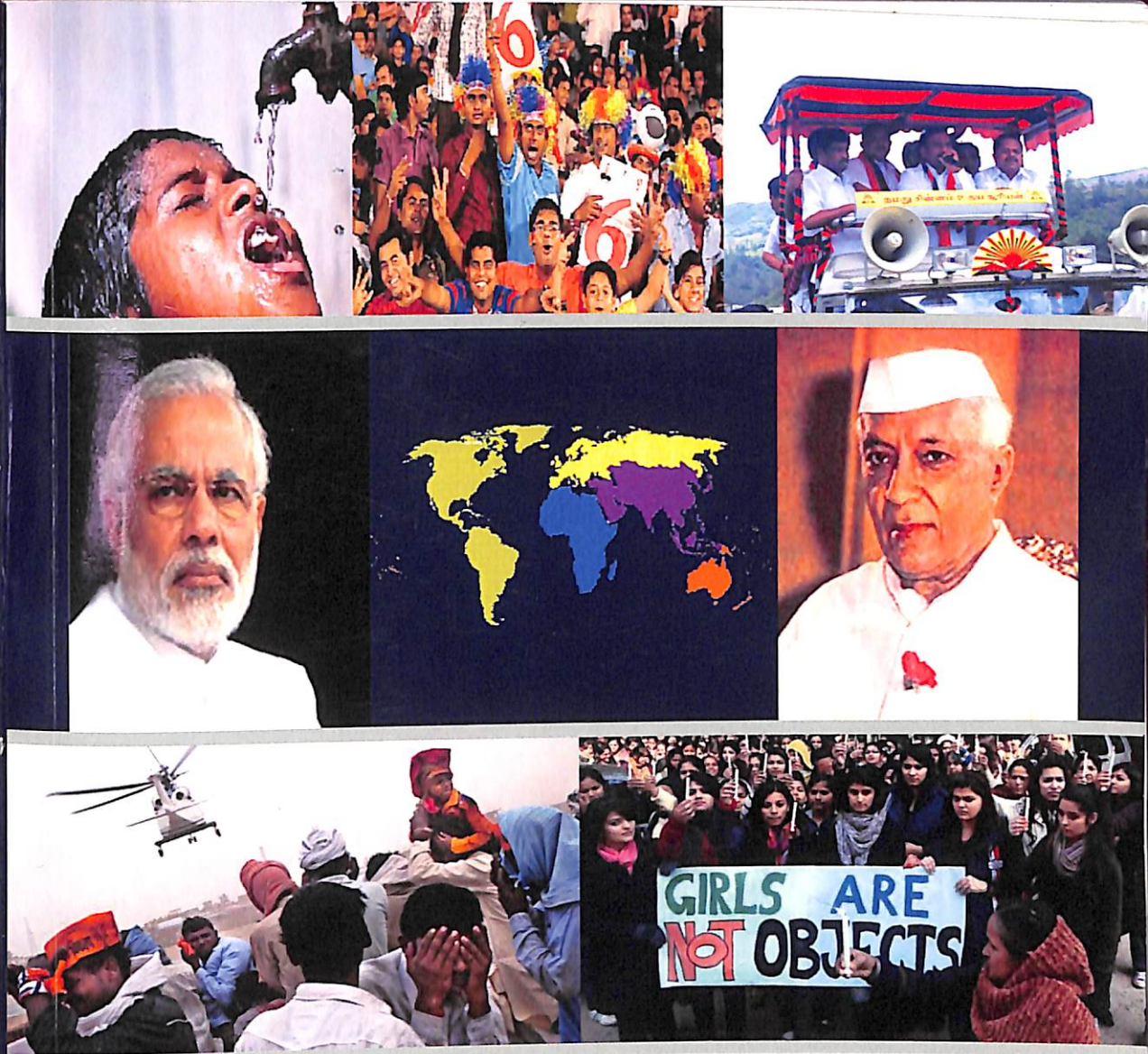




Contemporary Indian Politics

Internal Dynamics and External Compulsions

Essays in Honour of S. S. Patagundi

Edited By

Sanjeev Kumar H. M., Prakash. S. Desai, Subhash Patil

Pinnacle Learning

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Published by Pinnacle Learning
24, D.D.A Shopping Complex Ber Sarai, New Delhi
110016. E-Mail: pinnaclelearning@hotmail.com,
pinnaclebooks1@gmail.com Phone: 65664085

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First Published in 2017

ISBN:978-93-83848-23-2

Rs. 795/-

Printed by:
Universal Print & Pack
G-2, B-2, Vardhman Place,
Nimri Commercial Centre,
Ashok Vihar, Phase - IV,
Delhi-110 052

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Chapter 5

Trajectory of Nation-State Sovereignty in the Era of Globalisation

Subhash Patil

Nation-state faces many potential problems as a result of globalisation process. One of the problems the state is facing is the problem of state sovereignty. Though there are several views which surround this idea, one view is that nation-state is dissolving as an institution and is an obsolete concept today. Another view puts forth its arguments stating that nation-state has increased its importance for maintaining and evolving globalisation trends. There are others who think that the nation-state faces restructuring though globalisation evolves it in an altered state.

