

The Evolution of Sovereignty: Challenges and Prospects

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Abstract

While the Westphalia Treaty of 1648 introduced the concept of sovereignty the aftermath has been too complicated, as the world is increasingly changing, adding different kinds of challenges. The study assessed the evolution of sovereignty, challenges, and prospects in international relations. The theory of realism in international relations was adopted to inform the study. Furthermore, the research used qualitative approaches wherein, both primary and secondary data sources were analyzed. The collected data were analyzed through thematic analysis. The results of the study indicated that the Westphalia Treaty established the concept of sovereignty, equality of state, and the principle of nonintervention. However, sovereignty has presented many challenges in recent days, such as the global economy, international security, and humanitarian issues, among others. The article concluded that the Westphalia framework formed the basis of current international relations. Nevertheless, state sovereignty can be equally blamed for allowing bad regimes to commit domestic crimes and even genocide with impunity. The study suggests that Westphalian sovereignty had to be modified to uphold human rights.

Keywords: Westphalia treaty; Sovereignty; International Relations

INTRODUCTION

The 1648 Westphalia treaty shaped modern international relations. In its broadest sense, it provided the framework of the current system. Westphalian sovereignty refers to the supreme authority on territory

and the nonintervention in the domestic issues of other states (Mueller, 2019). Filippov, (2020) defines sovereignty as recognition in international relations. Smith, (2012) revealed that the Westphalia Treaty contains three major points. The sole holders of sovereignty are the national actors, the legal equality of states, and nonintervention.

Noteworthy, the Westphalia peace treaty has been universally respected and accepted, specifically, the idea of sovereignty. Bickerton et al., (2007) mentioned that sovereignty remains the most ideal institution to devise clear lines of accountability and political authority. Likewise, Toler, (2008) revealed that the Westphalia Treaty was responsible for the formation of the nation-state that exists today. The world has also witnessed the formation of non-state actors as players in the international system that was prior reserved for the states (ȚuȚuianu & ȚuȚuianu, 2013). Further, Toler suggested that international organizations, including the EU and UN, would not be recognized without the Westphalian system because before the treaty the feudal system existed. Paris (2020) highlighted that Westphalia established a successful peace, and order in Europe.

Even though many studies emphasized the normative importance of sovereignty in the current political philosophy, Safonova (2012) argued that changes in time brought new challenges to the concept of sovereignty. Prime examples are the global economy and international security among others. Ypi, (2008) underscored that sovereignty clashes with political cosmopolitanism. The system has been contested since its inception. Despite this, several international agreements, system-influencing, and system-affecting interfere in the domestic matters of countries (Shah, 2018). Havercroft, (2012) contends that in recent times international system historians have questioned the importance of Westphalia Treaties. Therefore, it is important to examine the evolution of the notion of sovereignty in the contemporary international world. Regarding the above, the research evaluated the evolution of the sovereignty system in international relations. Also, the challenges and opportunities of the evolution in current international affairs were analyzed.

METHODOLOGY

The current study adopted a qualitative approach, in which a rigorous literature review was analyzed. Document analysis is a systematic method for analyzing electronic and written records to obtain scientific information (Bowen, 2009). The main purpose of the study of the documents was to obtain a deep understanding of public policy views, principles, and experiences (Almalki, 2016). Likewise, Snyder, (2019) insisted that a literature analysis method is finest in gathering and analyzing data. The study also used articles related to the Westphalia system. Furthermore, the literature analysis facilitated our understanding of the challenges of sovereignty. Consequently, document analysis informs the conclusion and recommendation for the future (Gumbu, 2021). In the same perspective, a literature analysis enables the researcher to gain new concepts, in-depth insight, and a complete picture of the sovereignty evolution (Bhandari, 2020). Gaille, (2017) indicated that qualitative research helps the investigator study the issue of research in-depth. As such, an array of internet sources, academic journal articles, newspapers, and published books were consulted. Besides, document analysis enables concerns such as reliability and validity to be resolved because the sources used in this study were revealed and published. The information collected was analyzed through the methodology of thematic data analysis. The themes lead to a full clarification.

REALISM THEORY

The study adopted the realism theory of international relations. The main authors of the classical realism theory are Thucydides (460 BC-406 BC), Machiavelli, (1469–1527), Hobbes (1588–1679), and Jacques Rousseau (1712–1778) among others. The theory provided a logical and rational explanation of events that occurred in the international sphere. It gained momentum during World War 2 (WW2) as it provided a convincing account of the reason for the occurrence of the war. The theory postulated that states are the main actors in international relations. However, there is an absence of a world government to regulate state relations. As such, states fight each other to maintain power. Additionally, realism assumes that in the international arena survival is important. All state goals are survival,

security, and increased power. Further, state security is maintained by self-help in the absenteeism of central authority (Biswas, 2021).

