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The International History of (International) Sovereignty

In a plastic period like this it seems as though anything could happen.
Emily Greene Balch, *Nobel lecture, 1947*.

Historians have all but dispensed with a conventional chronology that marks the Treaty of Westphalia (1648) as the origin of a modern state-centric territorial sovereignty. Instead, they are accumulating evidence that, since at least the early nineteenth century, sovereignty stretches back to the imperial practice of intervention into polities elsewhere on humanitarian grounds.¹ Imperial sovereignty was less uniform than imperial officials and cartographers asserted; instead, as Lauren Benton has argued, it was (and is) usually “more myth than reality, more a story that polities [told] about their own power than a definite quality that they possess[ed]”.² Then there is the increasing number of historical examples of non-normative, quasi-invisible forms of extra-territoriality that shaped the global imperial political architecture of the late nineteenth century: from the remaining principalities of the Holy Roman empire, and the conceptually distinctive practices of the Habsburgs as they separated cultural sovereignty from political sovereignty within their imperial territory, to the European claims to commercial and municipal authority in the treaty ports that dotted China’s seaboard and river system, carving out the spoils of war.³

In this chapter, my aim is to move this new history of sovereignty more firmly into the twentieth century. During that century, imperial sovereignties came under increased pressure from the privileging of national-state sovereignty, on the one hand, and, less consistently, the (imagined) authority of intergovernmental institutions and practices, and the universalist ambitions inscribed in international law as being representative of mankind, on the other. My focus is on those less consistent moments, at the end of the two world wars,

¹ See B. Simms and D.J.B. Trim (eds.), *Humanitarian Intervention: A History*, Cambridge: Cambridge University Press, 2011.

² L. Benton, *A Search for Sovereignty: Law and Geography in European Empires, 1400–1900*, Cambridge: Cambridge University Press, 2009, p. 279.

³ See, e.g., N. Wheatley, “Spectral Legal Personality in Interwar International Law: On New Ways of Not Being a State”, *Law and History Review* 35 (2017) 3, pp. 753–787; cf. C. Schmitt’s anti-League text, “The Nomos of the Earth in the International Law of the Jus Publicum Europaem”, *Telos* (2006); as well as the voices of the nationalists of Danzig.

and the Cold War decades of decolonization. In 1919 and 1945, the concept of sovereignty was tackled as an international problem by statesmen establishing international world orders and by thinkers, many of them Nobel Prize winners. Throughout both these periods, we find the relevance of an “international” sovereignty articulated as international territory. From the 1950s to the 1970s, decolonization, working through the United Nations (UN), involved the reinvention of the world’s nation-state-scape around the concept of “permanent sovereignty” and the commercial benefits of “natural resources”. These diverse strands were brought together in the UN’s Moon Agreement (1979), which stipulated international sovereignty over the “natural resources” of outer space in the interests of “mankind”. They extend across a spectrum of twentieth-century national and international sovereignty, imagined in legal, really existing, and visible and invisible forms. In what follows, I work my way along this spectrum, singling out the peculiar place of *economic* sovereignty in this (international) history.⁴

1919: National Utopia

The arrival of nation-state sovereignty has long shaped historical narratives surrounding the end of the First World War. As the delegates of the victorious powers – Britain, US, France, Australia, Italy, Japan, China, the Maharaja of Bikaner – assembled in Paris in 1919 to confront the problem of contested territories in the former European and non-European lands of defeated and collapsed empires, they utilized their war-won collective moral and military authority to impose the principle of nationality as the determinant of political and territorial sovereignty. That principle, also known as “self-determination”, implied that political borders would coincide with the national identification of a population and territorial sovereignty with the sovereign status of the national people.⁵

Here, historians have long told us, was the inevitability of territorial nation-state sovereignty at work. To be sure, even before the war’s end, the victorious governments had gathered experts to mobilize the authority of

4 A. Cameron and R. Palan, *The Imagined Economies of Globalization*, London: Sage, 2004, p. 8; see also G. Simpson, “Something to Do with States”, in: A. Orford and F. Hoffmann (eds.), *The Oxford Handbook of the Theory of International Law*, Oxford: Oxford University Press, 2016; also N. Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties*, Cambridge: Cambridge University Press, 2008, p. 368.

5 G. Sluga, *The Nation, Psychology and International Politics 1870–1919*, Basingstoke: Palgrave Macmillan, 2006. This had been the thrust of Woodrow Wilson’s famous Fourteen Points presented in 1918.

“scientific facts” in order to determine the true borders of (Central) Europe’s nation-states. This move was intended to underline the “scientific” authority of sovereignty as much as its political or international legitimacy. However, there was no agreement among the experts about the appropriate scientific method. Instead, in Paris in 1919, politicians and experts alike – many of them classicists, historians, and geographers – found themselves debating an older question: What is a nation?