INTRODUCTION

The nation-state in the globalisation era interacts with world through its foreign policy issues wherein each nation-state is equal in terms of having absolute sovereignty as per the Westphalia Treaty 1648, and the sole right to use legitimate power within its territory. Transnational actors in international system and international intergovernmental organisation have become significantly more important than the nation-state. They represent the high profile of politics of trade and business compared to the profile of the nation-state. Now it is the test of the time to protect its old notion of Westphalian model of sovereignty. The nation-state faces greatest challenge from globalisation and how to maintain its stability within its borders is another challenge. Non-state events like capital flows through international markets, private investment affecting foreign currency prices and BPOs providing jobs with

profitability will have a definite impact on individual nation-states and defy the nation-state's control.

It is with this intention to analyse and discuss how globalisation erodes the sovereignty of the nation-state. This chapter attempts to analyse the concept of sovereignty through ages from ancient times to the present era of globalisation. This chapter begins by outlining the various challenges globalisation presents to nation-states and progresses to an examination of where the nation-state may go next because of the sheer complexity of the issues involved. This chapter in its conclusion highlights the effect globalisation has on the notion of the state and what form or forms the nation-state may assume in the future.

OUTLINES OF CONCEPTUAL HISTORY

"Men do not wield or submit to sovereignty. They wield or submit to authority or power. Authority and power are facts as old and ubiquitous as society itself; but they have not, everywhere and at all times, enjoyed the support or suffered the restraints which sovereignty, a theory or assumption about political power seeks to construct for them" (Hinsley, 1986:1). Sovereignty is a concept, which men in certain circumstances have applied – a quality they have attributed or a claim they have counterposed to the political power.

The term 'Sovereignty' is derived from Latin word, 'Superanus' meaning supreme. Thus, sovereignty denotes supremacy or supreme power of the state (Gaub, 1981:61). The origin and history of the concept of sovereignty are closely linked with the nature, origin and the history of state. In fact, the modern theory of state was perfected only when the concept of sovereignty was introduced to it (Hinsley, 1986:2). "The concept of 'sovereignty' implies a theory of politics which claims that in every system of government there must be some absolute power of final decision exercised by some person or body recognised both as competent to decide and as able to enforce the decision. This person or body is called the sovereign" (International Encyclopedia of the Social Sciences, 1968:77). It means that in every independent state, there is an ultimate authority that is final and the highest, beyond which there is no appeal.

Sovereignty has long been considered the ground norm of international law. It is the power or authority, which comprises the attributes of an ultimate arbitral agent – whether a person or a body of persons – entitled to make decisions and settle disputes within a political hierarchy with some degree of finality (King P., 1987:493).

The concept of 'sovereignty' was formulated in conjunction with the founding of the modern state system in the 16th and 17th centuries. By the end of the 15th century, there were up to 500 semi-independent political units in Europe, although the trend was towards centralisation under monarchs. At the same time, these units saw themselves as the municipal embodiments of a universal (Christian) community (Camilleri and Falk, 1992:13). For most civilisations, sovereignty has not been a defining characteristic of political life. The notion would have meant little to the tribal communities of Africa and Oceania organised primarily around ties of lineage and kinship. The multi-state system of ancient China with its subtle but fluid relationship between the monarchy and feudal lords and princes could scarcely be described as a system of sovereign states (Ibid:12). The Greek city states, frequently engaged in war over territory, trade and personal rivalries were not internally organised in accordance with the logic of sovereignty. The ancient Greeks did not differentiate between state and society and the rulers were citizen governors who were simultaneously subjects of state authority and creators, of public rules and regulations (Held, 1989:26).

Conditions in the middle ages were not favourable to the development of the concept of sovereignty because emperors' power was limited on the one side by the rights of the feudal lords, and on the other side by the claims of the Pope to superior authority. This is in sharp contrast to the feudal times, when the state law was subordinated to the universal and eternal order.

Medieval Europe was a cosmopolitan patchwork of overlapping loyalties and allegiances geographically interwoven jurisdictions and political enclaves (Camilleri and Falk, 1992:2). The hegemonic principles, which underpinned growth of the Egyptian, Persian and Roman empires, bore little resemblance to the modern notion of sovereignty.

