



THE PAST AND FUTURE OF SOVEREIGNTY

ABSTRACT

In this paper, I will examine the long history of sovereignty to how its component characteristics, built up over time, and show how understanding these are important to predicting the future of sovereignty. The dominant voices in the current study of sovereignty do not make these distinctions, and thus treat sovereignty as if it can be destroyed. By comparing the relevance of these characteristics in the present, I will instead show how the use of sovereignty retains its importance by adapting to meet the changing international relationships of the globalizing world

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Introduction

International relations as a discipline is dependent upon the existence of the sovereign state. Without the sovereign state, there would be no international aspect to the discipline. International relations would become inter-state relations. The sovereign state is the basis of the international community. State sovereignty is the most “fundamental idea of authority of the modern era” (Jackson, Loc 113). It forms the center of all political arrangements in the world today. The sovereign state is the organizing entity of the international system. The modern international system of global governance and state relations is typically seen to rely on the sovereign state. Sovereignty is often taken for granted. It is assumed to exist and to have a simple and obvious definition. It is believed that the state is sovereign or it is not, if it is sovereign then it is a state; if it is not, then it is not a state.¹

Yet what exactly is Sovereignty? There is little consensus in the literature on what sovereignty means in the modern international system. Sovereignty is “a highly ambiguous concept” (Kalmo, 1). This ambiguity has been the source of much frustration, and has often been the focus of sovereignty research. Often the ambiguity in sovereignty is ignored in favor of simple definitions that fit the writer’s argument. Being tailored to an argument, most of these definitions, are either overly inclusive or problematically exclusive. Many believe that the definition of sovereignty is “so well ascertained, and to admit so little doubt, that political writers” are “expected to agree on this point” (Kalmo, 3). Even a brief reading of the prominent scholarly works on sovereignty shows that there is no consensus of how to define sovereignty.²

¹ Jackson, Robert. *Sovereignty: Evolution of an Idea*. Cambridge: Polity Press, 2007. Kindle Edition, Chapter 1

² Kalmo, Hent, and Quentin Skinner. *Sovereignty in Fragments the Past, Present and Future of a Contested Concept*. Cambridge: Cambridge University Press, 2011, Introduction

In the works I have reviewed, the definition given for sovereignty is most often; that a state is “supreme in relation to all other authorities in the same territorial jurisdiction and independent of all foreign authorities” (Caspersen, Loc 401). This is a fine definition for an undergraduate class in international relations, yet it fails to grasp the reality of sovereignty. The reality of sovereignty doesn’t fit this comfortable definition. There are states that are sovereign yet are not independent of “all foreign entities”, and there are states that are not considered sovereign yet are “supreme in relations to all other authorities in the same territorial jurisdiction.” This is the conundrum of sovereignty. Every time a universal definition of sovereignty appears to have been reached, a few exceptions stand out.³ The truth of sovereignty is, there will always be exceptions.

Any attempt at defining sovereignty gets tied up in various theoretical approaches, personal biases, and the exceptions that exist to any definition of sovereignty that is proposed. This is partially the result of the fact that the concept of sovereignty is far older than the term. This creates a long history of developing norms of sovereignty that existed before any attempt to define sovereignty, and encode it in international law. It is this long history that creates one of the problems in defining sovereignty. The sovereign state existed before it was ever defined.⁴ It is this history of the concept that must be dissected, for as Hent Kalmo says “sovereignty does not have a history but is a history” (Kalmo, 11). The characteristics of sovereignty developed over this long history and are still intrinsic to sovereignty today. They cannot be divorced from the discussion and attempts to define sovereignty in a modern context. The complete history of sovereignty must be considered.

³ Kalmo, *Sovereignty in Fragments*, Introduction

⁴ IBID

The theoretical framework for this paper will largely be grounded in the work of Stephen Krasner. He identifies four distinct characteristics of sovereignty that are often used in theoretical discussions: interdependence, domestic, Westphalian and international legal.⁵ Sovereignty is an evolving concept. It did not appear with all four of its characteristics formed. It developed from nothing into the conceptualization of sovereignty we have today. Each of the characteristics of sovereignty developed upon the previous form of sovereignty. I have observed in my research that each characteristic of sovereignty, developed in the context of its own historical period. This history consists of four eras that each saw the development of a characteristic of sovereignty. The four eras are: The Ancient era, which saw the development of Krasner's interdependence sovereignty, which I call territorial sovereignty. This era extends from the dawn of man until the invention of agriculture. The next era is the era of Pre-Westphalian Europe, which saw the development of domestic sovereignty. This era is from the invention of agriculture until the Treaty of Westphalia in 1648. This is a prolonged period, as it is during this period that the idea of the sovereign ruler emerged. This ruler can take the form of a tribal leader to a democratic body representing the people. It is the evolution of leadership that is the story of this era. The third era is the Westphalian era, which extends from the signing of the Treaty of Westphalia until the ratification of the United Nations charter in 1945. The fourth era is the U.N. era, which is the era of international legal sovereignty. This is the era we are living in today, and it begins with the ratification of the U.N. charter. It is my argument in this paper that a new arrangement of sovereignty is emerging in a new era of globalization.⁶ Sovereignty has become a commodity that can be exchanged by states for advantages in the globalized world. By examining the past of sovereignty, I hope to dissect the changing characteristics of sovereignty, and out of this

⁵ Krasner, Stephen D. *Sovereignty Organized Hypocrisy*. Princeton: Princeton University Press, 1999, Chapter 1

⁶ Agnew, John A. *Globalization and Sovereignty*. Lanham: Rowman & Littlefield Publishers, 2009. Kindle Edition. Chapter 1

dissection to develop a notion of the future form of sovereignty and what that means for international relations.

The goal of this paper is to provide an answer to the question: what will become of sovereignty in the era of globalization and beyond? The key to this line of questioning is understanding the way sovereignty is currently constituted, and how it is changing in the era of globalization. The dominant argument is that in the modern globalized world, the sovereignty of the state is being eroded.⁷ Global governance regimes have increasing influence, and are becoming more and more legitimate in their decision making and exercise of power. Regional organizations of states have inherited the sovereign duties of their member states. De Facto sovereignty is losing its importance. Some states are no longer the sole authority over their borders. Some are gradually delegating aspects of their domestic sovereignty to regional coalitions or international organizations, such as the European Union.⁸

A few notes on the State, and the scope of this paper

Throughout this work I refer to the state. Defining the state is as difficult as defining sovereignty. The amount of work dedicated to defining the state and determining its usages is enormous. Defining the state is not an endeavor that I will be attempting in this work. In international relations sovereignty and the state go hand in hand, but for the purposes of this work I am attempting to separate them. However, there is no doubt that the state and its precursors are the location of sovereignty. When I refer to the state, I am using the definition encompassed in the Montevideo convention of 1933 on the Rights and Duties of the State. It

⁷ Rudolph, Christopher. "Sovereignty and Territorial Borders in a Global Age." *International Studies Review* 7, no. 1 (2005): 1-20. <http://www.jstor.org/stable/3699618>.

⁸ Krasner, Stephen D. *Power, the State and Sovereignty: Essays on International Relations*. New York, NY: Routledge, 2009, Chapter 8

requires a state to possess four characteristics. A state must have a territory, a population, a government, and must be able to enter treaties with other states.⁹ This definition does not apply to all the eras and types of sovereignty that I identify in this work. During the ancient era and the Pre-Westphalian era I use the term territory to refer to what many may call the state. This is because during these eras few territories possessed all four of the characteristics described in the Montevideo Convention. As the state is not the focus of this paper, I am choosing to ignore the debates on what constitutes the state.

I should also note that this paper will be from a Eurocentric perspective. The reason for this is that the concepts of sovereignty that constructed European society have been spread to the rest of the world. It is the ideas of European thinkers and of the practices of European powers that have been adopted by the world. How this concept of sovereignty was spread throughout the world is not part of the focus of this work. It is hard to argue against the idea that it is this form of sovereignty that the world practices, for good or ill.

Sovereignty

Much of the writing on sovereignty that I have encountered for this project has been published since the publication of Stephen Krasner's *Sovereignty: Organized Hypocrisy* (1999), and has drawn heavily upon the work of Krasner and this paper will be also. Stephen Krasner identifies control and authority as the two major aspects of sovereignty, that are made up by his four characteristics of sovereignty. Control is a *de facto* trait, and includes the characteristics of territorial/interdependence sovereignty, and domestic sovereignty. Authority over a territory is

⁹ "Montevideo Convention on the Rights and Duties of States." *Montevideo Convention on the Rights and Duties of States*, University of Oslo - School of Law, www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.xml.

granted by others to the authoritative entity, it is a *de jure* trait. It is either recognized by the international community of other sovereign states, or it is not. De jure sovereignty includes the characteristics of Westphalian and U.N. sovereignty. Control and authority constitute the basis of sovereignty as identified by Stephen Krasner. In this work, I will refer to control as de facto and authority as de jure sovereignty.¹⁰

Sovereignty is often thought of as a binary concept. A state is either sovereign or it is not. Yet the existence of so many exceptions to the definitions given by various authors for sovereignty show that sovereignty does not exist as a binary concept. My research has led me to understand sovereignty as existing on a sliding scale. States can have incomplete sovereignty and still be considered sovereign. Examining an empirical analysis of the levels of sovereignty possessed by states as conducted by Eiki Berg, and Ene Kuusk, shows that many “sovereign” states lack some of the aspects of sovereignty.¹¹

The critical literature claims that many of the sovereign states of the world are lacking in their ability to control their territory. Thus, they lack the de facto aspect of sovereignty, their territorial sovereignty is protected and ensured by the international community, a regional body, or a single paternal state. They may have little to no ability to control the security of their own territory.¹² Other states have entered extensive international treaties that delegate much of what would have been their sovereign decision making into the hands of a regional or an international body. These conditions combined with the growing power and authority of international organizations such as the WTO, the increased interest in creating effective global governance regimes, and the rise of regional coalitions of states will gradually reduce the importance of the

¹⁰ Krasner, *Organized Hypocrisy*. Chapter 1

¹¹ Berg, Eiki, and Ene Kuusk. "What Makes Sovereignty a Relative Concept? Empirical Approaches to International Society." *Political Geography* 29, no. 1 (2010), 1

¹² Krasner, *Power, the State and Sovereignty*, Chapter 8

de facto qualities of sovereignty in much of the world.¹³ Eventually all that will remain for many of the states of the world is their international legal sovereignty, recognition by the United Nations. They will still exist as states, they will appear on the map, with a defined border and a domestic authority structure. Yet, these aspects of their sovereignty will no longer be “independent,” these states will be answerable to a higher authority, such as a regional coalition or international organization and therefore no longer sovereign in any sense but in their legal right to barter away their de facto sovereignty.