Their answers were surprising. In the international context of peace-making in 1919, peace-makers confirmed the view that the status of women and of race were defining prerogatives of nation-state sovereignty. Therefore, they could not be subject to any international agreement.⁶ They also agreed that it was appropriate to move whole populations across newly established political borders in the defeated Habsburg and Ottoman empires in order to make the reality fit the principle, namely that sovereignty represented individuals who shared an intrinsic nationality.⁷ Even in these cases, where the geographical location of people had to be adjusted in order to make the principle of nationality work, historians preferred to fault the backwardness of the “eastern” parts of Europe, rather than the principle at stake.⁸

In practice, then, even national sovereignty could be an imperfect practice mediated through the League of Nations’ fragile international authority. The most obvious sites of that authority were the Hague-based Permanent Court of International Justice, the International Labour Office, and the International Health Organization.⁹ The introduction of minority rights in some post-war European treaties also gave the League symbolic authority over the security of racial or

6 The majority of the peace-makers had accepted the inclusion of race equality as a principle to be included in the League’s covenant, but Wilson took the decision that the lack of unanimity meant it could not be passed. By contrast, peace-makers agreed unanimously that the status of women was definitive for national sovereignty – despite demands of feminists for making it an international/universal issue. See Sluga, *The Nation, Psychology and International Politics*; also G. Sluga, “What is National Self-Determination? Nationality and Psychology during the Apogee of Nationalism”, *Nations and Nationalism*, 11 (2005) 1, pp. 1–20.

7 For all the conventional commentary on the problematic relationship of national identities to national spaces in the territories of the former Habsburg and Ottoman empires, as the American philosopher John Dewey noted at the time, even in the territories of the US, France, and Britain there was no simple equation of national identification and national spaces. For more on all this history, see Sluga, *The Nation, Psychology and International Politics*.

8 See G. Sluga, *The Problem of Trieste and the Italo-Yugoslav Border: Difference, Identity and Sovereignty in Twentieth-Century Europe*, Albany: State University of New York Press, 2001.

9 The Permanent Court of International Justice had its physical home in the Carnegie-funded Hague Peace Palace, completed in 1913. See G. Sluga, *Internationalism in the Age of Nationalism*, Philadelphia: University of Pennsylvania Press, 2013, pp. 11–78.

ethnic minorities (rather than individuals) that remained within the borders of former Habsburg territories granted national self-determination.¹⁰ When peace-makers agreed to deploy alternative forms of sovereignty in a few contested borderlands, League bodies also assumed “international” responsibility. This was particularly the case in the Free City of Danzig – contested between Germany and Poland – a semi-autonomous city state in existence between 1920 and 1939 under actual League of Nations supervision, embodied in appointed high commissioners that included a series of English, Irish, Italian, and Swiss men.¹¹

When it came to contested colonial spaces, the League was also given responsibility, obliquely, for a completely new concept of international imperial oversight rationalized in the language of national sovereignty. The mandate system, as it was known, was a distorted manifestation of the principle of nationality, imposed on the colonial territories of the defeated Ottoman, Austro-Hungarian, and German empires in Africa, the Middle East, and the Pacific. On the argument that these territories were not yet biologically, psychologically, or politically capable of exercising national self-determination, they were subjected to a logic of delayed sovereignty and placed in the trust of mandate powers: Britain, France, Australia, New Zealand, South Africa, or Belgium.¹²

The League mandate system exhibited the tensions between national and international sovereignty as well as territorial and non-territorial practices of sovereignty in this new international system. Most notably, empires and aspiring imperial powers could exercise economic sovereignty without territorial sovereignty. As Susan Pedersen argues, mandates created “spaces from which sovereignty was banished altogether” by allowing – on imperial precedent – the decoupling of legal territorial sovereignty and economic control.¹³ So, Belgium

10 Cf. D. Whitehall, “Hannah Arendt and International Law”, in: A. Orford and F. Hoffmann (eds.), *The Oxford Handbook of the Theory of International Law*, Oxford: Oxford University Press, 2016, pp. 231–256; Arendt argues that the minority treaties transformed the state from an instrument of the law into an instrument of the nation, granting supremacy to the will of nation over all legal and abstract institutions.

11 Danzig is currently known by its Polish name, Gdańsk. The “free city” idea had also been experimented with under Napoleon as well as the European powers determining a post-Napoleonic order in 1815. The case of the Free State of Fiume (currently Croatian Rijeka), an international polity invented as a resolution to the competing territorial claims of the Kingdom of Italy and a new Kingdom of Serbs, Croats and Slovenes, is another example; the “free state” existed for only one year *de facto* and four years *de jure*, but it held League membership and its own currency, the Fiume Krone, stamped over Habsburg notes.

12 Sluga, *The Nation, Psychology and International Politics*.

13 S. Pedersen, *The Guardians: The League of Nations and the Crisis of Empire*, Oxford: Oxford University Press, 2016, pp. 203, 232.

was not allowed to absorb its mandate Ruanda-Urundi into its colonial Congo administration, but when, in 1928, Ruanda experienced famine, Belgians were given room to justify labour practices for cultivation, portage, and roadwork, even though the League forbade forced labour. In the case of Iraq, a different scenario was deployed by the mandate power. Britain decided to grant Iraq political independence, while maintaining imperial control over its economic and military sovereignty. Britain avoided international oversight (such as it was) while still making use of the League as a forum in which Iraq could claim its transition from mandate to the status of an independent territorial state. Pedersen argues that the Permanent Mandates Commission became a bureaucratic procedural body that “helped make the end of empire imaginable and normative statehood possible” and confirmed that territorial control was not “essential to the maintenance of global power”.¹⁴