The political communities constituted by German people of the Dark Ages or those reflected in the kingdoms and principalities of medieval Europe were not sovereign states. Harold Laski notes, however, that there is historically no limit to the variety of ways in which the use of power may be organised (Laski, 1941:41). Mary Catherine Bateson sees more room for human agency and change: "The state is not a fact of nature, however, but the solution to the problem - a modern and western solution, recently generalised to the rest of the world, which is, in turn, itself a source of problems" (Bateson, 1990:150).

Europe is regarded as the cradle of the modern sovereign state in which both rulers and the ruled were subject to universal legal order which reflected and derived its authority from the law of God. As Robert Sack described the feudal universe, "the Christian community of the church transcendent was associated with the fixed and the eternal, while earthly cities were short-lived and changing" (Sack, 1980:184). In the feudal system, there was no demarcation between domestic and external spheres of organisation, no dividing line between "public territories" and private estates. This system enjoyed considerable level of coherence and unity by virtue of common legal, religion and social traditions and institutions (Anderson, 1974:37-38). "The phenomenon and the concept of sovereignty are best understood historically since they originated as an expression of the search for a purely secular basis for authority amid the new state organisations in Europe of the 16th and 17th centuries" (International Encyclopedia of the Social Sciences, 1968:77).

For three or four centuries, and certainly by the Peace of Westphalia ending thirty years war, state sovereignty has been the guiding principle of international relations. The state has been the way people have organised themselves, and this has been seen as natural or inevitable end product in the evolution of international relations.

By the 16th century, the Renaissance in art, literature and philosophy were important in the secularisation of life and corresponding decline in the spiritual and temporal authority of the church. The revival of Roman law corresponded to the needs of the absolutist state and spread of capitalist relations in towns and country (Anderson, 1974:24). As Perry Anderson has pointed out, the absolutist state replaced the system of feudal domination, which relied on the institution of serfdom. The apparatus of legal and political coercion had moved upwards towards a centralised militarised peak the absolutist state.

The concept of sovereignty is at the core of change and turbulence in global politics today. It is under assault from many quarters - the environment, communications technology, nuclear weapons, massive movements of people across borders, and increasing acceptance of human rights norms around the world and these have radical implications on the concept of sovereignty.

Historians argue as to when sovereignty became a firmly established fact of political life. Some focusing on the late 15th century, others on the peace of Augsburg, 1555; and still others on the Treaty of Westphalia, 1648. Sovereignty in both theory and practice was closely related to the

prevailing social and economic environment of 16th and 17th century Europe. According to Hinsley, sovereignty is an inevitable and virtually irreversible stage in the evolution of political institutions, or a necessary culmination of the integration of state and community (Hinsley, 1986:18). As Laski argues, the sovereign state represents not an absolute but an historical logic (Laski, 1947:48). And the idea of sovereignty was firmly entrenched by 1648.

DIVERGENT APPROACHES

F.H. Hinsley characterises sovereignty as final and absolute authority in the political community and notes that it has been intimately associated with the state; and it could not after all be divorced from the state. He talks about the 'inexorable' consolidation of the state and the 'victory of the concept of sovereignty' (Hinsley, 1986:215).

Roman law, which helped to undermine the heritage of feudal ideas, was undoubtedly one of the most important intellectual influences on the emerging theory of state. In medieval Europe, priority was accorded to divine or customary law, the Roman mind tended to ground law in the community or its rulers (Dyson, 1980:113). The state was understood as *summa protesta*, a Latin phrase denoting a quality of mystique and majesty, which in 16th-century French philosopher Jean Bodin would use interchangeably with sovereignty. The intricate system of Roman law was based on the simple but fundamental principle that a political community had the inherent power (or *imperium*) to exact unlimited obedience from its citizens (Doyle, 1963:43-44).

The European revival of Roman law is clearly seen in Machiavelli's treatment of the state, who offers a descriptive commentary on the Italian city-states of his own day but also a forecast of the absolutist states that were in making. It was left to subsequent theorists, notably Bodin and Hobbes to equate the state with the exercise of supreme authority within a given territory or society. Institutions and individuals in charge of the state represented the highest power in the land, acting as a court of last resort and holding an effective monopoly on the use of force.

The theory of sovereignty, then, insofar as it conceives of the state as quintessentially a structure exercising absolute power and authority in society (Eckstein, 1979:6). Bodin's *De La Republique* was first published in 1577 at the height of civil war between Catholics and Huguenots. His thesis that a central authority should wield unlimited power was in part

an attempt to restore order and security to the deeply divided political society in France. He contended that such power had to be given legal recognition. It had to be endowed with sovereignty. Therefore, he used words 'souverainete', 'majestas' and 'summa protestas' interchangeably. Bodin defined sovereignty as Supreme power over citizens and subjects unrestrained by law (Bodin, 1606:84). A notion influenced by Roman law and the familiar doctrines of the ruler's imperium and legibus solutus. God was above the sovereign and the supreme power of the sovereign over all subjects was subordinated to the 'laws of God and Nature'. Bodin suggests that the sovereign was above the people, or as Maritain has argued, separate from transcendent over the people (Maritain and Sullivan, 1954:31).

