

# State Sovereignty in the Post-Cold War era

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NIGEL HOGAN, JUL 1 2012

### **To what extent has the nature of state sovereignty changed in the post-Cold War era? Has this change been positive or negative?**

The issue of state sovereignty is of great interest to scholars of International Relations and is the subject of much discourse. Its very nature places it at the heart of the geo-political system and as such any changes that alter its fundamental make up, such as the ending of the Cold war and accelerated Globalization, stimulates this interest even more. This essay will assert that the nature of state sovereignty has altered in the post-Cold War period to reflect a changing global society and that this is for the betterment of global politics and citizens. In order to do so this essay will contain four sections. First the notion of state sovereignty as it stood immediately after the end of the Cold War, namely that derived from the Peace of Westphalia (1648). Second, the geo-political consequences of the ending of the Cold War, such as, the creation of a unipolar world littered with weak or failed states, marking a move from inter-state to intra-state conflict and the United Nations response to this new geo-political landscape. Third, the upsurge in humanitarian intervention and its impact on state sovereignty, including the move away from the Realist notion of state sovereignty to an increasingly moral position driven by a growing global civil society movement and NATO's intervention into Kosovo (1999). Finally globalization and how it has altered the nature of state sovereignty post-Cold War, focussing on the move from a Statist to Polycentric system of global governance and the corrosive impact that this has had on traditional concepts of state sovereignty in financial and militaristic matters. In doing so this essay will highlight that state sovereignty has indeed changed in the post-Cold War period and that this change has proven to be positive.

Immediately after the end of the Cold War the commonly understood definition of state sovereignty remained as it had stood since its conception in the sixteenth and seventeenth centuries. The treaties of Munster and Osnabruck, collectively known as the Peace of Westphalia (1648) provided the basic principles of state sovereignty which are still applicable in today's political arena (Jackson, 2007). The basic norms include a state's *Absolute supremacy over internal affairs within its territory, absolute right to govern its people and freedom from any external interference in the above matters.* (Wang, 2004:473). As such sovereign states are the only legally equal "actors" on the international stage, recognising no greater authority, internally and externally. States have the right to self defence and that of non-intervention by other states (Brown, 2002). It would be incorrect to assume that the nature of state sovereignty has not changed over time, yet the key attributes of the Peace of Westphalia remain just as relevant today and are codified within the United Nations Charter, article 2 (1) stating *The organisation is based on the principle of the sovereign equality of all its members* (United Nations, 2012). Stephen Krasner suggests that there are three additional ways in which to use the term sovereignty, the first being Domestic sovereignty which refers to the composition and effectiveness of public authority within the state. Second, Interdependence sovereignty, the effectiveness and ability of the state to observe and monitor what is coming in and going out of its borders and finally International Legal Sovereignty, the recognition by other states of a states right to exist and its status as sovereign (Luck, 2009).

The end of the Cold War prompted the leader of the new hegemonic world power, United States President George Bush, to lead the new unipolar world with his vision of a "New World Order" (Hehir, 2008). However the Cold War left in its wake *"...weak and failed states stretching from North Africa..the Balkans...the Middle East to South Asia"* (Fukuyama, 2006:2), in addition moving from inter-state to intra-state conflict within the former USSR, Bosnia and

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Kosovo a case in point. This violence had previously been subdued by the respective Communist regimes. The end of the Cold War also allowed the UN Security Council to fulfil its remit, without ideological allegiances and Cold War strategic reasoning influencing its decision. Highlighted by the fact that during the 1990's the Security Council authorized around 40 peace keeping/enforcement missions (ICISS, 2001). In stark contrast to the period during the Cold War when peacekeeping was focused, in the main, on the mediation of peace processes between warring states. Until the end of the Cold War states had maintained a Realist stance, preferring to resolve internal unrest without external intervention, yet this was to change with an increasing global awareness of crimes against humanity and the moral duty of the international system to act, regardless of state sovereignty.