Paper Structure

This paper will be divided into two sections. The first section will examine the historical formation of the de facto characteristics of sovereignty, and the second section will be dedicated to examining de jure sovereignty. The final chapter will be dedicated to examining the ways in which *de facto* sovereignty is being traded away in today’s globalized world, and the mechanisms by which this occurs. In this part I will hypothesize on what form sovereignty will take in the future and how this will affect the system of sovereign states that structures the world today.

My first chapter will concern the oldest form of sovereignty: interdependence sovereignty, which can be also thought of as territorial sovereignty. It is the idea of a community of like individuals claiming a territory that is demarcated by a border that the community tries to defend.

¹³ Simmons, Beth. "Globalization, Sovereignty, and Democracy: The Role of International Organizations in a Globalizing World." In *International Perspectives on Contemporary Democracy*, edited by NARDULLI PETER F., 158-82. University of Illinois Press, 2008. <http://www.jstor.org/stable/10.5406/j.ctt1xcnm8.11>.

In my second chapter, I will examine the concept of domestic sovereignty. This is the notion of an authority structure over a territory. It can take many forms and needs not be vested in a single ruler. Together, domestic sovereignty and territorial sovereignty form Stephen Krasner's control aspects of sovereignty.¹⁴ They are a states de facto sovereignty. These two characteristics of sovereignty are independent and internal. They only exist within the state and need not have other states recognition for them to exist.¹⁵

The other two characteristics of sovereignty that are identified by Krasner, both require the recognition of other states. These characteristics are external and dependent, and grant a state *de jure* sovereignty. These characteristics are: Westphalian sovereignty and international legal sovereignty/U.N. sovereignty.¹⁶ Westphalian sovereignty will be the subject of my third chapter. It is the form of sovereignty that is most closely identified with the definition of sovereignty as being "supreme in relation to all other authorities in the same territorial jurisdiction and independent of all foreign authorities" (Caspersen, Loc 401). This is largely since the first scholarly attempts to explore and define sovereignty occurred in the post-Westphalian era.¹⁷

My fourth chapter will address international legal sovereignty. For the purposes of this paper I will be calling this U.N. sovereignty. Today this is simply U.N. recognition and membership in the United Nations, and it is under the U.N. that I will be examining this form of sovereignty. This form of sovereignty dates to before the U.N., as it is related to the traditional mechanisms for recognizing states as sovereign. Yet, this mechanism became coded in law with the U.N. charter, and is now facilitated by the United Nations. It no longer is dependent on individual recognition by each state but by a single world body of states. It is therefore relevant

¹⁴ Krasner, *Organized Hypocrisy*, Chapter 1

¹⁵ IBID

¹⁶ IBID

¹⁷ Jackson, *Sovereignty: Evolution of an Idea*, Chapter 1

to examine this form of sovereignty as taking on a different form under the U.N. than prior to it. Under international legal sovereignty all states are legally equal. They all have a “seat at the table” and a say in decision making at the international level. The reality is that some states are more equal than others, and the five permanent members of the U.N. security council are the most equal of them all.¹⁸ Their veto power has allowed them to shape the global governance structure of the world to best serve their interests.¹⁹

In my fifth chapter, I will examine the ways in which sovereignty is being exchanged in the era of globalization, and will hypothesize on the future arraignment of sovereignty in the twenty first century and beyond. There are a few questions that I will answer. Will the fully sovereign core states of the world eventually rise to reduce the sovereignty of lesser states? Will weak, less than sovereign states of the world “bandwagon” onto powerful regional hegemons for survival; eventually forming European Union like regional powers, or will the international community continue as is until another great calamity, like a world war, or runaway climate change, forces another change in the concept of sovereignty? My conclusion is that sovereignty is changing in the age of globalization and a new era is emerging that values only U.N. sovereignty.

Section 1 De Facto Sovereignty

¹⁸ Paraphrasing George Orwell

¹⁹ Jackson, *Sovereignty: Evolution of an Idea*, Chapter 1

Stephen Krasner identifies four distinct characteristics of sovereignty that are often used in theoretical discussions, these are interdependence sovereignty, domestic sovereignty, Westphalian sovereignty, and international legal sovereignty. I will first address the two oldest characteristics of sovereignty; interdependence sovereignty and domestic sovereignty. These developed in two separate eras.

The first characteristic to develop is interdependence sovereignty, which I also call territorial sovereignty. Territorial sovereignty is the ability of the territorial authorities to control movements across their claimed border. This doesn't require that the authority has full control of the territory, but does make attempts to control the movements across the border they claim. Their claim to a border does not need to be recognized and these borders do not need to align with the borders of any recognized state. The second characteristic is domestic sovereignty. This evolved from territorial sovereignty and requires territorial sovereignty to be in place for domestic sovereignty to develop. This is the structure of the public power within the territory and the ability of that authority to control the behavior of people within the territory. This form of sovereignty does not require any form of recognition from other states, and the claimed borders of the territory need not align with any recognized borders.²⁰

These two characteristics together combine to grant a state or territory de facto sovereignty. De facto sovereignty doesn't require recognition of any other state and does not even require any other states or territorial entities to exist. "Domestic sovereignty and interdependence sovereignty introduce the importance of control or what we could refer to as de facto sovereignty" (Caspersen, Loc 433-436). This has also been referred to as empirical, internal

²⁰ Krasner, *Organized hypocrisy*, Chapter 1

or positive sovereignty. This is similar to the Weberian notion of control, and includes notions of legitimacy and ability.²¹

Chapter 1

Interdependence sovereignty in the Ancient Era

During the ancient era, which begins with the origins of human beings as a species and continues until the development of permanent human settlements, the concept of interdependence sovereignty was developed. This can also be thought of as being territorial, the idea of a group protecting its territorial borders which may be as small as a tree or as large as a state.²² An examination of this era and the development of territoriality and territorial sovereignty will be the subject of this chapter.

During the ancient era, human society is not yet fully formed and the concept of authority and the state does not even exist. What exists is a simple feeling of belonging to a community of like humans, usually a family group of related individuals.²³ Both then and now, where we live and the land we supply ourselves from we claim as belonging to our community. We attempt to control a geographic area. We use this as a strategy for establishing access to the things and people that are within the geographic area. This is the concept of territoriality. We as a community, “attempt ... to influence, affect or control objects, people, and relationships...by delimiting and asserting control over a geographic area” (Sack, 56). The area that we control is territory.²⁴ We have a sense of “This place is mine, and I am of this place” (Ardrey, Loc 5112).

²¹ Caspersen, Nina. *Unrecognized States: The Struggle for Sovereignty in the Modern International System*. Oxford: Wiley, 2013. Kindle Edition, Introduction

²² Ardrey, Robert, and Berdine Ardrey. *The Territorial Imperative: A Personal Investigation into the Animal Origins of Property and Nations*. United States: Story Design Limited, 2014. Kindle Edition. Chapter 1

²³ Ardrey, *The Territorial Imperative*, Chapter 1

²⁴ Sack, Robert D. "Human Territoriality: A Theory." *Annals of the Association of American Geographers*, Vol 73, no. 1 (1983): 55-74. <http://www.jstor.org/stable/2569346>.

This concept of a territory is used by its inhabitants to control access to things, people, and places. It is not unique to human beings.²⁵

Animals of all types form groups that claim territory which they guard from intrusion by others of their species. Humans are no different. We defend the sovereignty of our territories, and the borders of our land for reasons as varied as the reasons for animals to do so. For animals and human's territory brings a survival value. "It offers security from the predator, ...security of food supply" (Ardrey, Loc 152) and security from other groups.