Hugo Grotius (1583–1645), Dutch jurist, was remembered as the father of international law and he sought to build a system of international law that made significant contribution to the concept of sovereignty.

Thomas Hobbes (1588–1679) further developed the concept of sovereignty in his *The Leviathan* in 1651. Hobbes argued that the state was the product of the will of the people and sovereignty is an attribute of the state; laws are nothing but the commands of a political sovereign and there are no legal constraints on sovereignty by the divine or natural laws. The sovereign enjoyed absolute powers only because the individuals had totally surrendered their powers. Hobbes conceptualised an absolute sovereign power only because of his thorough going individualism (Mukherjee and Ramaswamy, 2004:178). He abandoned the idea of a social contract between the ruler and the ruled and substituted for it a contract in which all individuals agreed to submit to the state. Hobbes describes the outcome of this universal surrender of the right to self-government as a multitude united in one person, a 'commonwealth', a *Leviathan* (Hobbes, 1968:382-3). Thus, sovereignty for Hobbes is undivided, unlimited, inalienable and permanent.

Francois Marie Voltaire (1694–1778), like Hobbes, favours an absolute undivided sovereign power, which, however, is not despotic. Hobbes separates community and public will but it was Rousseau who subsequently revived the older notion of a community as a corporate fellowship and then endowed it with the unity of will associated with the 'Hobbesian Sovereign' (Wolin, 1960:277).

Rousseau (1712–1778) in his *Social Contract* published in 1762, sought to rescue the concept from the constitutional trap while seeking to avoid the authoritarian implications of the Hobbesian thesis. Like Hobbes, he

argued that states sovereignty was unlimited and indivisible, and that the state was the result of a contract in which all individuals had agreed to submit to its will. He equated the state with the body politic that had been formed by social contract, reducing government, the rulership, to a mere commission (Hinsley, 1986:153). For Rousseau, the idea of a social contract virtually disappears, for he conceives of the community of citizens as a moral and collective personality in which each member, while uniting himself with all, may still obey himself alone, and remain as free as before (Rousseau, 1950:14). This found expression in the 'general will' and endowed the body politic with absolute power over all its members. Moral authority (or popular sovereignty), at least of a kind, was reaffirmed as the basis of state sovereignty. The prerogatives of the sovereign could not exceed the limits of general conventions (Ibid:31). Sovereignty for Rousseau is inalienable and indivisible but vested in the body politic thereby expounding the concept of popular sovereignty, he rules out transfer of sovereignty and accepts the idea that sovereignty originates and stays with people (Cranston, 1986:30). Rousseau's authoritarian pronouncements relating to the general will were restatements of heavy arguments in French absolutist thought (Keohane, 1980:442).

Bentham (1748–1832) argued that sovereignty was not limited by law, but was subjected to moral limitations. He, therefore, insisted that the sovereign should justify his authority by useful legislation with the object of promoting the greatest happiness to the greatest number (Barry, 1995:43).

AUSTIN'S APPROACH

In the 19th century, the theory of sovereignty as a legal concept was perfected by John Austin (1790–1859), an English utilitarian jurist and an exponent of Monistic theory of sovereignty. In his lectures on jurisprudence in 1832, he observed that the concept of legal sovereignty and command theory of law are associated. The state, for Austin, was a legal order in which the specific authority is ultimate source of power. This authority, which issues the commands that are habitually obeyed but which is itself immune to the commands of others, is the sovereign power in the state (Camilleri and Falk, 1992:22). Its authority is unlimited. In this theory, he asserts that moral character of the law is irrelevant. What matters is its effectiveness. The law is the command of the sovereign, expressing his wish backed by sanctions (Ramaswamy, 2003:172).

John Austin and Hans Kelsen (1887–1973) are leading exponents of

logical positivism that advocates the study of actual legal systems and avoids the search for independent justifications in terms of natural law. By establishing a single source of positive law, Austin put forward a monistic view of law, state and sovereignty (Gaub, 1981:67). The analytical school to which Austin belongs argues that sovereignty rests in a determinate person or body of persons and law emanates from this body. The analytical jurist describes it as a political but not a legal fact. This concern is only with law (Cocker, 1966:502).

