to the global eradication of smallpox (Reinhardt), and the ongoing battle with global hunger fought by the World Food Program (Comay 85). In addition to the above initiatives, the UN works to educate and provide for children through UNICEF (Comay 101), provides for education, culture, and science through UNESCO (Comay 107), and promotes international development and Human Rights (Comay 136). The United Nations, therefore, is not just an international organization aimed at enhancing power for its member states, it is a project dedicated to promoting good in the world as much as it can, through a wide variety of programs.

An Ideology of Collectivism

The United Nations embodies an ideology of collectivism that has created a compelling reason to join with the international system. It is becoming increasingly clear that the greatest problems humanity faces - be they existential threats such as climate change, terrorism, and disease or humanitarian projects like access to food and education - simply *cannot* be addressed by any single nation alone, or even a group of nations working together (Peters 79). Something greater is required, an international organization that ties together disparate states beneath it, not subsuming them entirely but taking from them what they are willing to give in the name of a better future for all mankind. The United Nations was created on these principles, and in the hopes to "save succeeding generations from the scourge of war"; to "reaffirm faith in

fundamental human rights"; and to "promote social progress and better standards of life" (UN

Charter). While sovereignty is still indisputably relevant in the international system, its utility is

eroding. The singular, complete state cannot go alone in the modern world, no matter how

powerful it is (Stanley 2). The problems of the future have no regard for national boundaries

(Stanley 8), and nor should the solutions of Humanity. If the path to a better future is through

greater collectivization, then that is where the world will turn, and Westphalian sovereignty just

might be left behind in the dust.

Conclusion: A Decline and Replacement of Westphalian Sovereignty

In the end, sovereign nations choose to give up their power in the joining of international organizations for a variety of different reasons. One is alternative conceptions of Sovereignty itself: while the idea of the Westphalian state seems more obsolete every day, its decline leaves room for alternative ideas about sovereignty and national power: most notably, those of the "stewardship" tradition of sovereignty that trace their origins back to medieval times and place emphasis on the moral obligation of the ruler towards his people, as well as those of the "democratic" type of sovereignty, springing from enlightenment principles and reflecting the citizen as the source of sovereignty, with the ability to choose who they invest it in.

An alternate explanation for countries to join international organizations is that of "collectivism". Essentially, this is represented by the principle that many of the problems we face in the world today are simply too large and complicated for any progress to be made by individual nations, or even loose assortments of nations – requiring instead true international institutions that are vested with genuine power in order to be solved.

A third, somewhat simpler argument for countries to join international organizations is that they feel the benefits outweigh the costs. Economic growth, peace and security, increased global power and presence, and even effective mediators to conflicts can prove invaluable to national populations, and in many cases international organizations are uniquely situated to help both citizens and countries attain goals that they would otherwise find impossible.

Sovereignty is indisputably weaker in the international system than it was at its first codification in the Treaty of Westphalia, and has certainly declined even since it 1945 when it was written into the UN Charter. With the current preponderance of international organizations

across the globe, each one promising myriad wonderous benefits for membership, it is likely that countries will only engage more with these organizations in the long term.

It cannot be emphasized enough in discussion that what is good and bad for traditional conceptions of sovereignty does not always align with what is good and bad for the world. This applies on the EU level (economics) in the same way as it applies to the Responsibility to Protect at the UN (genocide), though on different orders of magnitude. While it wouldn't necessarily always be correct to indicate that the decline of traditional Westphalian sovereignty has represented an absolute and unequivocal improvement in the world, the benefits and downsides of surrender of sovereignty seem to on balance lean more towards the good than the bad – one would hope so, at least, since Westphalian sovereignty is disappearing regardless.

Ultimately, it cannot be definitively said that a post-Westphalian world will be concretely better or worse than the one Humanity lives in today. That is up to each individual to decide, from the information available to them. The choices of some will count for more than others, of course – those of diplomats, Presidents, Prime Ministers, and Chancellors, national leaders with the power to either charge onwards or pull on the reigns of integration – but the decision of every citizen counts too. There is no effective way to predict the outcome of these choices, even ten years into the future. All that can be done for now is lay out the arguments both for and against further integration, analyze the reasons that nations join international organizations, and hope – for a brighter future, wherever it may lie.

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