Imperial adaptations of sovereignty were further adapted in an era that privileged both the language of internationalism and nationalism. The United States had already learnt that the relatively invisible economic forms of extra-territorial sovereignty could be deployed outside of the League context. Woodrow Wilson – a League enthusiast – reasoned the United States had no interest in the imperial connotations of mandates, even though American experts were crucial to the scheme’s conceptualization. Instead, the United States government favoured the exercise of political and economic influence through the less visible precedents of extra-territorial economic sovereignty, including protectorates and concessions, as well as overt military occupation.¹⁵

1945: International Utopia

The League’s replacement, the United Nations, relied for its authority on a charter that reflected the expanded spectrum of wartime thinking on the political significance of the international, including the possibilities of internationalization. In the traumatic wake of a second world war, even the doyen of realpolitik, Hans Morgenthau, spoke of the obsolescence of the nation-state. Territorial sovereignty was up for debate, most often in the frame of federalism, even as anti-colonial movements called on their own right to nation-state forms of sovereignty, as based on the promise of the Atlantic Charter (1941).¹⁶

¹⁴ *Ibid.*, p. 203.

¹⁵ Sluga, *The Nation, Psychology and International Politics*, pp. 5, 129, 131, 157.

¹⁶ Sluga, *Internationalism in the Age of Nationalism*, pp. 1–10, 79–117.

The Charter of the UN (1945), exacerbated the existing tensions in the concept of sovereignty: it affirmed the sovereign status of nation-states; lent enhanced status to non-governmental organizations (NGOs); and it aligned the international authority and legitimacy of the UN itself with a new language of universal human rights.¹⁷ National sovereignty was still not assumed to be a universal right, and in 1945, the mandate system made its return, in a revised form, as “trusteeship”. The trusteeship regime was applied to the colonies that had remained in the mandate system – the majority in Africa and the Pacific – and those colonial territories taken from defeated Japan. In contrast with the mandate requirements, this time trustee international obligations were overseen more actively by the UN Trusteeship Council and its bureaucratic arm, the Trusteeship department.¹⁸ The race-inflected civilizational narratives of 1919 that undergirded the delay of claims to national sovereignty by colonies were replaced with the hierarchical logic of modernity and relative economic development – measured in the language and images of industrialization and urbanization.¹⁹

As before, international sovereignty was brought into play in contested borderlands. In the port town of Trieste, where the post-fascist Italian republic and the new communist Yugoslav government both claimed authority, and British-American forces actually occupied the territory, an international “free territory” seemed to be the answer.²⁰ The Free Territory of Trieste (FTT), 738 square kilometres of land governed by a UN Security Council-approved governor, was authorized by the Paris Peace Treaty (10 February 1947). Its international status was underlined in the curious way it was meant to be “free” of “race/ethnicity/and nationality”; even the governor could not be a citizen of the territory so as to avoid possible national bias.²¹ Nevertheless, the FTT was promised all the symbolic trappings of national sovereignty: its own currency, official flag, stamps, passport, and coat of arms, and produce from the region was to be marked “Made in the Free Territory”.²² Its “free” status was most explicitly constituted through the designation of its port as a free customs zone. The FTT was also propped up by a less visible economic rationalization. The United States and

17 United Nations, *Charter of the United Nations*, 1 UNTS XVI, 24 October 1945.

18 Sluga, *Internationalism in the Age of Nationalism*, pp. 79–117.

19 A. Anghie, *Imperialism, Sovereignty and the Making of International Law*, Cambridge: Cambridge University Press, 2005.

20 G. Sluga, “Inventing Ethnic Spaces: ‘Free Territory’, Sovereignty and the 1947 Peace Treaty”, *Acta Histriae*, 4 (1998), pp. 173–186; and Sluga, *The Problem of Trieste*, pp. 83–110.

21 See Sluga, “Inventing Ethnic Spaces”.

22 For the interim British and American military government (in control until 1954 as it turned out), the FTT was neither a state nor a nation, although it did recognize three local languages: Italian, Slovene, and Croatian.

Britain portrayed the FTT as an extension of the transnational ideology of the developing Marshall Plan for a “unified Western European economy”.

By 1945, the FTT had in its favour a groundswell of popular support in Trieste for anti-nationalist solutions to the question of its political sovereignty – as an antidote to the decades of violence unleashed in the context of interwar nationalism. European intellectuals and social scientists also saw in the “free territory” idea a possible model for alternatives to national sovereignty as a basis for political progress and peace. For the British historian A.J.P. Taylor, Trieste was “one symbol of the way things are going” – away from nationally defined sovereignty towards greater internationalization.²³ When the plan for the FTT was officially abandoned on 20 March 1948, on the authority of an agreement between the United States, Britain, and France, the three powers blamed the Soviet Union for rejecting all governors they nominated, and the local residents, who, they stated, were incapable of identifying with a “free territory”. We might also argue it was the British and American overseers who lacked imagination.