PLURALIST APPROACH

The pluralist theory of sovereignty has been fully developed by J. Neville Figgis, Harold J. Laski, A.D. Lindsay, Leon Duguit, Ernest Barker, Mary Parker Follett and Krabbe. They object to the legal theory of sovereignty as pernicious, wherein the state habitually exercises any sort of authority and insists on the need to properly distribute social authority among various groups (Ramaswamy, 2003:175). The pluralists pointed out that the interdependence of states in the modern world and the internal complexity of advanced industrial states makes the issue of state sovereignty untenable. Lindsay observes, "If we look at the facts, it is clear enough that the theory of sovereign state has been broken down" (Ibid:176).

The pluralist theory sought to redefine the nature of the state as one of the several associations of human beings operating in society to secure multifarious interests of individuals; it envisages new role for the state as an arbiter over conflicting claims of different associations. It repudiated the exclusive and absolute claim of the state to an individual's allegiance it insists that the state should compete with other human associations to establish its claim to superior authority. In an age of pluralistic and democratic government, traditional doctrine of sovereignty has come in for growing criticism (Heywood, 2000:38).

ASPECTS OF SOVEREIGNTY

There are two aspects of sovereignty traditionally conceived – (i) Internal and (ii) External. Internally states are considered to have supreme authority within their borders. That is, there are no higher authorities or entities with the authority to take action within the territorial limits of the state. The link between 'internal' and 'external' aspects of sovereignty is non-intervention (Mill, 1984:111-24). External sovereignty establishes the quality of independence of the state from the control or interference of any other state in the conduct of its international relations (Gaub,

1981:62).

Robert Keohane distinguishes between two aspects of sovereignty – 'formal sovereignty' and 'operational sovereignty'. The former relates to autonomy – the legal ability of a state to decide policy for itself – and the equality between states. The latter concerns a state's actual ability to implement policy – its effectiveness – which is limited by external constraints (Keohane, 1991:1-4).

Ruth Lapidoth makes a distinction between these two types of sovereignty, but does note that 'sovereignty' which includes Keohane's 'formal' sovereignty can indeed be shared or divided (Lapidoth, 1992:325). She argued that there are three elements of state sovereignty – (i) the sovereign state is subject to international law, (ii) it is not under any other states control, and (iii) it is able to exert power (Ibid: 329).

Lapidoth notes, further, that there are a number of implications for the relations between states of this construction of state sovereignty, which are:

- All states possess sovereign equality.
- States cannot intervene in the affairs of another state.
- States have exclusive territorial jurisdiction.
- States are presumed competent.
- States can only be bound by adjudication with their consent.
- States have almost unlimited right to wage war.
- Positivist international law is the source of binding rules between states, rather than natural law, which is beyond the free will of states (Mills, 1998:3).

These implications are problematic and lead to the conclusion that the concept of sovereignty is as Leibniz characterised it thorny and little cultivated (Onuf, 1991:425).

GLOBALISATION AND SOVEREIGNTY: A DICHOTOMY

'Sovereignty' has a spatial dimension in that it is premised on the occupation and possession of territory. This spatial dimension manifests itself most clearly in the drawing of territorial boundaries that separate

the 'inside' from the 'outside' (Axtmann, 2003:3).

State sovereignty is an old concept. In its classical form, it is absolute and without limits. It is a tool of state power and authority, in view of all these, the principles of state sovereignty remained relevant until the current socio-political and economic development which challenges the functional and practical relevance in the new world order (Garba, 2001:3).

David Held identified five gaps with regard to the concept of sovereignty in the global context. In the economic realm, there are forces that actually undermine the power and scope of national states. In the global-context markets, role of multinational corporations (MNCs), increased workforce, mobility and the decisive role of technology and communications, internationalisation of production have eroded the state's capacity to control its own economic future. Economically weak states are under great pressure than before, both from outside and inside (Held, 1989:228).

The modern world was primarily organised around nation-states as its primary units. Nation-states claimed supreme jurisdiction or sovereignty over a territorial area. Under globalisation, there are profound changes in all these conceptions. The sovereign power of the nation-state has come to be deeply contested; the conception of the political community remains highly fluid and the notions of territories and borders have radically altered. Globalists think that nation-state has become an anachronism today. Traditionalists assert the continued relevance of the nation-state and see the major changes that are underway. The transformalists agree that nation-state with sovereignty as its attribute is undergoing profound transformation (Sorensen, 2002:1).

The classical regime of sovereignty has been recast by changing processes and structures of regional and global order. The quality of state sovereignty in the contemporary world, both in internal and external relations have fundamentally changed: state sovereignty is no longer absolute (Simonovic, 2002:372).

The significance of these developments for the form and structure of national and international politics can be explored by the 'transformationalists' or 'modernist' which account for how the growing global interconnectedness can lead to a decline or crisis of state autonomy and the requirement of nation-states to cooperate and collaborate intensively with one another (Keohane and Nye, 1972:75).