The claiming of borders and defending them is not necessarily a cause of conflict or even of violent action. Groups recognize each other's territory and are not inclined to violate it. Rituals in animal and human societies exist for the crossing of borders in a peaceful manner. We grant "visas" for others to pass, and grant hospitality to visitors. Territoriality is both about defending property and acknowledgement of the territory of others. To claim a border is to admit that there is territory that does not belong to the community.²⁶

Territorial sovereignty requires a border or a sense of the limits of territory claimed by the community. Human instinct and the drive to form collective groups that control a territory, establishes these borders. The other aspect of interdependence sovereignty, identified by Krasner, is the ability of the group to police these claimed borders and control the movements of others across this border. No border is truly fully controlled, there is always a way for others to slip through. Interdependence sovereignty doesn't require the ability to control all movements across a border, but simply the ability to exert legitimate authority that is acknowledged by other groups over the territorial boundary of the community.²⁷

²⁵ Ardrey, *The Territorial Imperative*, Chapter 1

²⁶ Ardrey, *The Territorial Imperative*, Chapter 7

²⁷ Krasner, *Organized hypocrisy*, Chapter 1

A group has successfully achieved territorial sovereignty when other groups no longer openly attempt to cross their claimed border without engaging in the proper ceremony to receive their “visas.” This behavior is observed in animals as well as humans. Most species have formal rituals and ceremonies that are followed to grant “visas” to outsiders. Farley Mowat details, in his book *Never Cry Wolf*, wolves waiting at a rival’s border until a “border guard” could grant them permission to enter their rivals’ territory. All territorial species intrude and these formal intrusions happen at specific times and under the supervision of the territory’s owners. The outside group recognizes the territory of the owner. They are reluctant to enter without permission, as that would constitute an invasion, and would be met with force to drive the invaders out. Invaders recognize that they are entering territory that is not theirs. They don’t enter blatantly, but under cover of darkness, or in small hard to detect groups. These intrusions acknowledge that the invaders are crossing into territory that does not belong to them.²⁸

The territorial boundary we now call a border was only intended to stop other people from entering your territory, but today much more crosses our borders than a primitive man could have ever imagined. It is this increasingly interconnected, globalized world that is gradually reducing the importance of the border. Today territorial sovereignty doesn’t exist in the way it did originally, or in the way that primitive man or animals exercised it. Today the border of the state is a highly porous thing. It exists on the map and is readily apparent due to the existence of many ways in which societies indicate territory. Yet much in today’s world moves freely across borders without interference.²⁹ The movements of capital and goods across borders in today’s globalized world is handled under the traditions and rituals of formal intrusions.

²⁸ Ardrey, *The Territorial Imperative*, Chapter 7

²⁹ Krasner, *Organized hypocrisy*, Chapter 1

Customs and border officials are now the guards at the edge of territory. The rituals for entrance are now paper work and inspections. The cost is now a tariff payment.

Chapter 2

Domestic Sovereignty in the Pre-Westphalian Era

The next characteristic of sovereignty as described by Stephen Krasner is domestic sovereignty. It develops in the lengthy period of history that begins with the invention of agriculture and the development of human settlements, and extends until the Treaty of Westphalia in 1648. I place domestic sovereignty in this era because domestic sovereignty concerns the emergence of a leadership apparatus for the territory and the people.³⁰ The first leaders emerged before the agricultural revolution, but being leader over a territory doesn't develop until humans begin to build settlements.³¹ The bulk of this discussion will be set in the feudal period of Europe, and extend until the signing of the Treaty of Westphalia. Domestic sovereignty existing in this era is highly debated. There are those who doubt if this form of sovereignty ever existed prior to the Treaty of Westphalia and there are those who claim that this form of sovereignty existed long before Westphalia³² and those traditions are what the legal structure created in the Treaty of Westphalia sought to emulate.

Domestic Sovereignty is defined by Stephen Krasner as “the authority structures within states and the ability of these structures to effectively regulate behavior” (Krasner, 2009, 231). This is the definition of domestic sovereignty that I will use for this work. There are other definitions of domestic sovereignty, some writers feel that it needs a clause concerning the ruler being “independent of all foreign authorities” (Caspersen, Loc 401). They feel that the structure of feudal Europe prevents sovereignty from existing. Without a clear indication of who was the

³⁰ Krasner, *Organized hypocrisy*, Chapter 1

³¹ Ardrey, *The Territorial Imperative*, Chapter 1

³² Rudolph, "Sovereignty and Territorial Borders in a Global Age."

sovereign they claim that there can be no sovereignty.³³ It is the competing definitions that cause much of the debate about when and if domestic sovereignty ever develops as an independent trait prior to Westphalia.

It is my observation that domestic sovereignty takes on two forms. The first is that most often associated with the word sovereignty; the idea of the sovereign ruler, Hobbes' Leviathan. A single entity in whom all the power of the state or territory is vested. An authority who is unanswerable to any other, except for God, and no other can control the behavior. The second, is the concept of popular sovereignty, a power structure of the territory that can take many forms, and is considered the legitimate authority of the territory by the people. That power structure may be answerable to another authority, but the people are not answerable to that other authority.³⁴

The definition of domestic sovereignty used by Krasner contains a few key points. The first is that the controlling authority of the state or territory must be able to "effectively regulate behavior" (Krasner, 2010, 231). It requires that the territorial authorities have some ability to control the lives of those living within its territory. It doesn't require full control of every inch of the territory, or to have its edicts followed blindly. The domestic power structure must have control over the territory that isn't challenged by a legitimate equal. Many states will experience political turmoil and potentially uprisings, yet these don't void the domestic sovereignty of the power structure of the territory.³⁵

Another aspect of this form of sovereignty is what is left out of Krasner's definition. This definition does not call for the territory's power structure to be "supreme in relation to all other

³³ Jackson, *Sovereignty: Evolution of an Idea*

³⁴ Fowler, Michael Ross, and Julie Marie Bunck. "What Constitutes the Sovereign State?" *Review of International Studies* 22, no. 4 (October 01, 1996): 381-404.

³⁵ Krasner, Stephen D. "Abiding Sovereignty." *International Political Science Review / Revue Internationale De Science Politique* 22, no. 3 (2001): 229-51. <http://www.jstor.org/stable/1601484>.

authorities” (Caspersen, Loc 401). It is permissible for the authority of the territory to be answerable to an outside power and for the territory to be considered domestically sovereign. Domestic sovereignty is an independent and internal trait. It doesn’t require any other state to recognize the power structure or for any other state to even exist. This form of sovereignty is simply the description of how the power structure within the territory is organized and if that power structure can control the behavior of the people of the territory. This concept of sovereignty provides the power structure with de facto control of the territory. At its most basic level, domestic sovereignty is simply about control, and who can dictate to the people of the territory, and who do the people of the territory look to for direction and authority.³⁶

Many of the critics of the existence of domestic sovereignty in this era identify it with the first form of sovereignty; being the sovereign ruler embodied in Hobbes’ *Leviathan*. The strong, independent sovereign who is answerable to no other. These critics are correct, that this form of sovereignty cannot be found throughout much of central Europe during the feudal period and late middle ages. England after Henry the VIII possessed this form of sovereignty. France under the reign of Louis the XIV and later kings, possessed this form of sovereignty.³⁷ Many of the critics of sovereignty in this era aren’t looking towards England or France. They are referring to the Holy Roman Empire and the authority of the Pope over the realm of Roman Catholicism. Those that don’t recognize sovereignty as existing in this era often ask the question of: if domestic sovereignty is just the internal power structure of the territory, then in whom or in what is that power vested?³⁸ This is the core argument used by those opposed to Krasner’s definition of domestic sovereignty. As Robert Jackson points out, Krasner’s definition of sovereignty, by

³⁶ Krasner, *Organized Hypocrisy*. Chapter 1

³⁷ Philpott, Daniel. *How Ideas Shaped Modern International Relations*. Princeton University Press, 2001. <http://www.jstor.org/stable/j.ctt7sr1m>, Chapter 5

³⁸ Jackson, *Sovereignty: Evolution of an Idea*, Chapter 1

leaving out the idea of the territorial power structure being independent of outside powers, is more accurately describing a situation of suzerainty³⁹ and not of sovereignty.⁴⁰ Jackson, as well as a few others, point out that most of the discussion pertaining to this period of sovereignty is a discussion of the political structure of feudal Europe under the Holy Roman Empire, and of Christendom. Jackson contends that sovereignty is a modern concept that is grounded in international law, and inspired by the Roman legal concept of *Jus Gentium*, or the human law which applies to all people.⁴¹ He describes a world where all power was answerable to God and his proxy the Pope, as well as being under the jurisdiction of the Holy Roman Emperor. Jackson contends that this arrangement of power, disbursed among many lords and nobles, destroys any sovereignty that may have been held by individual rulers. It is due to this lack of independent authority of the kings and nobles of feudal Europe that prevents the states of this time from being considered sovereign. Jackson's assertion is, that without a legal framework to recognize and codify sovereignty, it cannot exist. Jackson is arguing for a de jure concept of sovereignty. One that is codified in law and agreed upon by the relevant powers. He contends that this doesn't exist until the Treaty of Westphalia creates the legal framework of sovereignty.⁴²

Yet, Nina Caspersen, using Krasner's definition of domestic sovereignty, identifies domestic sovereignty as a de facto trait. It is not dependent upon recognition or any legal framework to exist. It is about whether a power structure can control behavior within a territory. Legal frameworks don't prevent or grant this power. It is taken by the power structure and granted by the people. It is an aspect of control and legitimate authority, not of legally

³⁹ Robert Jackson claims that this type of power structure existed throughout the ancient world and existed in the non-European world prior to colonialism. It is the structure of the Roman or Ottoman empires. It is the idea of an empire of quasi-independent territories that pay tribute in the form of loyalty and payment to a higher authority. The territories are free and independent in their domestic decision making, and may even have de facto sovereignty. Yet all external actions are governed by, and must be authorized by the Empire. (Jackson, 2011, 7)

⁴⁰ Jackson, *Sovereignty: Evolution of an Idea*, Chapter 1

⁴¹ Jackson, *Sovereignty: Evolution of an Idea*, Pg. 7

⁴² Jackson. *Sovereignty: Evolution of an Idea*, Chapter 2

constituted practices. The power of domestic sovereignty comes from within the territory and from the community.⁴³

Those who claim that sovereignty existed during the pre-Westphalian era, point to the changing nature of legitimate rule. The sovereign that was emerging during this era as the true ruler of territories, was the people of those communities. All rulers were beginning to be viewed as Thomas Hobbes would later describe them: as “representative, an artificial person authorized to act and judge... the multitudes” (Kalmo, 55), rights that are conferred by “the consent of the people” (Kalmo, 55). James Tully notes that a power can only be considered sovereign “when the exercise of political power in them has the consent of the people” (Kalmo, 3). It is the people who confer sovereignty to their rulers not an outside power, or even God.