International Imaginaries

In 1919, the League’s status, even in the mandate question, such as it was, had been coddled in pre-war and wartime international imaginaries – imaginaries that conventionally relied on the symbolic landscape and motifs of the national territorial state.²⁴ Publications such as *Das Internationale Leben der Gegenwart* (International Life Today) the work of the prominent German pacifist Alfred Hermann Fried – awarded the Nobel Peace Prize in 1911 – mapped a new international landscape. This Baedeker for “International Land” comprised the lines that connected intergovernmental networks, including the ever – increasing number of public international unions, such as the Universal Postal Union or the International Telegraph Union, or the growing corpus of international law represented by the Hague Tribunal.²⁵ On this map, the authority of the sovereign state was significantly interrupted by actually existing international law

23 PRO: FO371/48949, R16674/14935/92, General News Talk, World Affairs by AJP Taylor/GVM (From the Home Service) Pt. II. The Trieste Issue 24/9/45; quoted in Sluga, *The Problem of Trieste*, p. 136..

24 For more on the conceptual relevance of imaginaries in the international context, see Sluga and Clavin, *Internationalisms: A Twentieth-Century History*, Cambridge: Cambridge University Press 2017, pp. 1–10; Sluga, *Internationalism in the Age of Nationalism*, pp. 150–160.

25 A.H. Fried, *Das internationale Leben der Gegenwart*, Leipzig: Teubner, 1908.

and multilateral institutions, which, as Fried saw it, had begun to emulate national forms of governance on an international scale.²⁶

At the end of the Second World War – a period that the 1946 Nobel Peace Prize winner Emily Greene Balch described as “plastic” – the parameters and possibilities of international sovereignty were stretched even further by new ways of imagining territorial boundaries and political citizenship.²⁷ Balch was well known for her activism and writing on “immigrants, international economics, international cooperation, colonialism, and the development of international law in the global commons of air, sea and the polar regions”.²⁸ Against the background of the Second World War, she insisted on the urgency of internationalizing “waste spaces”, which could not be walled off by frontiers and were not bound by human collective affinities, and which “by their nature [...] would seem destined to be brought under international control”.²⁹ She particularly had in mind the southern polar regions, which, although “hardly worth the cost of a struggle to possess it”, was already subject to conflicting claims, “which are likely to grow extensively and intensively”.³⁰ It was precisely for that reason, Balch maintained, that the Antarctic should be given “the new status of an international territory”. Balch conceptualized this international territory in ways that were significantly different from the Allies’ FTT; it was to be administered “by authorities set up by the community of nations for purposes in which all are interested”.³¹

Balch’s wartime op-ed pieces in the *New York Times* took up the concept of international territory in the context of the rapidly changing landscape of the

26 M. Herren, “‘They Already Exist’: Don’t They? Conjuring Global Networks Along the Flow of Money”, in: I. Löhr and R. Wenzlheimer (eds.), *The Nation State and Beyond: Governing Globalization Processes in the Nineteenth and Early Twentieth Centuries*, Berlin: Springer, 2013, pp. 43–62.

27 Balch, herself, an economist and veteran of World War I pacifist and feminist movements, by then in her 70s, did her best to push “things” in that international direction. In a recent extensive study, Roger P. Alford portrays Fried and Emily Greene Balch as exemplary of Nobel Laureate “international norm entrepreneurs”, who, by virtue of their prizes, facilitated the “emergence, cascading, and internalization of norms” (R.P. Alford, “The Nobel Effect: Nobel Peace Prize Laureates as International Norm Entrepreneurs”, *Virginia Journal of International Law*, 2008, pp. 61–153).

28 As an economist teaching at Wellesley, Balch was forced to resign because of her politics.

29 E.G. Balch, “UN and the Waters of the World”, *Survey Graphic* 36 (1947), pp. 529–530, 554–557.

30 E.G. Balch, “The Polar Regions as a Site for an Experiment in Internationalism”, *WILPF Int. Circ. Letter* 1 (1945); E.G. Balch “A Consortium of All, Rules for Waste Space”, *New York Times*, 3 March 1940; R.L. Buell, *Isolated America*, New York: Alfred E. Knopf, 1940.

31 E.G. Balch, “The Polar Regions”, in: *Papers of Emily Greene Balch, 1875–1961*, Swarthmore College Peace Collection, Scholarly Resources microfilm edition, reel 23, pp. 18–19.

southern polar regions. She argued for the internationalization of the Antarctic on the grounds that there was no “native population” or settlement, it held limited economic value (although she admitted sometime in the future the region’s mineral resources might be attractive), and its meteorological stations were integral to the international work of scientists. To these arguments, she added the claim that the internationalization of the Antarctic would offer an instructive experiment and stimulus for the internationalization of colonial administration. It would even endow the UN with an actual material piece of “real estate” and “a territorial foothold”.³² In all these cases, she promoted internationalization as a method of conflict containment in areas that might invite contestation over sovereignty, in order to encourage “all-human use of the resources of our little planet”.