Classical realism is suitable for explaining the evolution of sovereignty. We learn from the assumptions of the realist school that the main actors in international relations are states. Classical realism is relevant in explaining the Westphalian settlement that granted sovereignty to the state. Furthermore, the assumption of anarchy, selfishness, and conflict can also be borrowed from the realist theory to explain the development of sovereignty. The concept of sovereignty is proving to be problematic in modern international relations attributed to the fact that the world is anarchy and states pursue self-interests. Biswas, (2021) confirms that sovereignty is a distinguishing characteristic of the state as the main goal of a state is to assure its security. Therefore, within the state security and order can be maintained. However, in the international arena within independent sovereign states, danger, insecurity, and threats are endless. Anarchy makes states compete for power and security.

According to Hobbes, human beings are living in a state of nature that orders less. Hobbes added that a social contract between the people and rulers was required to maintain order. In the current contemporary international relations, these ideas are taken for granted because each leader or sovereign state sets its own rules and a system for punishing the rule-breakers. Even though largely acceptable, the sovereign is currently proving to be a challenge in an anarchic world. There is the absence of an international body to protect the sovereignty states. McGlincey, (2017) observed that war is more common than peace.

HISTORY OF SOVEREIGNTY

The formation of state sovereignty can be traced from seventeenth-century Europe when the notions of the religious reformers set several German-speaking territories clashed with Protestantism. Resultantly, there was much religious unrest, and provinces fought against each other, enforcing their religious views on the states. Therefore, religious zeal together with some political motives was the genesis of the 1618–1648 Thirty Years War. To resolve this issue, European nation's leaders formed the Peace of Westphalia. Havercroft, (2012) reported that the Westphalian settlement (1648), brought to an end

30 years of war. The twin congresses were held in the Westphalian towns of Osnabrück and Münster. The Osnabrück Settlement included both the Holy Roman Emperor and the Empire and on the other hand, Sweden and the Protestant allies. The Treaty of Münster consisted of the Holy Roman Emperor and France with its allies.

The Protestant Reformation brought to an end the Medieval Christendom and introduced a concept of the sovereign in Europe, such as the Peace of Westphalia in 1648. Religion was significant in ancient civilizations' international relations. Religious principles have been decided by friendship, war, rivalry, and peace among states. Religion was exposed to foreign relations and was expected to be excluded from internal state affairs after the signing of the 1648 Peace Treaty of Westphalia. Therefore, most scholars view the treaty as a major turning point in international relations. Sheikh and Yusofi, (2013) indicated that the nation-states came into being. It was proclaimed that every king should have the authority to select a religion of his state. As such, the ruler makes decisions that concern his people. Therefore, the settlement brought an end to the Thirty Years War.

The Peace of Westphalia also established the states' legal international boundaries and concept of state sovereignty. The concept of nonintervention was imposed and denied states to interfere with other states. Munir, B., Riaz, J., & Khan, (2020) defines sovereignty as the highest authority above all others. Furthermore, the formation of the kingdom in France, England, some parts of Germany and Spain, brought the current idea of sovereignty. National kings began claiming themselves in their domain and against external foreign emperors (ibid). Furthermore, the notion of nationalism and equality also ended colonial empires in the 1960s, issuing the concept of a sovereign states system throughout the globe (Philpott, 2010). Sovereignty is still applicable today and forms the core of international policy in contemporary international relations. It can be seen in various modern international forums, including the United Nations Charter. The Westphalia settlement is one of history's leading examples of how one conflict can impact the affairs of dozens of independent nations for centuries. Fosson, (2007) confirmed that the UN has adopted several principles from the Peace of Westphalia in its articles. For instance, Article 2 is grounded on sovereignty and equality. Popular thinkers of this doctrine of sovereignty include

Bodin and Hobbes. Sovereign also created important political precedents, such as the balance of power in Europe and interstate diplomacy.

Many scholars cite that the Westphalia peace settlement was, for its time, a revolutionary and monumental achievement. For instance, Steven (2019) noted that the treaty developed the framework for international diplomacy, a construct that did not exist before the 17th century. This peace was extremely influential down through the Treaty of Versailles and the Westphalian tradition. The compromises reached by the congress in 1648 on the issues of individual state sovereignty, religious tolerance, and diplomatic solutions to international warfare were the precedents of common and international law until the First World War (WW1).