Who is the sovereign? Is a question often asked to counter the notion that domestic sovereignty existed in this era. As without a sovereign it is believed there can be no sovereignty. Those that support the idea of domestic sovereignty existing during this time, claim that the true way to determine who the sovereign is, is to look to who makes the decisions in a crisis.⁴⁴ It isn't the Pope in Rome or the Holy Roman Emperor. It is the local lords or nobles. The local ruler is the one who responds to the peoples demands, they are the one who answers the call to defend the territory and the people. The local power is the one the people look to for aid, and to whom the people have granted power. They are the legitimate ruler of the territory, not some King days or weeks away, but the local power structure. James Tully defines sovereignty as “the authority of a culturally diverse people or association of peoples to govern themselves by their own laws and ways free from external subordination” (Kalmo, 3).

⁴³ Caspersen, *Unrecognized States*, Loc 474-486

⁴⁴ Fowler, "What Constitutes the Sovereign State?" Pg. 384-385

These kings and rulers possessed de facto sovereignty from the Pope in Rome. They engaged in constant war with each other and even against the Pope and Holy Roman Empire. Yes, a “web of obligations” (Philpott, 2001, 78) existed among the kings and other authorities, but these obligations “were often unclear...unsatisfactory, and were hardly respected” (Philpott, 2001, 78). War was fought and peace was maintained by balancing of power, forming alliances, and maintaining and expanding spheres of influence. If the Pope was indeed the sovereign of the time, as is claimed by Jackson and others, he had very little power to fully control behavior in any part of Europe save for the Vatican itself. This supports the idea of de facto domestic sovereignty existing in the kingdoms and feudal states of central Europe in the few centuries prior to the Treaty of Westphalia. Daniel Philpott even describes this era as the “era of de facto sovereignty” (Philpott, 2001, 79). He establishes that during this period, in southern France, the lords and nobles were free to fight, form alliances, and establish treaties all without consent or even knowledge of the Pope or Holy Roman Emperor.⁴⁵ They were essentially free states under the greater umbrella of Christendom. These rulers held God as the highest authority and acknowledged the Pope as the proxy for God. Yet if the Pope delivered an edict they disagreed with they could just ignore it and the Pope had few options to force compliance.⁴⁶ The Pope was not able to control the behavior of the people of his realm, and therefore cannot be considered the sovereign, according to the definition I am using for the de facto characteristics of sovereignty.

The Treaty of Westphalia didn't create sovereignty, it had already existed in Europe at the time. It evolved from, and adopted the practices that were already in place in Europe.⁴⁷ The structure of Europe during this time was feudal. Power was widely disbursed and held by many different actors each of whom could make claims of control over territory. This arrangement of

⁴⁵ Philpott, *How Ideas Shaped Modern International Relations*, Chapter 5

⁴⁶ Philpott, *How Ideas Shaped Modern International Relations*, Chapter 5

⁴⁷ Kalmo, *Sovereignty in Fragments*, Pg. 50.

intertwining powers - without clarity of who was the sovereign ruler able to control the apparatuses of power, and through them control the behavior of the people - has led to the debate over whether this period had a characteristic of sovereignty. Yet even Robert Jackson acknowledges that sovereignty existed in practice and form before the Treaty of Westphalia.⁴⁸

Robert Jackson uses the familiar analogy of the sovereign state being a ship at sea. The sovereign ruler being the captain. Jackson imagines ships at sea as lone entities each independent of each other.⁴⁹ Yet Europe of the time was more like a fleet. Each ship of state independent and commanded by a sovereign captain (government) who has absolute rule on his ship. The fleet however, is commanded by an admiral (the Pope in this analogy), who can set the direction and order of the fleet. It is still up to the captains of the ships of state to obey the admiral. The admiral on his own ship has few options available to him to force compliance and obedience in his captains. The sovereign captains chose to obey or not. The crews of the ships (the people), the true ones in control, can chose to obey the captain or mutiny in support of the admiral. In this arrangement it is the captain, the sovereign ruler of the state, who is the decision maker for the ship of state. The people are like a crew of a ship, and look to their sovereign ruler, their captain, for direction, guidance and protection. They don't look to the Pope in Rome.⁵⁰ The Pope isn't a legitimate power to the people of the far-flung state. He has coercive power, and can appeal to the peoples' self-interest by way of religious edicts, but he can't take legitimate power from a ruler that the people see as legitimate.⁵¹

⁴⁸ Jackson, *Sovereignty: Evolution of an Idea*, Introduction

⁴⁹ Jackson, *Sovereignty: Evolution of an Idea*, Pg. 12

⁵⁰ Philpott, *How Ideas Shaped Modern International Relations*, Chapter 5

⁵¹ Hurd, Ian. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton, NJ: Princeton Univ. Press, 2008. Chapter 2. Here Hurd notes that Legitimate power can only be transferred by a few means. In this case it is the notion of legitimacy being conveyed by a sense of rightness. The belief of those being governed that the power structure is making good decisions on their behalf. Appealing to self-interest or using coercive force does not facilitate a transfer of legitimacy.

This was the situation in Europe prior to the Treaty of Westphalia. The period prior to Westphalia was one of emerging political thought and legal theorists, and it was also a period of constant religious wars. Sovereignty was used as a weapon to undermine or strengthen power. Many entities claimed to hold it, but it was only those who could have their decisions supported by the people, and have their decisions able to control behavior in the people, that had sovereignty. There is no doubt that the web of control that existed in Europe in the middle ages is complex and includes clergy, kings, and the people.⁵² What is clear is that a form of sovereignty existed. What is in debate is who was that sovereign and what power did they have?

It is my conclusion that deciding this comes down to answering one question: does the power structure of the territory have control of the behavior of people within the territory? Can that power structure control behavior by any means, whether it be legitimacy, coercion, or by appealing to the peoples' self-interest?⁵³ If it can, then the controlling entity can be considered the sovereign and can be considered to have domestic sovereignty. It doesn't matter if the sovereign authority of the territory answers to another, so long as the people look to the local sovereign for their guidance. It is the people who chose their sovereign. It is the people who control the territory and it is the people who accept the ruler as their sovereign or not. It also does not matter how this power is constituted. It can be in a single entity, the traditional sovereign, it can be a disbursed federal system with multiple layers of rule, or it can be any of the many systems of governance that have existed in history. The structure of governance has no effect on the existence of sovereignty. If the power structure of the territory can control the behavior of the people by any means, then it can be considered sovereign. This form of sovereignty existed in

⁵² Kalmo, *Sovereignty in Fragments*, Pg. 8

⁵³ Hurd, *After Anarchy*, Chapter 2

the pre-Westphalian period and would form the basis for the Treaty of Westphalia, which simply transformed what was the customary practice of the time into a legal framework.

Section 2

De Jure Sovereignty

De jure sovereignty concerns matters of authority. It is the form of sovereignty that was developed during the Westphalian era and is dependent upon recognition from other states, thus

it is an external and dependent trait, and is sometimes referred to as external sovereignty. It is the recognition of a state's authority structure as being the legitimate voice of the people of the state and of the states right to not have its internal affairs interfered with by another state. This form of sovereignty is possessed by a state that has Westphalian or international legal sovereignty.⁵⁴

These two forms of sovereignty will be the focus of my next two chapters.

The first will focus on Westphalian sovereignty. This developed first and evolves out of the Treaty of Westphalia and the conditions present in Europe just prior to the Treaty of Westphalia. This form of sovereignty bridges both de facto and de jure sovereignty.⁵⁵ It is the clearest manifestation of the definition of sovereignty as being “supreme in relation to all other authorities in the same territorial jurisdiction and independent of all foreign authorities” (Caspersen, Loc 401).

The fourth chapter will concentrate on what Stephen Krasner calls international legal sovereignty. This I will be calling U.N. sovereignty. It did develop prior to the creation of the U.N., but is most clearly manifested under the United Nations. It is the idea of formal recognition by the body of states that constitute the United Nations, and of the right of a state to exist and be treated as an equal in matters of international affairs. Where Westphalian sovereignty includes a pledge of non-interference in all circumstances, U.N. sovereignty contains no such pledge.⁵⁶

Chapter 3

Westphalian sovereignty in the Post-Westphalian era

The Third characteristic of sovereignty is Westphalian sovereignty. Stephen Krasner defines Westphalian sovereignty as the “the exclusion of external actors, whether de jure and de facto, from the territory of the state” (Krasner, 1999, 4). The internal authority of the state is free

⁵⁴ Krasner, *Organized Hypocrisy*, Chapter 1

⁵⁵ IBID

⁵⁶ Krasner, *Organized Hypocrisy*. Chapter 1

to act within its territory how it sees fit and is free from interference, by invitation or invasion.⁵⁷

This establishes a rule of nonintervention, which has been violated so often it can hardly be considered a rule at all. The result is that Westphalian sovereignty doesn't exist in the world today and may have never existed at all. All states violate it by invitation when they ratify any treaty that obligates them to follow a rule or standard of behavior. Westphalian sovereignty is hard to find in any state that has had to engage in relations with any other state. Westphalian sovereignty is considered *de jure* in the sense that for a state to possess it other states must agree to not interfere in each other's internal affairs. It is a byproduct of recognition of a sovereign state by other states, and encoded into law by way of treaty.⁵⁸ Westphalian sovereignty is legal in nature. It must be granted by others, and is therefore external and dependent.