Permanent Sovereignty

Balch’s formula for thinking sovereignty by emphasizing resources and “deep” territory returned throughout the 1950s in the context of decolonization and reconceptualizations of national sovereignty as “permanent sovereignty”. More specifically, permanent sovereignty was the flagpole under which post-colonial states reacted to a growing awareness that (European) international law protected foreign investors with existing stakes in the natural resources of their territories. It added to territorial sovereignty the significance of claims over “natural resources” on economic grounds, even though the borders of actually existing forms of economic sovereignty were increasingly invisible and difficult to see.³³ In another paradox, the idea of permanent sovereignty as national sovereignty over natural resources was legally conceptualized in the international fora of the UN as part of its universalist human rights agenda.

Viewed in the form of a timeline, this international legal history presents a series of steps that was given legitimacy by the UN’s quasi-lawmaker role.³⁴

³² Ibid.

³³ S. Pahuja, *Decolonising International Law: Development, Economic Growth and the Politics of Universality*, Cambridge: Cambridge University Press, 2011, p. 93; see also B. Rajagopal, *International Law from Below Development, Social Movements and Third World Resistance*, Cambridge: Cambridge University Press, 2003, pp. 50–72.

³⁴ Schrijver, *Sovereignty over Natural Resources*, p. 377. Schrijver argues that the UN is a quasi-law-maker and that “certain categories of UN resolutions can have legal effects beyond their status as mere recommendations” (Ibid., p. 373).

- In 1952, permanent sovereignty was laid out in a UN General Assembly resolution as “the right of peoples to use and exploit their natural wealth and resources is inherent in their sovereignty”.³⁵
- In 1958, the UN General Assembly established the UN Commission on Permanent Sovereignty over Natural Resources as part of its enquiry into the right of peoples and nations to self-determination.
- In 1962, in the early stages of the UN’s “Decade of Development”, the UN General Assembly affirmed with a “declaration” “the right of peoples and nations to permanent sovereignty over their natural wealth and resources” as well as to exercise that right “in the national interest of their economic development and of the well-being of the people of the state concerned”.³⁶
- In 1966, the principle of permanent sovereignty appeared in the final version of the International Covenant of Human Rights, as Article 1:

All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.³⁷

As Sundhya Pahuja explains, the international legitimations of permanent sovereignty encoded in the UN from the 1950s onwards add up to “an attempt to assert political control over the economic sphere via the deployment of national sovereignty [. . . which] occurred via the projection and stabilisation of a particular meaning for the ‘international’ sphere”.³⁸ This was evident in the “global 1970s” when UN attempts to address economic inequality between the North and South culminated in a programme for a New International

³⁵ United Nations, “Right to Exploit Freely Natural Resources”, General Assembly Resolution 626 (VII), 21 December 1952, [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/626\(VII\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/626(VII)).

³⁶ United Nations, “Permanent Sovereignty over Natural Resources”, General Assembly Resolution 1803 (XVII), 14 December 1962, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/NaturalResources.aspx>

³⁷ United Nations, *Vienna Convention on Succession of States in Respect of Treaties*, UN Doc. A/CONF.80/31, 27 October 1978; African Commission on Human and Peoples’ Rights, *African Charter on Human and Peoples’ Rights*, CAB/LEG/63/3, 27 June 1981.

³⁸ United Nations, “Permanent Sovereignty over Natural Resources”; Pahuja, *Decolonizing International Law*, p. 96. “[D]espite its economic hue, the claim to PSNR [Permanent Sovereignty over Natural Resources] was understood by the Third World as a political claim [. . .] cast in terms of sovereignty, an avenue available to the nascent Third World precisely because of the universal promise of international law – In this instance, the promise of equal recognition to particular sovereigns” (Ibid., p. 99).

Economic Order (NIEO) put to the UN General Assembly.³⁹ The aim of the NIEO programme (1974) was to address economic inequality between the North and South, in part by asserting the principle of “permanent sovereignty over natural resources and the right to expropriation – as well as control over foreign investment, raw material prices, commodity exports, and their indexation to manufacturer prices”.⁴⁰

These same debates within the UN – among its bureaucracy and member states – were impelled by a growing sense among analysts of the international order that permanent sovereignty was not only set against the remnants of an imperial legacy, but also against the relatively invisible economic agency of “transnational” or “multinational” corporations. It was no coincidence that in this same period the figure of the multinational corporation appeared in social scientific assessments of the contemporary situation, spectre-like, standing in for radically changing forms of economic activity that marked a new epoch of “casino capitalism”, or what we now think of as the collateral damage of neo-liberalism: from the rise of tax havens to the explosion of transnational flows of money through the operation of unregulated private banks, often taking fiscal advantage of the internationally sanctioned era of development projects in the Third World.⁴¹ Throughout the 1970s, as existing European-founded international law protected foreign investment, splitting political and economic sovereignty, the permanent sovereignty debates made state control of natural resources a part of the struggle against the liquid flow of money – as private capital – and reinforced the view of international sovereignty as a constituent dimension of economic globalization.⁴²

39 Pahuja, *Decolonizing International Law*, pp. 102, 111.

40 This principle was immanent in the Charter of Economic Rights and Duties of States, adopted by the General Assembly that same year. Self-determination as nation-state sovereignty was demanded as a human right, along with economic progress or development (United Nations, *Charter of Economic Rights and Duties of States*, General Assembly Resolution 3281 (XXIX), 12 December 1974).