EVOLUTION OF WESTPHALIAN SOVEREIGNTY

Despite state sovereignty being the basic concept of international law, there is no exact definition of the term according to Ferreira-snyman, (2006). In the twenty-first century, there remains controversy regarding the definition, function, and importance of sovereignty. Several potential definitions of sovereignty have been offered. Sovereignty is, under international law, the most comprehensive form of jurisdiction. In general terms, it denotes absolute and unchallengeable jurisdiction over a piece of land and all individuals therein from time to time. Sovereignty is seen historically as a state's freedom and ultimate authority. Therefore, while sovereignty is often conceived as absolute, it is evident that state sovereignty is in the process of evolving from an absolute notion of unrestricted freedom and independence to a relative notion (Ferreira-snyman, 2006). In particular, the original sense of sovereignty as 'supreme authority' has asserted an indistinct existence, notwithstanding legal science's attempts and accomplishments to domesticate the notion and describe it as the legal autonomy of a state under international law. There is an untamed aspect of sovereignty that characterizes the international system as a political system. It is clear that, as an absolute and limitless term, there has been a major shift away from the classical definition of sovereignty globally. However, this evolution is still an ongoing process, and its outcome may even be the complete extinction of the nation-state as we know it today (Dar & Sayed, 2017).

Sovereignty is constantly being rebuilt, reshaped, and reconceptualized as a term, with a strong change from conventional sovereignty. In international relations structures, this phase of transition produces new international standards, which is not inherently a negative thing as long as the conceptual, systemic, and structural problems in the international system are resolved by these changes. The reconceptualization of state sovereignty as the sovereignty of the people is a welcome change. Specifically, in the sense of African states, which are, in reality, euro-centric institutions, since the vast majority of their citizens do not engage in the real functioning of state affairs. The right to self-determination should also notify this reconstruction concerning political identity. This perpetual restoration of sovereignty is crucial and informs the debate on the establishment in Africa of euro-centric states and the demand for the establishment of genuinely African states that promote their history, cultures, and languages. The qualifiers (collectivity, divisibility, and sovereignty contingency) helped to express the emerging normative sovereignty consensus (Deng, 2010). Indeed, many post-independence African states have continued to raise the flag of sovereignty to justify their pernicious actions against their citizens.

The principle of sovereignty is closely related to the complicated concepts of state and government and freedom and democracy, one of the most controversial theories in political science and international law. The word was originally understood to mean the equivalent of supreme force, derived from the Latin via the French *souveraineté*. Its implementation in practice, however, has frequently departed from this conventional sense. The new idea of sovereignty was used in 16th-century France by Jean Bodin (1530-96) to consolidate the authority of the French king over the rebellious feudal lords, promoting the change from feudalism to nationalism (*ibid*).

In terms of its legitimizing qualities, sovereignty as a notion has evolved through the years. The definition has undergone a series of processes of deconstruction and reconstruction, a reality that defies the notion that sovereignty, as a concept, in terms of its norms and practices, is not a fixed or permanent function. Many who support responsible and accountable sovereignty have praised this metamorphosing character of sovereignty, and those who are exclusively married to the Westphalian ideal of sovereignty have lamented it. This evolutionary process does not, however, inherently

diminish the fact that sovereignty has been used as a shield and sword to justify the policies and actions of states since the advent of the Westphalian state. In this regard, in terms of the countries of the Westphalian state and the emergence of a colonial state, the debate on the disputed notion of sovereignty can traditionally be traced to the Westphalian state.

Several scholars have documented the evolution of sovereignty both in political and historical contexts. Since the inception of the Westphalia treaty, the issues of sovereignty have slowly evolved to cater to the current needs. The most drastic changes are issues involving individual rights in the state. According to liberal thinkers, all men were born with certain human rights. The 1648 Westphalia is usually seen as the beginning of the sovereign state. However, more than 350 years later, several challenges have emerged to the role of concept sovereignty as a general principle for shaping the global society. The way society rules itself is evolving very quickly today. There are profound changes in political authority systems in North America, Europe, and beyond. National states continue to be fundamental, but without shifting away from the conventional understanding of sovereignty itself, they failed to solve the most pressing problems facing their people (Grande & Pauly, 2005).

Although the Westphalian concept of state sovereignty is largely recognized at the international level as a principle of great importance in the maintenance of order in the international system, it is changing. Initially, the evolution happened among states, as well as other individual liberties. The development of human rights among states in the international arena was witnessed much later. This is a result of issues such as internal conflict within states more than external. As seen in Kosovo, and Sudan (Fosson, 2007). Also, Ekpa and Dahlan, (2016) insisted that a new era of state relations emerged in Africa when the cold war ended. This was caused by internal conflicts, which led to the displacement of people and massive human rights violations. Currently, state sovereignty is based on certain obligations that must be met by states to uphold sovereignty. Noteworthy, before 1945 the prevention of international wars was a major concern, but modern world concerns are more intra-national conflict.