States are constantly using a vast number of tools to attempt to influence the behavior of other states. All states of the world enter into treaties and agreements that violate their Westphalian sovereignty, which makes this characteristic of sovereignty the hardest to find in practice. There are no states in the world today that can make a true claim to Westphalian sovereignty, yet every state attempts to do so.⁵⁹ Westphalian sovereignty is what is being referred to when leaders claim to be attempting to preserve their sovereignty, or to be free to violate international law.⁶⁰ It is the form of sovereignty that is desired by the tyrant who wants to abuse the human rights of his people, and of the state that wishes to be free from or withdraw from international climate treaties. Westphalian sovereignty is the last refuge of the scoundrel leader, the one who thumbs his nose at international agreements and the norms of state behavior.

⁵⁷ Krasner, *Organized Hypocrisy*. Pg. 4

⁵⁸ Krasner, *Organized Hypocrisy*. Chapter 1

⁵⁹ Barkin, Samuel. "Resilience of the State: The Evolution and Sustainability of Sovereignty." *Harvard International Review* 22, no. 4 (2001): 42-46. <http://www.jstor.org/stable/42764073>. Pg. 43

⁶⁰ Kalmo, *Sovereignty in Fragments*, Introduction

Some scholars trace the beginning of the modern state system of sovereign states, back to the Treaty of Westphalia in 1648.⁶¹ Yet contrary to belief the Treaty of Westphalia did not encode into law the sovereign state system that we have today.⁶² What it did do was invite all continental European powers, that could make a de facto claim of sovereignty, to the negotiating table and treated them as equals.⁶³ This set a precedent that eventually would be encoded into law, the idea that all sovereign states are to be treated as equals on the international stage, and are worthy of a “seat at the table.”⁶⁴

The concept of sovereignty would be wrung out of the Treaty of Westphalia by theorists and thinkers over the next few hundred years. The scholarly work on sovereignty dates to Aristotle, but it fully emerged as a new concept in the minds of political philosophers such as Hugo Grotius, and Emmerich de Vattel, and a number of other scholars of international law and foreign relations. In the twentieth century and today it is the scholars of international relations who carry the torch for Westphalia being the root of sovereignty.⁶⁵ Yet this idea of Westphalia as origin no longer enjoys “the status of textbook knowledge” (Kalmo, 64) that it had in the past. The criticism of Westphalia as the origin of sovereignty has two points. The first was covered in my previous chapter, which is the fact that Westphalia didn’t create any original ideas. It just encoded into law the reality that already existed on the ground in Europe at the time. The second point of criticism is that the Treaty of Westphalia, when closely examined, has very little to do with sovereignty. It would be later treaties and laws that would encode sovereignty in international law.⁶⁶ However, the core norms of Westphalian sovereignty, those of states being

⁶¹ Rudolph, "Sovereignty and Territorial Borders in a Global Age."

⁶² Croxton, Derek. "The Peace of Westphalia of 1648 and the Origins of Sovereignty." *The International History Review* 21, no. 3 (1999): Pg. 569.

⁶³ Jackson. *Sovereignty: Evolution of an Idea*, Chapter 3

⁶⁴ Krasner, *Organized Hypocrisy*, Pg. 17

⁶⁵ Jackson, *Sovereignty: Evolution of an Idea*, Preface

⁶⁶ Kalmo, *Sovereignty in Fragments*, Chapter 3

equal in negotiations with other states, and free from interference in their domestic affairs, are established by the fact that all negotiating powers at Westphalia were treated as equals. They all had equal status in the negotiations and could negotiate in good faith.⁶⁷

The Treaty of Westphalia was in fact a collection of three treaties that ended the Thirty Years War. The Treaties of Osnabrück and Münster, and the October treaty between France and the Holy Roman Empire. Were all signed in 1648.⁶⁸ There had been treaties in the past ending wars and forming alliances, so why was Westphalia unique? Prior to Westphalia all states and territories of Europe considered themselves part of “a common society, Christendom” (Philpott, 82). The rulers of the states of the Holy Roman Empire had enjoyed the right to sign treaties since the founding of the Empire. It is a right encoded in the Empires founding document, the Golden Bull of 1356.⁶⁹ The treaty of Osnabruck reinforced this right, except in the case that the treaty was ““against the Emperor or the Empire”” (Krasner, 2009, Loc 439). Other participants in the treaties were not part of the Holy Roman Empire. France, Spain, and Sweden were not subjects of the Empire and entered negotiations as equals with each other and the Empire. The treaty did not recognize the “equality of the signatories” (Croxtton, 582) in the text of the treaty, but because the treaties were negotiated among parties that could not impose their will on one another. They were de facto equals, and therefore treated each other as equals in negotiations.⁷⁰

French thinkers and statesmen understood sovereignty and attempted to articulate it in negotiations over the disposition of the Alsace region. From the French perspective, no other state possessed the sovereignty that France possessed, where power was vested in a single

⁶⁷ Philpott, *How Ideas Shaped Modern International Relations*. Pg. 81-82

⁶⁸ IBID

⁶⁹ Krasner, *Power, the State, and Sovereignty*, Introduction

⁷⁰ Philpott, *How Ideas Shaped Modern International Relations*, Pg. 81

person.⁷¹ Yet the French statesman did see the power in other states as being vested in the people who “shared in the exercise of sovereignty and hence had a status in international law” (Croxtton, 586). It was due to this perspective of the rights of people, that French statesmen fought for the right of the French to be able to intervene in the internal affairs of the Holy Roman Empire, and protect the citizens, and princes from any “illegal actions” (Croxtton, 586) taken by the Emperor. France was clearly articulating its sovereignty from the Holy Roman Empire and the authorities of Christendom. Even though the ideas of sovereignty and of the independent sovereign state were articulated by France in the Treaty of Westphalia, they only applied to France. No unified international law that advanced the idea of the sovereign state was included in Westphalia. Though the idea of sovereignty was clearly present in the minds of French statesmen it’s hard to see that it was accepted by others present during the negotiations.⁷²

If the Treaty of Westphalia didn’t codify the idea of the sovereign state as it is commonly cited as doing, what did it do? The true result of the Treaty of Westphalia was that it granted the right of private worship, allowed for the existence of public churches, and most importantly allowed for the practice of Christian religions other than Catholicism.⁷³ It granted rights to local rulers to determine the religion of their land, and it created a framework for settling religious disputes between Catholics and Protestants.⁷⁴ So how did a treaty about granting religious rights and ending a religious war create a new form of sovereignty? Westphalia was the first of many steps that abridged the power of Christendom over the territories of Europe, and replaced it with sovereign states.⁷⁵ Historians have noted that Westphalia was “the first major conference held by European powers” that “was not a Church Council, Imperial Diet” (Philpott, 82). This began a

⁷¹ Croxtton, *The Peace of Westphalia*, Pg. 586

⁷² Croxtton, *The Peace of Westphalia*, Pg. 586-587

⁷³ Krasner, *Power, the State, and Sovereignty*, Loc 431-456

⁷⁴ Krasner, *Power, the State, and Sovereignty*, Loc 431-456

⁷⁵ Jackson, *Sovereignty: Evolution of an Idea*, Pg. 50-51

great transformation of the political structure of Europe, one in which the theological world of Holy Roman Christendom fell from power and was replaced by the secular world of sovereign states we have today.⁷⁶ It was this norm of equality in negotiations and with each other that writers latched onto, and used to create a normative understanding of Westphalian sovereignty.

The first step was the treaties of 1648. Other treaties would follow, but it would be the international lawyers and political thinkers of the fifteenth through eighteenth centuries that would solidify Westphalia as the beginning of sovereignty. It was these writers and theorists who would transform sovereignty into a normative idea.⁷⁷

The norm of nonintervention is most often attached to the idea of Westphalian sovereignty. Yet this norm wasn't articulated until the eighteenth century by writers such as Vattel. Therefore, Stephen Krasner and others do occasionally call Westphalian sovereignty, Vattelian sovereignty. This is due to the norm of nonintervention being key to Westphalian sovereignty.⁷⁸

The sovereignty that was established in the summer and fall of 1648 had little to do with the actual text of the treaties. It had to do with the new norms that were practiced for the first time during the negotiations. Most importantly, the norm of all negotiating territories being equal and worthy of a seat at the table. All 109 delegations from various territories around Europe were seen and treated as equals.⁷⁹ Once established as equals no state would voluntarily give it up. The next norm, nonintervention evolved from the wording of the treaty, but not the context. The text of the Treaty declared each state the "sole arbiters of legitimate behavior" (Krasner, 1999, 20) within their territories. Which meant they could govern without interference from any outside

⁷⁶ IBID

⁷⁷ Kalmo, *Sovereignty in Fragments*, Pg. 65

⁷⁸ Krasner, *Organized Hypocrisy*, Pg. 20-21

⁷⁹ Philpott, *How Ideas Shaped Modern International Relations*, Pg. 82

powers, except for the church.⁸⁰ Thus the two major norms of Westphalian sovereignty, the norms of nonintervention and equality among the states, were established and would be normalized and reinforced over the following centuries by subsequent treaties and international lawyers. Eventually the norms established at Westphalia would form the basis for the most major treaties of the twentieth century, including the U.N. charter.⁸¹ The Convention of Montevideo in 1933 would create the international legal definition of the state, and fully embrace the three characteristics of sovereignty I have discussed so far. Those being, territory, government, and authority to independently enter negotiations. If a territory had a population and was recognized as possessing these traits it was considered a state, and thus granted international legal sovereignty by the international community.⁸² This is the subject of my next chapter.