41 Schrijver, *Sovereignty over Natural Resources*, pp. 333, 347; see S. Strange, *Casino Capitalism*, Manchester: Manchester University Press, 2015. As Vanessa Ogle’s work is now following up, this was also the period that saw the rise of tax havens: V. Ogle, Archipelago Capitalism: Tax Havens, Offshore Money, and the State, 1950s–1970s, in: *The American Historical Review* 122 (2017), pp. 1431–1458.

42 Strange, *Casino Capitalism*, p. 125. Strange says national sovereignty “can never deliver on its promise to demarcate a sphere of political control prior to ‘international’ intervention. This is because it is not a pre-constituted entity but rather the *outcome* of a struggle over the meanings of the ‘national’ and the ‘international’ which already implies relations of domination, subordination, oppression and power” (Ibid., p. 123).

When, in 1986, the UN passed the Declaration on the Right to Development, which included the rights of peoples to exercise “sovereignty over all their natural wealth and resources”, it was already behind the times, given the extent to which economic trends transgressed the traditional conception of state sovereignty defined through territorial borders.⁴³ By then, the international setting in which permanent (national) sovereignty gained its political legitimacy and traction was also the space in which alternative conceptions of international sovereignty were pursued, again. As the anthropologist Felicity C. Scott argues, some of the newly emboldened (mainly Californian) environmental NGOs dreamed of eradicating nation state sovereignty altogether in “new paradigms of sovereignty”.⁴⁴

New modes of imagining international sovereignty in the “global 1970s” returns us to the role of Nobel Prize winners.⁴⁵ In 1976, the recipient of the 1969 Nobel Prize in Economic Sciences (the first year it was awarded), Dutch economist Jan Tinbergen was hired by the Club of Rome to coordinate a “second World Project model”: the “Reimagining International Order”.⁴⁶ Tinbergen’s brief was to bring the economic facts of interdependence into alignment with a “reinterpretation of national sovereignty”. For his purposes, Tinbergen drew on the principle of “functional sovereignty” determined by “optimum decisions

⁴³ Schrijver, *Sovereignty over Natural Resources*, p. 378. Schrijver argues that permanent sovereignty became an important basis for insisting on duties to the environment, duty of care, and the observation of international agreements such as the World Charter of Nature, Convention on Biological Diversity, and the African Charter on Human and Peoples’ Rights.

⁴⁴ F. D. E. Scott, *Outlaw territories. Environments of insecurity/architectures of counterinsurgency*, New York: Zone Books, 2016.

⁴⁵ The section in which Alford focuses on unifying strands such as liberty, democracy, humaneness, public spirit repudiation of violence, and spiritual universalism, as well as the institutional apparatus that was fostering the organization of “world society” comprises nearly 100 pages. He admits that the history of international law does have an influence, especially on the elite norm entrepreneurs he focuses on. In the same direction, he accepts that the laureates’ norms have different narratives in different periods, that is to say that international norms have a life cycle. Apparently, Balch belongs to a mid-century Nobel “humanitarian” school of pacifists, although her unique institutional focus on “social and economic justice” connects her to the early twentieth-century populist pacifism represented by Fried’s generation Alford, “The Nobel Effect”, pp. 99–100.

⁴⁶ Tinbergen received the prize for his work on model-building in the interest of “specifying optimum socio-economic orders”. The first World Project model was also commissioned by the Club of Rome, from MIT systems theory specialists, who gave life to a new international imaginary by mapping an “international land” visualized as flowcharts (J. Tinbergen, “Lecture to the Memory of Alfred Nobel”, 12 December 1969, http://www.nobelprize.org/nobel_prizes/economic-sciences/laureates/1969/tinbergen-lecture.html).

levels”, that is, the level at which decisions should be made for different kinds of problems/issues. At stake was the welfare of the present and future world population – in particular the poor – and averting environmental and social catastrophe. In this view, for example, permanent sovereignty was still relevant, although only until the economic status of the specific developing country improved; later on “natural and intellectual resources should be considered a common heritage of mankind”. Tinbergen’s report was multifaceted and echoed recommendations of the kind that supported the ambitions of earlier Nobel Peace Prize winners: from the “management of the oceans in the interest of mankind”, to international taxation and the beginnings of a global planning system. But its necessary innovations are obvious, including the need for “a code of conduct of transnational enterprises with legally enforceable elements”.

Somewhat appositely, the report would not have come about without the instigation or funding of a new kind of NGO, the Club of Rome itself: an elite collective of scientists, economists, businesspeople, international civil servants, and politicians. According to its founder Aurelio Peccei, the club operated as a “collegio invisible”; Peccei, himself a multinational “industrialist” (working with Fiat and Olivetti), and transnational investment banker dabbling in developmental funding (the creator of the ADELA private bank operating in Latin America) was keen to establish a “new paradigm of sovereignty” reflective of interdependent international/global realities, particularly exponential population growth and its effects on the environment.⁴⁷ System theory, to quote MIT’s Jay Forrester, at the time was built on expectations that the “invisible” would be visualized “by conjuring up a coherent picture of an unseen order” made available through different kinds of international imaginary. On this cyber model, it was possible to imagine an economic and environmental post-sovereign future, as Scott describes, “a future for Western notions of progress and multinational corporations in a global, system-based, managerial form of governance and a marketplace no longer constrained by the nation-state”.⁴⁸