This enthusiasm for the protection of peoples human rights, a shared global morality and its integration into the global political scene, is highlighted by the then United Nations Secretary General Boutros Boutros-Ghali who in 1992 said *"The time for absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality"* (Weiss, 2011:105). The emerge of sovereign states having a responsibility to protect citizens of other sovereign states from harm, became prevalent in the post cold war era, with an increase in human rights rhetoric. This can be said to be heavily influenced by an emerging "Global Civil Society" movement, inspired by Cosmopolitanism and its notion of a world community of equal citizens sharing a single morality. This rise in a Global Civil Society signalled a move away from the Realist notion of sovereignty, state interest and non-intervention, to a more normative human rights standpoint in which the rights of the individual superseded those of the state. At times this normative human rights dialogue suggesting that Realism's view and adherence to non-intervention is itself comparable to human rights violations. (Hehir, 2008). Authors such as Thomas Weiss asserted that the normative discourse was so successful it placed respect for human rights alongside four characteristics of state sovereignty-territory, authority, population and independence (Hehir, 2008). The United Nations duly responded by introducing resolutions outlining the accepted international response to humanitarian intervention. Resolution A/RES/60/1 indicates that if a state fails to protect its citizens then the international community, with Security Council Approval, will *"...take collective action, in a timely and decisive manner"* (United Nations General Assembly, 2005). The intervention in Kosovo by NATO (1999) without a Security Council Resolution, further emphasises the effect that the humanitarian movement had on the international system, leading to the notion of morality superseding international law. Coupled with the principle of a state's, this highlights the slow degradation/ alteration of the concept both Westphalian and International legal sovereignty and the right of non-intervention when faced with a changing global political era. This being for the safeguarding of humanity and can be considered positive.

The end of the Cold War also coincided with the acceleration of globalization and the "Transnationalization" and "Deterritorialization" of finance, business and terrorism, moving from a "statist" to "polycentric" system of global governance (Scholte, 2005). The outcome of which was a violation of Domestic, Interdependence and Westphalian sovereignty. Reflected by the comments of the then United Nations Secretary General Kofi Annan (1999) who said *"State sovereignty, in its most basic sense, is being redefined by the forces of globalization and international cooperation"* (United Nations, 1999:37). This move towards a much more Pluralistic position recognised that there were many more actors on the world stage that could affect political change (Willets, 2011). These include governments, transnational companies (TNCs) such as Microsoft, intergovernmental organisations (IGOs) such as the United Nations and European Union, as well as international non-governmental organisations (INGOs) such as Amnesty International and Green Peace. All of which have affected political thinking and decision making at some point, including the total ban on landmines in 1997.

This process of globalisation and the transnationalization and deterritorialization of finance in particular, has led to nation states losing *"Control of money, credit and fiscal policy"* (Drucker, 1997:160). Finding it increasingly difficult to manage the flow of capital through their territorial borders having lost a great deal of jurisdiction and influence over global financial markets in an increasingly global financial system. A contemporary example is the recent "Euro-zone" debt crisis and the European Union's decision to force Greece and the Republic of Ireland into implementing severe fiscal austerity measures in order to receive assistance. This resulted in the European Union effectively managing the economies of these sovereign states; by-passing elected leaders and the electorate, contrary to the principle of Domestic, International legal and Westphalian sovereignty.

Another effect of globalization on state sovereignty has been the changing nature of war, from conflicts between

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states within defined territories, to conflicts between sovereign states and ideological / culturally driven terrorist organisations such as Al Qaeda. Previously the majority of terror organisations were situated in a single state with grievances against that state i.e. the Irish Republican Army (IRA) and Ireland. Now terror groups have members that originate from societies all around the world and operate globally. The cause is believed, by some scholars, to be the spread of western liberal ideals and its materialism, which in turn has left some cultures feeling threatened, believing that the only way to preserve their culture is through the use of violence (Kiras, 2011). This has led to a change in the way states combat terror groups and a “pooling” of sovereignty for the common good, utilising military and intelligence power. As such the concept of Westphalian, Domestic, Interdependence and International Legal sovereignty are unable to withstand this new global threat and have had to adapt in a positive way for the safety of the global citizenry.

This essay has examined the nature in which state sovereignty has changed in the post-Cold War era and whether this change was positive or negative. In order to do so the notion of state sovereignty at the end of the Cold War was examined, in particular Westphalian, Domestic, Interdependence and International Legal sovereignty, followed by the geo-political effects of the ending of the Cold War and its impact on state sovereignty. The essay then examined the upsurge in human rights rhetoric, via an emerging Global Civil Society and its impact on state sovereignty, before finally assessing the impact globalization has had on state sovereignty, namely a global economic system and new terror threat. Having taken all of the above in account it can be seen that the nature of sovereignty has changed in a positive way, in the sense that it is necessary in a globalized world to hold to account sovereign states that do not protect their citizens and intervene when atrocities are or have taken place. As the nature of the threats faced by states alters, it is important and correct to intervene within a, sovereign state to combat and end terrorism for the collective security of the global citizenry.

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