From the perspective of globalisation, the modern liberal democratic

state is trapped within the webs of transnational forces, and unable to determine its own fate. Globalisation is portrayed as a homogenising force, eroding 'difference' and capacity of nation-states to act independently in the articulation and pursuit of domestic and international policy objectives. The democratic territorial nation-state seems to face decline or crisis (Morse, 1988:22).

According to Michael Mann, capitalism, now become global, transnational, post-industrial, 'informational', consumerist, neo-liberal, and 'restructured', is undermining the nation-state-its planning, its collective welfare state, its citizen's sense of collective identity. New 'global limits', especially environmental, population threats, terrorism and 'human rights' are producing a new 'risk society' to be handled by nation-state alone (Mann, 2002:135).

Until the Second World War, nation-state was considered as primarily military actor which, got undermined with the emergence of power blocks, led by US and USSR through their military alliances like NATO and Warsaw Pact. The disintegration of USSR and collapse of communism led to the dissolution of Warsaw Pact. The US is the world's only 'superpower'. Thus, the proliferation of international and regional organisations has also moderated the idea of nation-state sovereignty (Ramaswamy, 2003:179). Nation-states were once the masters of markets, now it is the markets on many crucial issues are the masters over the government of states. And the declining authority of states is reflected in a growing diffusion of authority to other institutions and associations (Strange, 2002:128). Thus, the impersonal forces of world markets, integrated over the post-war period more by private enterprise in 'finance industry, and trade than by cooperative decisions of governments, are now more powerful than the nation-states. According to John Ralston Saul, "The power of the nation-state is waning, such states as we know them may even be dying in the future, power will lie with global markets" (Saul, 2005:5).

Hence, the classic regime of sovereignty has been recast by changing processes and structures of regional and global order. "States are locked into diverse, overlapping political and legal domains. National sovereignty and autonomy are now embedded within broader frameworks of governance and law in which states are increasingly but one site for the exercise of political power and authority" (Held, 2002:72). It can be argued that owing to globalisation, the Westphalian system is already become past history. The Westphalia norm of sovereignty is no

longer operative; nor can it be retrieved in the present globalising world. The concept of sovereignty continues to be important in political rhetoric, especially for people who seek to slow and reverse reductions of national self-determination in the face of globalisation. However, both judicially and practically, state regulatory capacities have ceased to meet the criteria of sovereignty as it was traditionally conceived (Baylis and Smith, 2001:22).

A number of material developments have undercut state sovereignty. Today, a nation-state is unable by itself to control issues like global transnational companies (TNCs), ecological or environmental issues, satellite remote sensing, global stock and bond trading, computer data transmissions, nuclear fallout, internal access and telephonic calls do not constraint a nation-state to halt at frontier checkpoints. In the face of huge offshore bank deposits, transworld electronic money transfers, states have lost sole ownership hallmark of sovereignty. States have affected the manner and rate at which they have lost sovereignty in the face of globalisation, but they have not had the option to retain comprehensive, supreme, unqualified, exclusive rule over their respective territorial jurisdictions (Ibid:23). According to John Baylis and Steve Smith, nation-states are influenced by the process of globalisation in three ways:

(I) Under the influence of globalisation, the constituencies of the state have been changing, i.e. the sovereign state normally protected and promoted domestic and internal interests thus acting as a 'barrier against external intrusions. In contrast, post-globalisation sovereign state often advances transborder as well as national causes.

(ii) Large-scale globalisation has made states to engage in more frequent and more intensive multilateral consultations, for example, G-8 to exchange views, coordinate policy matters on macroeconomic matters.

(iii) Accelerated globalisation may have reduced the chances of major interstate war (Scholte, 2001:22).

Thus, globalisation has presented a fundamental challenge to Westphalian states-system and its central principles of state sovereignty. Though globalisation has brought the demise of sovereignty, it is by no means dissolving the state. The nation-state has become an unnatural, even dysfunctional unit for organising human activity and managing economic endeavour in a borderless world. It represents no genuine, shared community of economic interests; it defines no meaningful flows of economic activity. The boundaries are drawn by the debt but invisible hand of the global market for goods and services. They follow, rather

than precede, real flow of human activity (Ohmae, 1993:78).

According to David Potter, seven complications have been identified relating to the general idea of the relative autonomy of the state within the global economy. They are:

- The word 'state' needs careful handling; states can take quite different forms.
- State autonomy is not the same thing as state power.
- State can be seen as more and less autonomous at the same time if no distinctions are made between different dimensions of autonomy.
- An institution within a state may be more autonomous than another institution.
- Amounts of state autonomy can vary through time.
- Amounts of state autonomy at any one time can vary depending on the state location in the global economy.
- All states require at least some autonomy in order to perform important functions for global economy (Potter, 1992:224).