47 A. Peccei, *The Human Quality*, Oxford: Pergamon Press, 1977.

48 Scott, *Outlaw Territories*, pp. 221, 223. Under the supervision of Jay Forrester, the group used “an early computer-generated world system model to map the association between population, resource depletion, pollution, industrial output, and food” (although not the movement of private investment). The 1972 bestseller that came out of this study, *Limits to Growth*, sold 9 million copies, in 29 countries, and was a defining influence on the UN environment conference. It also established a model for other “cyber”-generated studies, such as Buckminster Fuller’s celebrated “World Game”, from that same year, which used computers and data to simulate a football field-sized map with viewing balconies, 8 to 10 stories high, to present an undistorted picture of the entire Earth built out of resources, climate weather conditions, population, and demographic trends as well as the entire range of environmental information

In the later decades of the twentieth century, we find conceptions of sovereignty – national and international – mediated through the idea of international life as the product of economic interdependence, increasingly identified as globalization. International institutions were often imagined as the means by which the quasi-invisible flows of a globalized economy might be better governed, in the overlapping, as well as competing, interests of nations and humankind. Tinbergen’s “Reimagining the International Order” report and the Club of Rome are evidence of the extent to which questions of economic equality and social justice revolved around the problem of sovereignty and around repertoires that had accumulated layers of historically specific conceptions of territory.⁴⁹

Conclusion

[T]he imagined community of the territorial nation-state, the dominant and perhaps constitutive imagery of political life in the past two centuries, is very rapidly giving way to a series of imagined *economies* [original emphasis] which maintain the fiction of the state – and indeed perpetuate it as a legal entity – but situate it within a radically different set of boundaries and notions of social space.⁵⁰

It is a curious phenomenon, then, that the legitimacy of economic globalization is today being so passionately challenged by so many prominent voices claiming to speak for the interests of both a common humanity and national sovereignty.⁵¹

In 1974, Aurelio Peccei noted that economists were observing how, “for the first time [. . .] political unit, i.e. territory, and economic unit are no longer congruent. This, understandably, appears as a threat to national governments”.⁵² His

from the memories of the multimillion-bit capacity digital computers. The aim was to predict the myriad consequences of any sorts of actions that can have environmental consequences.

49 Tinbergen’s report reflected developments in the social sciences more broadly, including the rise of economics as a respected scientific discipline with its own Nobel Prize. The fact that Tinbergen won the Nobel in Economic Sciences the same year that International Labour Organization won the Nobel Peace Prize is testimony to the importance in this international domain of economic thinking of a *longue durée* international social justice vision of economic equality.

50 R. Palan and A. Cameron, *The Imagined Economies of Globalization*, London: Sage, 2004, p. 8; see also F. Johns, “Theorizing the Corporation in International Law”, in: A. Orford and F. Hoffmann (eds.), *The Oxford Handbook of the Theory of International Law*, Oxford: Oxford University Press, 2016, p. 737.

51 B. Steil and M. Hinds, *Money Markets and Sovereignty*, New Haven: Yale University Press, 2009, p. 240.

52 Peccei, *The Human Quality*, p. 46.

observation echoed the imperial status quo a century earlier, which included practices that separated territorial control from “the maintenance of global power”.⁵³ If we look back over the twentieth-century international history of sovereignty, tensions across national/international, extra-territorial/economic, and territorial/legal political forms of sovereignty were in evidence even though they were not particularly “visible” in scientific representations of sovereignty as a problem. These tensions disturbed the authority of mandates, trusteeships, protectorates, concessions, and international settlements. They also reverberated through the less-well-known economic functions of the League of Nations, and in the post-1945 international system, from the International Monetary Fund and World Bank to the General Agreement on Tariffs and Trade and the World Trade Organization.⁵⁴ The late nineteenth-century public international unions, which were so important to Fried’s international landscape, can also be characterized as transnational economic bodies (see Charles Alexandrowicz’s avant-garde 1950 study of international economic organizations), and Fried’s map could as well have been marked by the trails of transnational money flows, whether in the pre-war imperial setting or in the interwar operations of the League-connected Bank for International Settlements.⁵⁵ In the late 1940s, even the FTT was imagined as an extension of the Marshall Plan, and “free markets” as the ideal territorial form – although, significantly, such a liberal economic vision was not enough to displace prevalent Cold War imaginaries that supported ethno-national imagined communities as the basis of territorial sovereignty instead.

The UN treaties agreed upon at the end of the 1960s and the end of the 1970s regarding outer space and the moon practised what were by this time familiar reimaged sovereignties. They drew on “the ideas of the use and exploitation of nature that underpinned the longer legal understanding of property”. The United States and the Soviet Union “worried about whether it could be possible to claim sovereignty, for example, over the moon simply by sticking a flag into its surface [...] a ceremony that colonial powers had considered many

⁵³ Ibid.

⁵⁴ Schrijver, *Sovereignty over Natural Resources*, p. 368.

