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Reflections On the futures of sovereignty

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The debate on the alleged end of sovereignty is reigning everywhere. The proponents of the end of sovereignty thesis argue that the sovereign state—the governments with an absolute right to control their own territory and independence of all other states in the international arena, that is to say having no superior authority internally and externally—is no more. Indeed, non-governmental organisations, media, international public organisations, multinational corporations, regional blocs, terrorist groups, and even ‘stronger’ states are but a few of the entities that constantly challenge the idea of states as self-ruling, independent entities.

It goes without saying that the process of globalisation has shaken the traditional roots of sovereignty. The reflections of globalisation can most obviously be seen in three distinct areas: economy, human rights and warfare. In the economic sphere, the autonomous state in full control of ins and outs of its territory is a past story. Today, the global market forces more easily penetrate the borders and affect the national economies in unprecedented ways. As to the second issue; the humanitarian norms, the development of norms concerning international protection of human rights and humanitarian law are seen to infringe on sovereignty as they challenge the principle of non-intervention. Lastly, the states no longer have exclusive power over of the means of violence. Therefore, as Boutros Boutros-Ghali claimed “the time of absolute and exclusive sovereignty...has passed” [2].

Yet, are these factors sufficient for us to proclaim the death of sovereignty and lament for the dead?

First of all, the question that should be asked is whether sovereignty is a stable and unchanging institution or not. As put by Sorenson “...sovereignty is an institution based on norms...” [3]. The word ‘norm’ is used to identify what goes as ‘normal’ at a specific juncture in time. This means that as an institution based on norms it is natural for sovereignty to develop and change in accordance with what is normal at the time. Thus, those who argue that the sovereign state is just about dead may be wrong in their assumptions.

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We still live in a world of sovereign states, and the sovereign statehood remains very popular with its three necessary elements; territory, population and government. Also, the states are still constitutionally independent though nowadays there is an intense discussion concerning the relationship between regulative and constitutive rules. Moreover, sovereign state seems to be still very popular in our times as many ethnic and religious groups struggle to form their own states.

If not just about dead, what will the future shape of sovereignty look like? This question can be approached by identifying 'evolutionary' effects of current trends around the globe. The starting point is that there are serious challenges to the modern institution of sovereignty: both from 'above' and from 'below'. Here, I will reflect upon two popular instances of such challenges. One is the case of the European Union (EU), whereas the second one is the evolution of sovereignty in most of the developing countries.

1. Form I. Pooled sovereignty in the European Union

The conception that a state must have control of its internal and external policies and be free of external infringement on its policies is a European design dating from the 16th and 17th centuries. Ironically, however, it is the same Europe, the birthplace of the nation-state, which moved over the concept of modern state and passed to the post-modern phase. The modern state was defined by its unitary character. The state was involved in every aspect of the internal and external affairs. Economically, the modern state was more introvert than extrovert. At the political level, the state had vastly expanded regulative powers and it was a 'nation-state'. The nationalism contained two distinct elements: *Gesellschaft*, the community of citizens within defined borders; and *Geimenschaft*, the community of people defined by the nation. Non-intervention and reciprocity were the *sine qua non* of the system.

Post-modern European states, on the other hand, operate within a much more complex, cross-cutting network of governance, based upon the collapse of the notorious distinction between foreign and domestic realms. Economically, they are transnationally integrated and have globalised economies. Their economies are more extrovert than introvert. The economic globalisation is even one of the strongest incentives for states to bargain with their sovereignty in order to gain the advantage of becoming the part of a strong whole to be able to resist the negative effects of globalisation more efficiently. Thus, the process of globalisation by demonstrating the inability of the nation-state to attain desired outcomes through independent action paves the way for Europeanisation.

It goes without saying that the European Union is an organization that drastically challenges whatever that is conventional. For many scholars obsessed about classifying the actors on the world stage, the EU appeared as a nightmare with its matrix of linkages and unique character. Rather than attempting to realize the impossible by trying to squeeze the Union into the traditional classifications, one should develop an understanding of the matchless character of the EU.