Chapter 4

International legal sovereignty in the United Nations system

The fourth characteristic of sovereignty as described by Stephen Krasner is international legal sovereignty. This is the most recent form of sovereignty to come into existence and derives from many of the concepts embedded in Westphalian sovereignty. International legal sovereignty concerns recognition by other states. It follows a basic rule, that states possessing international legal sovereignty have been recognized as “independent territorial entities” by other states (Krasner, 1999, 8). Their autonomy, independence and right to exist has been recognized and authorized by other states. It is therefore a trait of authority and not of control.⁸³ In the United Nations era (beginning in 1945), this recognition is conveyed by the United Nations. With U.N. recognition comes a large list of rights and privileges that are granted to the newly recognized

⁸⁰ Krasner, *Organized Hypocrisy*, Chapter 1

⁸¹ Johnson, James Turner. *Sovereignty: Moral and Historical Perspectives*. Washington, DC: Georgetown University Press, 2014. Kindle Edition. Pg. 1

⁸² Philpott, *How Ideas Shaped Modern International Relations*, Pg. 93

⁸³ Krasner, *Organized Hypocrisy*, Pg. 4

state. Today the whole of the Earth is divided amongst sovereign states.⁸⁴ Recognition of a new state rarely occurs. Today the United Nations controls the gate to international legal sovereignty. In the past international legal sovereignty was conveyed by an inconsistent set of norms and rules. A state could be recognized by one state and considered a state or recognized by many and not considered a state. Bi-lateral treaties determined recognition, states gave or withheld recognition as a tool to force behavior in another state.⁸⁵ Recognition treaties, due to their very nature void a states Westphalian sovereignty when granting it International legal sovereignty.

Today the U.N. is the arbitrator of sovereignty. All leaders seek recognition and for all the world that recognition has been granted. Any new state must be carved out of the body of an existing state. This doesn't always remove the U.N. sovereignty from the parent state, it just grants it to the new daughter state or states.⁸⁶ Occasionally a failed state will be broken up entirely. This was the case with Yugoslavia.

The de facto characteristics of sovereignty are not effected by U.N. sovereignty in any way. A state could have recognition and no ability to control its borders, no effective central government, and be dependent upon another state to facilitate these forms of sovereignty. In this sense U.N. sovereignty is unique. It doesn't require any action by the recognized state, nor the ability to act.⁸⁷ There is little criteria for determining what a state must do to earn recognition. Few states have done so since the new states created out of the breakup of the Soviet Union and the Eastern Block in the 1990s, and each time it has been under a unique set of circumstance.⁸⁸ The most resent are the creation of South Sudan and East Timor. The one criteria noted by Daniel Philpott is that a state "must look like a state" (Philpott, 93).

⁸⁴ Jackson, *Sovereignty: Evolution of an Idea*, Loc 116

⁸⁵ Krasner, *Organized Hypocrisy*, Pg. 8

⁸⁶ Krasner, *Organized Hypocrisy*, Pg. 19-20

⁸⁷ Krasner, *Organized Hypocrisy*, Pg. 12

⁸⁸ Caspersen, *Unrecognized States*, Introduction

Since the ratification of the United Nations in 1945, that body is the granter of sovereignty. All recognized states are treated as equals on the international stage. This is encoded into the charter of the U.N. and established in the practice of norms of international relations. States are granted a right to territorial integrity, and a right to be free from foreign intervention.⁸⁹ The people of the states have a right to self-determination, and a defined set of rights.⁹⁰ Borders are considered sacrosanct and can only “be changed, in accordance with international law, by peaceful means and by agreement” (Jackson, 108). With U.N. recognition come many rights and privileges, from immunity for ambassadors to rights of travel on the seas, and everything in between.⁹¹ This is the embodiment of the de jure nature of U.N. sovereignty. It is sets of rights granted by international law that are reserved for recognized states only.

Another unique quality of U.N. sovereignty is that it does exist as a binary. A state is either recognized by the U.N. or it is not. If it is recognized it is a state, if it is not recognized then it is not a state.⁹² This status does not apply to any other characteristic of sovereignty. As Nina Caspersen has shown there are many territories of the world that possess territorial and domestic sovereignty, yet lack U.N. recognition.⁹³ Taiwan is the clearest example. Taiwan possesses all the de facto characteristics of sovereignty, but not U.N. recognition. It is recognized by twenty-three states, and can enter treaties, form alliances, and participate in international organizations, yet it doesn’t have a seat at the United Nations.⁹⁴ It fits the description of a state from the Montevideo Convention,⁹⁵ but isn’t a sovereign state due to its lack of U.N. recognition. Taiwan is the great exception, but not the only exception to the rules and norms of international

⁸⁹ “Charter of the United Nations- Article 2 (1) -(5).” *Repertory of Practice of United Nations Organs*, United Nations Codification Division, Office of Legal Affairs- Publications, 2017, legal.un.org/repertory/art2.shtml.

⁹⁰ Jackson, *Sovereignty: Evolution of an Idea*, Loc 108

⁹¹ Krasner, *Organized Hypocrisy*, Pg. 10-20

⁹² Caspersen, *Unrecognized States*, Loc 414-418

⁹³ Caspersen, *Unrecognized States*, Introduction

⁹⁴ Caspersen, *Unrecognized States*, Loc 303-330

⁹⁵ “Montevideo Convention on the Rights and Duties of States.”

relations. Caspersen identifies a few other states in the world that fit this criterion, such as Somaliland, Nagorno Karabakh, and Northern Cyprus, she calls these unrecognized states. These “unrecognized states” possess de facto sovereignty but lack U.N. recognition.^{96 97}

There are also a handful of states in the world that have U.N. recognition but lack de facto sovereignty. These are states such as Andorra, who shares sovereignty with its neighbors France and Spain, who are “co-princes of Andorra” (Caspersen, Loc 204). They have control over Andorra’s border and can appoint half off Andorra’s Constitutional Tribunal.⁹⁸ Perhaps the strangest of these type of states is the Order of Malta, which issues passports, and has U.N. recognition, yet controls no territory.⁹⁹ These purely de jure states have voluntarily given up portions of their sovereignty to an outside power. They have U.N. recognition, so possess full de jure sovereignty, yet they possess no other characteristic of sovereignty. They cannot control their borders, and have given up some of their domestic authority. They are states solely due to their U.N. recognition.¹⁰⁰ In the Westphalian era, it would be hard to consider these de jure sovereign entities as states. They lack Westphalian sovereignty, yet in the U.N. era they are considered fully sovereign states.

The story of U.N. sovereignty is the same story of all characteristics of sovereignty. One of exceptions and hypocrisy. The U.N. has been inconsistent with how it grants and recognizes sovereignty. States that look like states are not always recognized, and states with no forms of de facto sovereignty are recognized. The prevailing opinion as to why, is that sovereignty is a tool,

⁹⁶ Caspersen, *Unrecognized States*, Introduction

⁹⁷ A note on Palestine is needed here as the question of where it fits has been asked of me a few times during the writing of this piece. Palestine is a unique circumstance with very few easy explanations. It doesn’t have de facto or U.N. sovereignty and never did. It is a member of some U.N. organizations, but is not a full member of the U.N. general assembly. The members of the security council have never agreed on what to do with Palestine and therefore have prevented any resolution to the situation. Addressing the situation of Palestinian sovereignty would require a large work of its own, something I do not have space for here.

⁹⁸ Caspersen, *Unrecognized States*, Loc 190-216

⁹⁹ Caspersen, *Unrecognized States*, Loc 213

¹⁰⁰ Caspersen, *Unrecognized States*, Introduction

some even say a weapon,¹⁰¹ it is used by the powerful states to force compliance with a system established to benefit them. It has been used to force states to adopt democratic governments as a requirement for admission, and to except international oversight in their internal affairs.¹⁰²

U.N. sovereignty has a tradeoff. It requires a state to compromise all its other forms of sovereignty. Admission to the U.N. requires adoption of the U.N. charter by the new state. By entering this agreement, a state has compromised its Westphalian sovereignty.¹⁰³ The joining of international organizations such as the World Trade Organization, or the international criminal court, force states to alter their domestic laws and compromise their domestic sovereignty.¹⁰⁴ The territorial independence of a state is not guaranteed by U.N. sovereignty. Recognized states “have been dismembered and even absorbed” (Krasner, 1999, 19). A state could also enter into agreements that compromise their territorial sovereignty. U.N. sovereignty provides a state with a great deal of rights, the most important of them is the right to voluntarily surrender their domestic and territorial sovereignty. A state also has the right to fall back on its Westphalian sovereignty and withdraw from any agreements it has entered.¹⁰⁵ The story of sovereignty going forward will be one of this right to surrender sovereignty. States will give up and retake their sovereignty in attempts to gain an advantage in the globalized world of the twenty first century.¹⁰⁶ The result will be a world that on the map looks very much like the world we have today, but it will be a world with a very different arrangement of sovereignty. How this will occur is the subject of my next section of this paper.