⁵⁵ In the early 1920s, the newly national Austria became the focus of an austerity experiment under the supervision of a League-imposed (and Dutch) commissioner and influence of the same bankers who ran the (Basel-based) Bank of International Settlements (BIS). The BIS was a financial institution created under the sign of the League of Nations’ international authority, as a forum for cooperation between central banks. It had privileged extra-territorial status, providing services for international organizations but holding no supranational functions. However, for the socialist party, the terms of the League intervention were viewed as a form of economic colonialism (Herren, “They Already Exist”).

times before to be sufficient to claim sovereignty over various regions of the globe”.⁵⁶ However, Americans insisted that they raised their flag not as a sign of a national territorial claim, but rather as recognition of their national achievement.

The 1979 Moon Agreement also invoked a new “deep” or “thick” territorial conception sovereignty, replete with economic control of natural resources as a “human right”, as fundamental to both nation-statehood, and as the sovereign claims and responsibilities of “humankind”. Even as the UN discussions aimed to “prevent the moon from becoming an area of international conflict”, the agreement recognized “the benefits which may be derived from the exploitation of the natural resources of the moon and other celestial bodies”.⁵⁷ It even allowed for special provisions that declared the Moon’s natural resources the common heritage of humankind.⁵⁸ The moon was “not subject to national appropriation by any claim of sovereignty, by means of use or occupation, or by any other means; neither the surface nor the subsurface of the moon, nor any part therefor or natural resources in place”, but states could agree to establish an international regime “to govern the exploitation of the natural resources of the moon”. If this occurred, developing countries were to have special consideration in sharing the benefits derived from those resources.⁵⁹ These international discussions about the moon’s sovereignty read like older chapters in the longer history of the overlapping and competing international, imperial, and national imaginaries. They also exhibited the shifting weight given to the natural resources that were seen as fundamental to the new industrial/technology industries. Natural resources were used as a way to measure the development of more advanced human societies and as an answer to the vulnerability of national sovereignty to the invisible forms of economic interdependence that technology was meant to reveal.

Unlike the social scientists Steil and Hinds, who declare the twenty-first century opposition of economic globalization, on the one hand, and common humanity aligned with national sovereignty, on the other, a “curious phenomenon”,

56 A. Fitzmaurice, *Sovereignty, Property and Empire, 1500–2000*, Cambridge: Cambridge University Press, 2014, p. 324.

57 United Nations, “Agreement Governing the Activities of States on the Moon and Other Celestial Bodies”, General Assembly Resolution 34/68, 11 July 1984, <http://disarmament.un.org/treaties/t/moon/text>

58 See also the UN Committee on Peaceful Uses of Outer Space (United Nations Office for Outer Space Affairs, “UN Committee on Peaceful Uses of Outer Space”, <http://www.unoosa.org/oosa/en/ourwork/copuos/index.html> (accessed 3 December 2018)).

59 United Nations, “Agreement Governing the Activities of States on the Moon”.

I have tried to show how these themes were mutually reinforcing throughout the twentieth century. In the 1970s, the new language of a global commons took hold in the context of permanent sovereignty, imagined as national control over natural resources. I also disagree with the political economists Palan and Cameron, who argue (from an ideologically and methodologically opposed position to Steil and Hinds, with which I am on the whole not only sympathetic but admiring) that “the imagined community of the territorial nation-state, the dominant and perhaps constitutive imagery of political life in the past two centuries, is very rapidly giving way to a series of imagined *economies* which maintain the fiction of the state – and indeed perpetuate it as a legal entity – but situate it within a radically different set of boundaries and notions of social space”. Instead, as explained above, that shift had already begun to impact on the ways of thinking about sovereignty in the 1970s, largely through the spectre of the multinational/transnational state.

The visibility of this otherwise relatively invisible movement of money and commerce was in part the contribution of economists such as Tinbergen, who deployed a computer-generated data set imagination. In the latter decades of the twentieth century, new paradigms of sovereignty were negotiated in the context of these competing and intersecting visions of international/global life, such as new large-scale world visions built on the foundations of cybernetics and systems theory, which pursued data on population numbers and resource depletion and ignored the movement of dollars. Sovereignty also took other forms, such as in depoliticized (although not unideological) views of “international life”, imagined as a space where territory now mattered as the site of “natural resources” while commerce itself was the optimal force for establishing the globe’s interdependence.

There is a certain dearth to the stories historians have told about the territorial nation-state version of sovereignty, as if extra-territoriality and international imaginaries had no place in them, or existed only as their antitheses. The current research climate is pushing both cultural and economic framings of historical narratives closer together. Reconnecting them, I would argue, is allowing us to give more specificity to the history of the transformation of an imperial world order to an international world order, and to capture the choices that were available as well as those that were made. It offers us a way of historicizing globalization as an idea and phenomenon as well as the relative political significance of imaginaries, what they hide, and what they reveal. I have tried to track a spectrum of twentieth-century sovereignty thinking, including the changing significance of the international as a site for determining territorial nation-state sovereignty and as a form of sovereignty

itself, imagined on a territorial template. This same history exposes the shifting parameters of relatively invisible economic imperatives and economic distortions of sovereignty – in imperial, international, and global contexts, but with varying visibility.