The requirement to qualify sovereignty has shifted in the current international community. A study by Schrijver, (2000)

indicated that the national sovereignty in the twenty-first century varies greatly from the idea thought in the seventeenth century. Ichijo, (2009) argued that the concept of sovereignty has been significantly changed due to various social shifts in the modern world. Ichijo found that the re-conceptualization of sovereignty has been integrated into the modern Scottish political discourse though it remains fundamentally nationalist, thereby confirming that two distinct concepts are sovereignty and nationalism. The study indicates that to boost the standard of nationalism studies, a tighter conceptual separation of the country and state would be advantageous (Ichijo, 2009). Bartelson, (2006) confirmed that the changing meaning of sovereignty has created normative problems difficult to settle. For instance, the development of unconventional threats, including terrorism demands a reconsideration of the international mission (ȚuȚuianu & ȚuȚuianu, 2013).

While most scholars today accept that the definition of the notion of sovereignty is open to change across time and space, however, they disagree about the causes and implications of this conceptual change. The notion of sovereignty has recently become a significant point of contention in domestic and international law. Other scholars suggest that the focus on the evolving sense of sovereignty makes it intrinsically difficult to address normative problems and that coping with this impasse in the coming years will be a major challenge to legal and political theory. (Lopez et al., (2018) asserted that within the theory of contemporary international relations, two key responses to this question compete. According to the first view, the sovereign state is unlikely to remain the key locus of political power and culture in the future. New constellations of authority and culture that transcend the division between the domestic and foreign worlds are questioned, and new modes of political life that know little of this distinction will soon be replaced. But the tricks that our political imagination tends to play on the notion of sovereignty make it difficult to make sense of these new constellations coherently because they do not adhere to the indivisibility and discreteness that define sovereignty. To make sense of these new constellations, this notion should therefore either be discarded or redefined. According to the second view, the sovereign state is likely to remain a powerful source of authority and culture, even in the future. Ultimately, those evolving constellations of power

and culture that allegedly question the sovereign state's predominance are merely embodiments of its successful claims of sovereignty. Contrary to Westphalian sovereignty, which emphasizes the legal equality of states and the principle of non-interference in domestic affairs, extralegal and organic versions do not require construction (ibid). In terms of its standards and traditions, sovereignty has continually metamorphosed through the years. Some scholars argue that citizens would welcome the development of state sovereignty. Particularly, on the political and socio-economic growth scene of Africa. It can also be a key to tackling the chronic political, socio-economic and human development problems of Africa (Deng, 2010).

CHALLENGES

In contemporary international relations, several factors are leading to the loss of sovereignty. For instance, a rise in the trend of interdependence and cooperation between states. Further, Dar & Sayed insisted that one of the reasons contributing to the erosion of sovereignty is globalization. It is increasingly recognized that certain community interests cannot be resolved separately, leading to the emerging pattern of collaboration and interdependence between states. The sovereignty of states also continues to be restricted by the universalization of human rights. Ferreira-snyman (2006) confirms that the sovereignty and independence of states are constrained by international law as well as by the freedom of other states.

The Peace of Westphalia's 350th anniversary was mainly unnoticed by the international relations discipline, even though it presented the beginning of the new international system. Currently, there is a debate concerning the future of the Westphalian system (Osiander, 2001). Recently, sovereignty has faced major contention in international relations theory and international law. Dar and Sayed, (2017) suggested that sovereignty has increasingly placed restrictions on the freedom of states contributing to its shift now and in the future.

Sovereignty is a significant but contested issue in the international political arena. It is a powerful concept, but also an elusive concept. Since the inception of the Westphalia treaty in Europe, there have been massive violations of the sovereign. For

example, in Iraq, South Sudan, the International Monetary Fund (IMF) bail states, state intervention through the war on terror, and detention (Hessler, 2018). McConnell (2016) highlighted that the sovereign is a concept used to defend national interests, claim independence and justify violence by humanitarian intervention.

There is debate on the future of the concept of sovereignty. Zubiaga, (2017) argued that the historical creation of sovereignty is associated with conflict. The root of the notion can be traced from the state-building process that emanated from Europe and caused by the challenges in the feudal, political, and legal model.