Chapter 5

The future of sovereignty in a globalized world

¹⁰¹ Kalmo, *Sovereignty in Fragments*, Pg. 8

¹⁰² Krasner, *Organized Hypocrisy*, Pg. 10-20

¹⁰³ Krasner, *Organized Hypocrisy*, Pg. 19

¹⁰⁴ Krasner, *Organized Hypocrisy*, Pg. 15-20

¹⁰⁵ Krasner, *Organized Hypocrisy*, Pg. 10-20

¹⁰⁶ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 1-5

The debate over the future of sovereignty is often about what will survive in the world of the twenty first century, sovereignty or globalization. There is a near consensus amongst scholars that globalization is causing marked changes in the structure of international society, and that sovereignty is facing challenges in the twenty first century.¹⁰⁷ The argument is centered around what will those changes be and what will be the significance of those changes.

Many scholars argue that globalization is challenging the traditional notions of sovereignty.¹⁰⁸ Globalization is a challenge to a state's territorial, domestic, and Westphalian sovereignty, but not to a states U.N. sovereignty. The modern globalized world contains many challenges to sovereignty: international economic factors are altering domestic sovereignty as states are forced into international financial regimes if they wish to compete in the global world market; environmental degradation is not contained by borders and is forcing states to confront each other and cooperate with each other in ways that they have not in the past; people are moving across borders in numbers never before seen in history,¹⁰⁹ posing an enormous challenge to international agencies and the domestic tranquility of much of the world.¹¹⁰

The current international environment has seen the expansion of the power of international organizations, non-state actors, and the increase in binding international treaties which are forcing sovereignties importance into decline.¹¹¹ It has been suggested that we are moving into a new age of sovereignty where sovereignty and the nation-state will cease to be meaningful in the international community.¹¹² Those that predict the demise of sovereignty claim

¹⁰⁷ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 1

¹⁰⁸ Barkin, "Resilience of the State", Pg. 42

¹⁰⁹ UNHCR, <http://www.unhcr.org/en-us/figures-at-a-glance.html>

¹¹⁰ Barkin, "Resilience of the State", Pg. 43

¹¹¹ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 1

¹¹² Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 2

that globalization will lead to a world without borders, governed by international organizations and regulated by the borderless flows and exchanges of commerce.¹¹³

This debate is based in an absolutist view of sovereignty.¹¹⁴ The idea that there is a battle between “Adam Smith’s vision of an open world” and “Thomas Hobbes’s conception of Leviathan (the state) and a patchwork of sovereign states” (Agnew, Loc 56). Yet this debate doesn’t reflect the reality of sovereignty. It is grounded in the idea of sovereignty being “conceived of as a singular concept” (Rudolph, 2). As I have shown in the previous chapters, sovereignty is far too complex to express as a binary singular definition. The components of de facto sovereignty exist on a sliding scale and are fluid traits of the state, and can be empirically evaluated. Eiki Berg and Ene Kuusk have done this in their paper *“What Makes Sovereignty a Relative Concept?”* They have shown in their research that there is a large disparity in the levels of de facto sovereignty that states possess. The large, developed, core states of the world, such as China, Russia, and the U.S. have close to full de facto sovereignty. Most other states have less than full control over their borders and domestic territory.

The capabilities of the institutions of states vary greatly, and are directly related to their evaluated level of sovereignty. The conclusion of Berg’s, and Kuusk’s paper is that states are not equal in their sovereignty.¹¹⁵ Sovereignty cannot be thought of as a binary trait that exists or it does not. The amount of sovereignty a state possesses is fluid and ever changing in response to domestic forces and the international environment.

Globalization will not result in the dissolution of de jure sovereignty, or a change in the structure of the international system. It will reduce, and maybe eliminate, the de facto sovereignty of states, but U.N. sovereignty will exist if the U.N. does. As I mentioned earlier the

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¹¹⁴ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 3

¹¹⁵ Berg, Eiki, and Ene Kuusk. "What Makes Sovereignty a Relative Concept?"

central right of U.N. sovereignty is the right to give up your sovereignty by way of agreement or treaty.

States have always bargained away aspects of their territorial and domestic sovereignty whenever they enter into an agreement or treaty with another state, or organization.¹¹⁶ In the modern globalized world the tradeoff is often a sacrifice of territorial sovereignty for financial gain. Sovereignty is being exchanged for increased domestic legitimacy and financial advantage.¹¹⁷ This exchange helps to bolster the states domestic sovereignty. If the people are opposed to the exchange, then the legitimacy of the state authority apparatus can be called into question. States enter into agreements that transfer authority to multi-national and regional organizations. These organizations, by making decisions deemed good in the eyes of the people, can gain legitimacy and draw authority away from domestic authorities.¹¹⁸

Sovereignty is becoming a bargaining chip that states can use in negotiations with other states and international organizations.¹¹⁹ The de facto aspects of sovereignty can be exchanged for access to world markets and to ease the flow of commerce. States do not do this out of desperation or from a position of weakness, but “out of a conscious consideration of the tradeoffs” (Barkin, 45). States no longer feel that their domestic sovereignty is degraded by reductions in their territorial sovereignty. States voluntarily surrender aspects of their domestic and territorial sovereignty in exchange for financial gains, access to the international system, and increased effectiveness of the state.¹²⁰ Characteristics of sovereignty can be bargained away for advantage and to advance a state “grand strategy and to maximize other dimensions of sovereignty” (Rudolph, 3). These “sovereignty bargains” are changing the conception of

¹¹⁶ Krasner, *Sovereignty: Organized Hypocrisy*

¹¹⁷ Agnew, *Globalization and Sovereignty*, Chapter 3

¹¹⁸ Hurd, *After Anarchy*, Introduction

¹¹⁹ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 1-5

¹²⁰ IBID

sovereignty from a set of absolute truths and binary facts, to a set of norms and practices that are accepted as the correct practices by the people of the states.¹²¹ States must participate in the world system, and to gain advantage in that system they will have no choice but to exchange aspects of their de facto sovereignty for gains in their financial wellbeing which will bolster their domestic sovereignty.

These exchanges of sovereignty cannot be conducted without the support of the populace. States sovereignty is a concept that the people understand and they are wary of actions taken by governments that degrade the sovereignty of their state. If the people don't feel that they gain from a sovereignty bargain then they will not support it. They must see the actions of their leaders as good and correct and therefore legitimate.¹²²

This has been the case with the backlash against international trade organizations such as the World Trade Organization (WTO). Membership in the WTO requires states exchange territorial sovereignty for trade advantages, and financial gains. These advantages, gained by membership, bolster the strength of the domestic sovereignty of the signatory states so long as they are seen by the people as delivering a benefit to them. When the people lose faith in these organizations they degraded the faith of the people in their domestic authorities.¹²³ The agreements that states enter must be seen by the people as contributing to "maximizing domestic economic growth" (Rudolph, 8). If they do not then they will "weaken the relationship between state and society" (Rudolph, 8). The result will be a loss of the legitimacy of domestic authorities.

States can also trade their domestic sovereignty for gains in territorial sovereignty. When states cannot "generate sufficient economic productivity" (Rudolph, 8), they cannot afford strong

¹²¹ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 4

¹²² Hurd, *After Anarchy*, Introduction

¹²³ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 5-8

militaries to defend their borders. They rely upon another state to defend their borders and protect their territorial sovereignty. They become dependent on stronger states, and international institutions to facilitate aspects of their territorial sovereignty that they cannot facilitate themselves.¹²⁴ This is the case when a state receives an IMF bailout which forces open their borders to trade. It is also the case when western navies protect the shipping lanes in the Straits of Hormuz from piracy. This exchange bolsters the economic growth of states that trade away their sovereignty for gain, as it reduces their costs. The reduced need to protect borders or make economic decisions increases the capability of the state and strengthens the legitimacy of the domestic authority structure. This is not a sale of sovereignty for financial gain, but a trade of one aspect of sovereignty for another.¹²⁵ Again these actions must generate benefits for the people or they will oppose the agreements and weaken the legitimacy of domestic institutions.

States can also surrender their de facto sovereignty to regional organizations, which take over many of the responsibilities of the state. This is the case with the European union. The E.U. is often claimed to diminish the sovereignty of its member states, but this ignores the gains that the E.U. states have made from entering the union.¹²⁶ This also neglects the aspects of free will and the right to give up your sovereignty in the U.N. system. States made a choice to enter the European Union. They were not coerced into doing so. This isn't to say that the E.U. has been without its problems and critics. The Brexit movement is pushback against the sovereignty bargains made by the United Kingdom. The English people have become unhappy with the tradeoff and have demanded that the U.K. recover its territorial and domestic sovereignty that it had traded away to the European Union.

¹²⁴ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 8

¹²⁵ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 8

¹²⁶ Agnew, *Globalization and Sovereignty*, Chapter 2

It is my prediction that these regional organizations will become more common in the twenty first century. The E.U. is the first such experiment, but others will follow. We already see Russia attempting to create a Eurasian Union, and there are also regional organizations in West Africa (ECOWAS), and South America (UNASUR). These organizations vary in their constitution and power, but the goal is the same: to further the collective interests of the member states.

There are a few reasons that critics doubt that regional organizations are taking over aspects of sovereignty from individual states. One is that people have a need to belong to a place. Our flags represent more than just a government apparatus they also represent a group of people who share an identity. All peoples have a sense of national identity and a need to designate where “we” end and “they” begin.¹²⁷ The need to belong is at the root of territorial sovereignty. The border is a symbolic division between “us” and “them”. People will be reluctant to give up their territorial sovereignty if it also means giving up their national identity. This is exasperated by the rates of human migration in the world, stressing the national identity of the people as those of other cultures flood into the state.¹²⁸ The solution to this problem of diluted national identity, and inability to control an inflow of migration, is the creation of the regional union of states such as the European Union. A solution to the need for people to have a sense of national belonging is to preserve U.N. sovereignty.