Camilleri and Falk talk in terms of a sovereignty 'discourse' which is a way of describing and thinking about the world in which nation-states are the principal actors; the principle centres of power, and the principle objects of interests. It has marginalised other ways of thinking about social arrangements and the locus of power and authority. It is a way of speaking about the world, a way of acting in the world. It is central not only to the language of politics but also to the politics of language. Sovereignty as both idea and institution lies at the heart of the modern and therefore western experience of space and time (Dalby, 1990:17). It is integral to the structure of western thought with its stress on dichotomies and polarities, and to a geographical discourse in which territory is sharply demarcated and exclusively controlled (Biersteker and Weber, 1996:1). Constructivism is a way to counter the marginalisation of alternatives, a way 'to render the invisible' visible (Ibid:53). As a state has become reified, there is a need to denaturalise the state (Der Derian, 1989:4). Allot observes that sovereignty is not a fact of the physical world. Sovereignty is not a fact, but a theory (Allot, 1990:302).

According to Camilleri and Falk, sovereignty may not be the last word on the subject. Given far-reaching transformation of the social and political landscape, we have witnessed this century, and especially these past

several decades, there is a pressing need to rethink the concept and practice of sovereignty (Camilleri and Falk, 1992:11). Anderson ties these transformations to adopting a post-modern world view. Therefore, globalisation processes require us to renegotiate our relationship with familiar cultural forms, and remind us that they are things made by people-human, fallible things, subject to revision. Globalism and post-modern world-view come in the same package; we will not have one without the other (Anderson, 1990:25).

Former Secretary-General Boutros-Ghali stated in his 1992 report to the General Assembly entitled "An Agenda for Peace" that although respect for basic sovereignty continues to be important, the era of absolute and exclusive sovereignty has come to an end. He also observed that despite the doctrine of absolute and exclusive sovereignty extending over a few centuries, state sovereignty has never been so absolute in reality as claimed in theory (Kobayashi, 2001:25).

The focus will now shift to why 'not all is well with the theory of sovereignty' and why the analytic validity of sovereignty is declining (Camilleri and Falk, 1992:3). We are at an 'historical breakpoint' (Rosenau, 1992:3) brought on by a post-modern 'axial upheaval', where our traditional concepts no longer work but are instead, being reforged on the crucible of history'.

Since the interactions between states increase which include diplomatic, social, economic, and cultural activity, communications, concerns over environment problems - nation states are becoming increasingly interdependent. According to Walker and Mendlovitz, "The very notion of state system implies that states are already interdependent in some sense" (Walker and Mendlovitz, 1990:3). Increasing interdependence is cited as a threat to state sovereignty. Keohane while distinguishing between 'formal' and operational sovereignty, maintains that interdependence challenges states' abilities to carryout national policy, i.e. operational sovereignty but not states' formal sovereignty. Operational sovereignty is limited by international agreements, but entering into those agreements is an exercise of (formal) sovereignty. However, loss of policy effectiveness occurs without a state's agreement, leading states to willingly give up some operational sovereignty by signing an international agreement or joining an international organisation (Keohane, 1991:1-9).

States therefore, makes sovereign choices to engage in collaborative

activity. Contrary to this, one can contend that states do not have a choice regarding whether to join or not such arrangements. Mark Zacher uses the concept of 'enmeshment' to describe this condition. States are becoming increasingly enmeshed in a network of interdependencies and regulatory/ collaborative arrangements from which exit is generally not a feasible option (Zacher, 1992:60). This affects not only operational sovereignty, but also the autonomy to make rational decisions. From 1951 to 1986, the number of IGOs increased from 123 to 337 and number of international NGOs increased from 832 to 4649. In 1951, there were 100 international conferences per year, and during 1970s, there were around 3000 per year. Finally between 1946 and 1955, 6,351 bilateral treaties entered into force, while between 1966 and 1975, 14,061 treaties did so (Ibid:65-66). Therefore, nation-states are realising that there are issues, which they cannot deal with by themselves, this realisation is leading them to undermine their sovereignty.

As states become enmeshed and realise that their well-being depends on others, James Rosenau posits that global culture will expand and become all encompassing: global culture – that realm of norms which are shared on a worldwide scale may be neither fixed nor stagnant. As technology shrinks the world and as value systems within the subcultures are exposed to the dynamics of life in a post-industrial order, global culture seems likely to undergo transformation, to encompass broadened conceptions of self-interests pursued by others (Rosenau, 1989:32). Whatever the explanation, the expansion of human rights ideas 'a worldwide scale can be traced to the fact that the world is in many respects being transformed into one society (Dimitrijevic, 1989:121).