Sovereignty has proved to be an obstacle to the international protection of human rights. As seen in the issue of the East Timor state, sovereignty was upheld despite a massive humanitarian crisis (Avgustin, 2020). Additionally, the intervention in Kosovo wherein NATO intervened in Serbia violated state sovereignty. Lessons from these cases expose the complexity of sovereignty within international politics. A study conducted by Brack et al., (2019) found that in the post-Maastricht period the European Union (EU) member states safeguard their sovereignty despite several challenges. The challenges included border, migration, monetary policy, the rule of law, and democracy. The Palestinians and the Kurds inspire a new sovereign but have failed after decades of sympathy and efforts. The boundaries are stable, but internal challenges are aroused. State sovereignty, on the other hand, can be equally blamed for allowing bad regimes, with impunity, committing domestic crimes, and even genocide. Sovereignty concerns are also linked to phenomena such as independence movements, humanitarian intervention, nationalism, and implicitly. For instance, the US intervention in Somalia (1993).

The notion of permanent state control over its natural resources and international law is increasingly being questioned in developing countries in particular. The sovereignty and law both represent the desire of developing countries to achieve economic independence and to assert domestic law authority, although there is a clash of attitudes about the role of international law in this. In the field of international human rights law, the people-oriented character of the right has shown its ability to outshine its state-centric existence. In the twenty-first century, the debate on permanent jurisdiction over natural resources reappeared, in particular as a

response to the problematic record of global investment law, especially if multilateralism seems to be ignored (Tyagi, 2015).

Ibrahim, (2020) argued that sovereignty is currently faced with many challenges. The application of the Westphalia System to solve contemporary conflicts is a challenge considering complex current issues. For example, attempts to end the conflict in the Syrian Civil War and the Middle East have largely failed (Zartman, 2017). Ibrahim revealed that the omission of enough participants within the peace-making process and the interconnection among conflicts in the region hinders the whole process. Also, Khaled Al-Kassimi suggested that some global state leaders monopolized, structured and organized violence.

The recognition of minority and human rights and the growing position of globalization and international financial institutions have made many analysts doubt the sovereign state's continued viability. Stephen Krasner claimed that states were never as independent as some thought they were. Rulers have been driven throughout history by a want to remain in control, not by any abstract devotion to international standards. Political leaders have generally, but not always respected international legal sovereignty. When discussing Westphalian supremacy, the idea is that states are entitled, in a far more provisional manner, to exclude foreign authorities from their territories. In certain cases, breaches of the principles of sovereignty have been oppressive, as in the enforcement of ethnic rights during the First World War on newly formed states (Allen, 2002).

The majority of the African countries have remained powerless, oppressed, and insignificant. Furthermore, most of its states have combined state sovereignty with that of national sovereignty. Asia is largely different from Africa; hence, the empowerment of Asian peoples and their successful rivalry on the world stage in terms of economic spheres. In terms of governance fundamentals, the weakening of state sovereignty and the prominence and institutionalization of people's sovereignty would be a welcome development in the political and socio-economic development scene in Africa (Nagan & Jacobs, 2013)

The authority of colonial powers through colonization challenged and oppressed populations of the planet to form their sovereign states. Indeed, independence movements around the world

disputed a colonial state's Westphalian sovereignty. A dream that they finally achieved by freeing their nations from the yoke of colonialism. The paradox, however, is that the post-independence African states, and by extension the post-Westphalian states, have oddly clung to Westphalian sovereignty vis-à-vis citizens with concomitant calamities and disasters. Despite the rhetoric about the doctrine of liberation which enshrines fundamental freedoms, human rights, and the empowerment of the colonized peoples (Nagan & Jacobs, 2013).

However, other studies show that the Westphalia system is relevant in the modern world. Csicsmann & Rózsa, (2020) fostered that the international order is based on sovereign nation-states. Thus, the pre-Westphalian sovereignty is still applicable.

CONCLUSION

The study evaluated the development and evolution of sovereignty in international relations, evaluating the obstacles and opportunities. The findings of the study indicated that the Westphalian settlement is the genesis of today's international law. Furthermore, the Westphalian settlement brought nation-states, equality, freedom of religion, and sovereignty, the principle of non-intervention, equality of state that we enjoy today. However, the study showed that the concept of sovereignty is still faced with numerous challenges. For instance, humanitarian problems, international security, the global economy, among others. The article concluded that the system of Westphalia was the basis for modern foreign relations. State sovereignty, however, may be equally blamed for empowering bad regimes with impunity to commit domestic crimes and even genocide. The study recommends that to satisfy the current demands of foreign affairs, the Westphalia scheme should be revamped. Despite these observations, the Westphalia mechanism has played a crucial role in influencing modern foreign relations through the idea of sovereignty. Furthermore, sovereignty has served as a legal shield for international politics.

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