When states entered the E.U. they agreed to fully open their borders to each other and allow for full movement of individuals throughout the European Union. The borders of the Union supplemented the borders of the member states. It becomes the responsibility of the union

¹²⁷ Agnew, *Globalization and Sovereignty*. Loc 955-961

¹²⁸ Rudolph, "Sovereignty and Territorial Borders in a Global Age." Pg. 14

to protect the borders of the individual states that are on the edge of the regional union.¹²⁹ This is something that the E.U. has failed at.

One of the responsibilities of regional unions is to preserve the cultural integrity of the member states, and allow for the citizens of those states to experience a sense of national belonging to their home state.¹³⁰ It is for this reason that states have an interest in preserving the United Nations and the rights and privileges that come with U.N. sovereignty. U.N. sovereignty grants a state a place on the map. It allows the people of the state to point to a map and say, “this is where I am from.” U.N. sovereignty maintains national identity, and permits a sense of nationalism.

This nationalism and desire for cultural identity in the globalized world explains why regional powers are emerging. States must open their borders if they want to compete in a globalized world.¹³¹ It is more likely that states will be willing to open borders to regional neighbors than to states further away. States in the same region are more likely to have similar cultures. They will have similar ways of conducting their business, and similar desires as to the outputs of their political leaders. This cultural similarity smooths the integration of state institutions with the institutions of the regional body. It then becomes the responsibility of the regional body to ensure the stability of the member states, so they can each maintain their own cultural identity. Something the E.U. has not been effective at doing. This failure has placed a great deal of stress on the European Union and has severely weakened the legitimacy of the decision making of the Union’s authority structure.

In the globalized world, de facto sovereignty is just another commodity that can be traded on the world market. Territorial sovereignty can be exchanged for economic gain and domestic

¹²⁹ Agnew, *Globalization and Sovereignty*, Loc 1080-1100

¹³⁰ Agnew, *Globalization and Sovereignty*. Loc 955-961

¹³¹ Agnew, *Globalization and Sovereignty*. Loc 955-961

prosperity. This bolsters a state's domestic sovereignty by way of increasing the legitimacy of domestic authorities in the eyes of the people. A state can also exchange its domestic sovereignty for membership in international and regional organizations.¹³² If these organizations perform well, they can supplant the domestic authorities as the legitimate power in the state.¹³³

Sovereignty is fluid in the era of globalization. States will still be the location of sovereignty in the future, but they will transfer much of that sovereignty to other entities. Either international organizations or regional power structures. This does not mean that sovereignty is dying and being replaced by a system of borderless flows of commerce and authoritative non-state entities. The de facto traits of sovereignty are becoming less important in the eyes of the people. What sovereignty delivered to the people in the past is now able to be delivered by actor's other than the state. National identity is preserved within a union of like states, and by preserving of the U.N. and U.N. sovereignty. Sovereignty is not going to be eliminated from the world. Some characteristics of it may become less important and others may be preserved by entities other than the state. It is only if one believes sovereignty is a single unified concept, with a fixed definition, that exists as a binary, that the demise of sovereignty seems eminent. Sovereignty is not a unified concept and is not a binary and therefore will be the foundation of the international system for some time still to come.

Conclusion

When I first began the process of writing this capstone project my goal was to find a definition of sovereignty. One that clearly stated what sovereignty is in the twenty first century. It immediately became apparent to me that this was impossible. Sovereignty is far too complex of an idea with far too many exceptions to be summed up in a simple sentence long definition.

¹³² Rudolph, "Sovereignty and Territorial Borders in a Global Age", Pg. 16

¹³³ Hurd, *After Anarchy*, Chapter 2

My research led me to the conclusions in this paper, that sovereignty is not a single unified concept. It is a mosaic of ideas, concepts and norms that must be broken down into its component parts to gain a clear understanding of what sovereignty means in the modern globalized world.

My research led me to the work of Stephen Krasner who had already broken-down sovereignty into the four characteristics of interdependence/territorial, domestic, Westphalian, and international legal/ U.N. sovereignty, that I have used in this paper.¹³⁴ Territorial and domestic sovereignty compose the de facto characteristics and Westphalian an U.N. sovereignty compose the de jure characteristics. Krasner, combined with the works of other writers, provided the language and methods to dissect sovereignty that I have used in this project. These works illustrate that there is debate about sovereignty's origins. There is even more debate about the future of sovereignty, a debate that is grounded in a misunderstanding and oversimplification of sovereignty.

Even though most scholars I read for this project agree with Krasner's understanding of sovereignty; that of it being a concept rife with exceptions and contradictions, they still try to hold to a simple definition of sovereignty that makes it easy to discuss. I have shown in this work that sovereignty is not a simply defined concept. It is made up of four distinct characteristics that each have their own set of norms and practices. These four characteristics work together to provide us with the understanding of sovereignty that exists today. These characteristics are each independent and cooperative components of sovereignty. They exist independently of each other, but when combined generate the understanding of sovereignty we have, an understanding that still exists as a definition rife with exceptions. Nina Caspersen has shown that the common definition given for sovereignty, being a state that is "supreme in relation to all other authorities

¹³⁴ Krasner, *Sovereignty: Organized Hypocrisy*

in the same territorial jurisdiction and independent of all foreign authorities” (Caspersen, Loc 401), is incomplete and has an extensive list of exceptions.¹³⁵

The result of my research is that sovereignty cannot be understood as a singular unified concept. It must be broken down into its components, and each one must be evaluated independently to gain an understanding of a state’s sovereignty. Doing so shows that sovereignty cannot be understood as a binary concept. It is not something that a state has or does not. It exists on a sliding scale that reflects a state’s capabilities, interests, and needs. States have varying amounts of territorial sovereignty and domestic sovereignty. These reflect the ability or desire of a state to control its borders, and administrate effective government to its populace. These are quantifiable concepts that can be evaluated empirically. Doing show clearly shows that some states have more sovereignty than others, and that sovereignty is fluid and ever changing in response to the international environment.

I have shown that sovereignty, by existing as a composite concept can be bartered in pieces and exchanged for advantages in the international system. It is a commodity now, one that can be exchanged for economic and political advantages. One characteristic of sovereignty can be traded away to bolster another. Portions of both domestic sovereignty and territorial sovereignty can be ceded to more powerful neighbor states for greater security and social advantages. However, all these trades must deliver clearly evident gains for the people. If they do not then the people will reject them and weaken the domestic authorities power, potentially causing a backlash against the policies of the state that traded away sovereignty. This is the case with the Brexit movement, and the opposition to trade policies such as NAFTA and the TPP in the United States. These opposition movements are pushing back against their domestic authority’s decision to cede sovereignty by treaty.

¹³⁵ Caspersen, *Unrecognized States*, Introduction

I have shown that U.N. sovereignty does exist as a binary. It is something a state has or does not have. It is not able to be traded or exchanged as it does not exist on a sliding scale. It is membership in the United Nations. If the U.N. exists this form of sovereignty will also. It is the most desired component of sovereignty, as it provides a state with equal rights and privileges with all other member states, regardless of capability or effectiveness. U.N. sovereignty grants a “seat at the table”, as well as a lengthy list of rights and privileges. The most important of these is the right to trade away territorial and domestic sovereignty. Regardless of how many treaties a state enters, and how much of its de facto sovereignty it gives up, it will still exist on a map, and have a national identity if it has U.N. sovereignty. United Nations sovereignty preserves the state.

The right to trade away de facto sovereignty while preserving U.N. sovereignty is the key to understanding sovereignty in the twenty-first century and beyond. This is the answer to my question of: what will become of sovereignty in the era of globalization and beyond? I have shown that de facto sovereignty is just another commodity to be exchanged in the era of globalization. People are wary of their state giving up their territorial and domestic sovereignty. They see it as a threat to their national identity and control of their destiny.¹³⁶ With U.N. sovereignty remaining intact they can still preserve their national identity, and always have the right to retake control of their domestic decision making, and their destiny.

At the beginning of this paper I asked what would happen to the “weak states” of the world, those lacking in the full sovereignty that the powerful core states possess? I asked if they would “bandwagon” onto powerful states in their region out of a desire for self-preservation? I have shown that all states will desire to enter regional coalitions, but not “bandwagon” onto powerful states. Yes, the powerful states may be the catalyst that start the union. Like Russia

¹³⁶ Agnew, *Globalization and Sovereignty*, Chapter 2

with the Eurasian Union. Membership will be out of a desire to gain advantage not out of fear of destruction. States will demand that these unions can preserve their national identity, something the European Union has failed to do for its member states. States that join these unions will still exist on the map, as they still will have full U.N. sovereignty. They will however surrender their territorial sovereignty and portions of their domestic sovereignty for efficiency, and access to markets. They will have traded their independence for increased wellbeing of their people. That is the changing nature of sovereignty in the era globalization.

Sovereignty in the past was intended to protect the security of the people and the independence and integrity of the state. Today it is used to provide for the wellbeing of the people. The people are the state. They desire to have their identity preserved and contained within a border, but besides that are willing to surrender their sovereignty if it brings advantage and prosperity. Sovereignty in the future will be reduced to U.N. recognition for many states of the world. Sovereignty will still exist; its purpose will have changed. The arrangement of sovereignty may appear quite different than it does today, and may even eventually be fully replaced by a single world government. Regardless of what the arrangement of the world structure of states is, we will still call it sovereignty when states exert their control or authority. After all the concept of sovereignty has been highly flexible in the past and should be expected to be so into the far future.

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