Gabriel Almond stresses the impact of international factors on internal political structure and process (Almond, 1989:238). He refers to Hintze's general law which holds that "the spirit and essence of internal politics is dependent on the external conditions of the state" (Ibid: 245).

Theorists of widely diverging ideological persuasion have recognised the declining efficacy of state action, and the emergence of issues, relationships and institutions that dissolve the national-international divide. Numerous concepts, including aggregation, interdependence, world society, world order and world economy, have been advanced as a way of opening a window on the globalisation of human affairs, of reassessing the meaning and function of sovereignty.

Jessica Tuchman Mathews argues that environmental strains that

transcend national borders are already beginning to breakdown the sacred boundaries of national sovereignty, previously rendered porous by the information and communication revolutions and the sudden global movements of financial capital (Mathews, 1989:162). Therefore, global processes, both natural and human made, are demonstrating in a most dramatic fashion that the permeability of artificial, socially constructed borders between states are undermining the sovereignty (Mills, 1998:9).

As Wriston notes: Today the velocity of change is so great in all aspects of science, technology, economics and politics that the tectonic plates of national sovereignty and power have begun to shift (Wriston, 1988-89:75). The computer revolution has made the manipulation of data and access to vast amounts of information almost instantaneous (Ibid, 167). As these technologies have decentralised knowledge, they in turn have helped to decentralise power. Ordinary citizens are now able to gain access to vast amounts of information beyond their borders through unregulated communications.

As Gamani Corea notes that Third World countries are one by one becoming 'ungovernable'. They are not being able to respond adequately to the expectation of their people; expectations aroused by the media, by communications, by education turmoil and tension in the Third World will eventually spill over national boundaries and threaten and endanger the very fabric of global peace and stability (Corea, 1990:77).

A similar situation might be reported as revolution via modern as the ubiquitous internet becomes increasingly uncontrollable. "The electronic spread of information can fuel unrest almost anywhere. States are powerless to stop this; the sovereign laws and regulations have not adjusted to the new reality" (Wriston, 1999:12). Thus, the control of territory, which has been an important aspect of sovereignty, may diminish in importance; as the information revolution makes the assertion of territorial control more difficult in certain ways and less relevant in others. The nature and significance of sovereignty are bound to change (Wriston, 1999:7).

Technology is not only undermining the authority of the state on the individual level; control over the realm of economic transactions is also slipping from the grasp of the state as its borders become increasingly permeable. Global communications allows individuals and corporations to transfer huge amounts of capital across state borders without interference from states. Thus, information becomes the most valuable

commodity and the 'information standard' replaces the gold standard and Bretton Woods Agreements, governments do not have the power to control their currencies (Ibid:71). Thus, not only is operational sovereignty being undermined, the sovereign ability to decide whether or not to play the game has also disappeared, leading to what Wriston calls the twilight of sovereignty (Wriston, 1999:12).

Changes in communications, transportation and production technologies have also deterritorialized production, leading to a globalisation of production and allowing TNCs to supersede the traditional political jurisdictions of national scope (Rosenau, 1992:18).

In the Third World, the weak developing states are frequently at the mercy of TNCs for foreign capital and technology, which in turn allow these TNCs to have free reign of the country. In some respects plundering them and exporting the profits. However, in the words of Robert Jackson, Third World states do not have control over TNCs especially in granting initial access to the territory (Jackson, 1990:178).

Once TNCs are inside the country they frequently have been able to evade any meaningful controls. And indebted third world states are frequently beholden to the World Bank and IMF for funds thus further externalising control over important economic and social policies and undermining sovereignty. In order to coordinate a global economy, power and authority have been relocated partially, away from states control to TNCs and international organisations. The sovereign state, though it remains a key instrument for the coordination and expansion of the productive process on a global scale, can no longer perform this function single-handedly. More importantly, the very performance of this function requires the state to act in ways that weaken its claim to sovereignty (Camilleri and Falk, 1992:98).

States are also finding themselves unable to adequately ensure security because ephemeral borders have become increasingly permeable to outside threats. Technological advances created weapons with destructive power which threaten the very existence of the human race and states are powerless to counter these weapons. Governments have entered into various agreements and alliances such as NATO, Warsaw Pact and Helsinki Accords to help counteract and defuse such threats. These agreements also hinder some states' policy-making abilities since they have to take into account wishes of their allies. Thus, international institutions can directly intrude on state's sovereignty. Thus, international agreements are 'acts of sovereignty' and IGOs are premised

on the existence of sovereign states (Motyl, 1992:318-9).

As Camilleri and Falk note "a great many bilateral and multilateral arrangements – some formal, other informal – have considerably diluted the logic and political force of territorial demarcation" (Camilleri and Falk, 1992:142).

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