The EU is an actor *sui generis*; a 'post-modern polity'; it is a 'multiperspectival entity' which has multiple presences in distinct foreign policy areas. The EU is not a federation certainly, and it is much more than a simple international organization.

Just like many other features of the Union, the nature of sovereignty within the Union structure is another novelty for the conventional arguments. As put by William Wallace, the EU is widely agreed to constitute a political system, “a framework for governance with some state-like qualities above the state level” [5]. Some would describe it as a ‘quasi-state’, or as an ‘international state’, or as a post-modern pattern of government in a post-modern European order.

In the end of this process towards more supra-nationalism emerges multi-level governance, which renders the two elements of *Gesellschaft* and *Geimenschaft* less meaningful. The nation now has alternatives to identify itself with; the ‘European citizen’ as supra-national identity and particular sub-national identities. Thus, the processes of micro-regionalisation and Europeanisation ensue side by side [4]. This is what Ford identifies as ‘the new layers of Europe’ [1]. While European governments are giving up the key responsibilities to the European Union, local authorities decide how to use about 70% of public works spending in Europe, and in many countries it is the regions that set their own transportation facilities, enforce environmental standards, and administer social services [1].

All in all, the EU is inconsistent with conventional sovereignty rules. With each phase of European integration, the member countries redefine national sovereignty. The process of localization undermines the ‘nation’-state and shakes the understanding of absolute control of the government within its borders. The process supra-nationalism, on the other hand, questions the external sovereignty of states and the fundamental principles of the Westphalian state system, most importantly the non-intervention principle.

2. Form II. Truncated sovereignty in the Third World countries

Similar to the EU member countries, many states in the developing world also suffer from a loss of their sovereign rights. Interestingly enough, these states too face almost the same forces working against their sovereign powers. On the more general level, not the requirements of a regional bloc, but ‘wild’ global currents as well as international institutions and law limit their area of manoeuvre.

Today, with the exemption of a few countries around the globe, each developing country is obliged to go along with the rules of global finance, trade and investment. Again, through pressures to observe a certain rule of conduct, these countries are increasingly forced to follow what the ‘international community’ considers as legal. Human rights organizations are for instance highly powerful in many instances. Furthermore, when the state definitively fails in these countries, the international community often moves in to handle the country’s internal problems.

There is no question today that norms of human rights pose a fundamental challenge to norms of state sovereignty especially in developing countries. The debate between those who argue for continued utility of respect for independence and non-intervention as the fundamental principles of the international system, and those who stand for human rights precedence over the rights of states has been concluded in favour of the latter. In the post-modern era, the universalism of human rights overwhelms the principle of sovereignty. Intervention in the affairs of a sovereign country seems legitimised by the images flowing

from such diverse parts of the world as Rwanda, Bosnia, Kosovo, East Timor and so on. This is not to say that the legitimacy of an intervention is always certain especially when humanitarian cause is overshadowed by self-interest as seems to be case in the recent US-led intervention in Iraq.

International intervention in some of these countries stems from domestic challenges to state sovereignty and the way nation-states react to these demands in the first place. In the post-war international environment, one sees increasingly strong demands from below. Multi-ethnic and/or multi-religious societies are destabilized by micro-movements. We often observe that armed groups, whatever they are called, rule certain regions of a country where the nation-state wields no power. Even more often we see armed struggles between the local groups and the state going on for years, even decades. The provincial challenge is not necessarily new, or always bloody, but it is much more common and much more assertive against the modern concept of state sovereignty in the post-modern world.

In conclusion, global currents put tremendous pressures on the norm of sovereignty. Nation-states are reacting to the pressures in various ways. While relatively more advanced countries have formed regional blocs as shields against the vagaries of global economy and politics, many states in the Third World are suffering from forces originating from above as well as below. There is an urgent need for the global community to develop a fresh approach towards the concept of sovereignty, and norms and rules of conduct in the international system that will hopefully replace the current system which is ad hoc and open to abuse by hegemonic power(s).

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