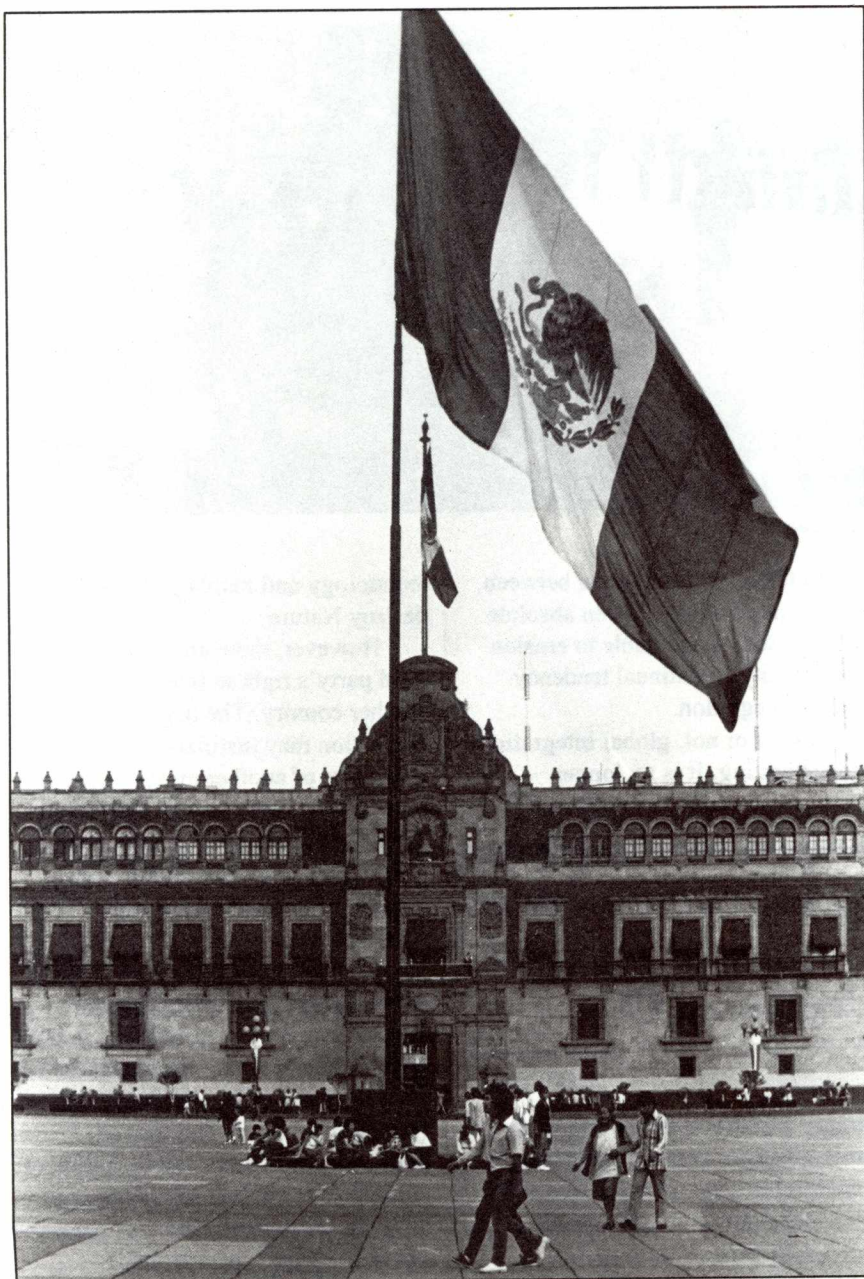


Thoughts on sovereignty

*Adrián Lajous**



Will the global revolution eliminate sovereignty?

Law is a living system that gradually evolves to fit the vicissitudes of human nature and, in particular, the development of society. However, not all branches of law develop at the same rate.

International law is perhaps the most obscure and least integrated area of law, precisely because it involves sovereign states that interact less frequently or intensely than the inhabitants of a single country. However, it is, at the same time, the branch of jurisprudence that is developing most rapidly.

There was, in the past, a tendency to doubt the very existence of international law, or at least question its validity, because its rulings appeared powerless against the sovereignty of the states whose conduct it was intended to govern. Its detractors alleged that rules without sanctions did not constitute law. It was a commonplace that the corpus of international law was little more than a collection of rules of etiquette for the community of nations.

It would be pointless to speculate on the validity of that statement. The fact is that international law has gradually become more vigorous, since over the past fifty years, contact between sovereign states has increased almost exponentially.

International law, sovereignty and interdependence

International institutions, the laws emanating from them and, especially, the growing political desire to implement the latter, have eroded the very concept of national sovereignty. Many critics envision the disappearance of sovereignty as a consequence of greater international integration that could even lead to the creation of a single state governing the entire planet.

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Sovereignty is the freedom of a state from external control.

Regardless of whether we accept this world view, we must recognize that changes limiting the sovereignty of nations are taking place and that we will have to decide to what extent we are prepared to accept their speed and scope.

The truth lies somewhere in between. Sovereignty has never been absolute or unlimited, and is liable to erosion by humanity's continual tendency toward integration.

Like it or not, global integration is accelerating. It is no longer

technology and man's propensity to destroy Nature.

However, there are limits to a third party's right to intervene in another country. The degree to which one nation may justifiably interfere in the affairs of another must be assessed on a case by case basis. Nevertheless, before undertaking such an evaluation, it behooves us to take a brief look at the origins and the concept of sovereignty.

“Many critics envision the disappearance of sovereignty as a consequence of greater international integration”

The neoreactionary left opposes the Free Trade Agreement on the grounds that it implies selling or giving away our sovereignty. Conversely, the government assures us that our sovereignty will remain pure and intact. Both overstate the case.

simply a question of learning to live among nations claiming sovereignty equal to our own. Our concern with their behavior within their own borders is daily more justified by advances in business, transport, communication, contagious diseases,

Sovereignty: a historical review

Our ancestors very early had a notion of sovereignty. Once they established a territory as theirs, strangers were forbidden to enter. The idea of nationality was preceded by a kind of xenophobia, i.e. fear of, aversion to or scorn for anyone who was not a member of one's group. When a band of intruders appeared, it was a foregone conclusion that they were

after women, and out to kill men in the process. Strangers were dangerous and evil. They were to be driven away or killed.

It was only in the 16th or 17th centuries that the concepts of sovereignty and international law began to be described and defined by legal scholars. Sovereignty is a broad and complex notion, difficult to summarize in a few words. I shall, therefore, limit myself to an aspect that, today, concerns neoreactionaries who wish to return to a fictitious past. I shall base my remarks on the simplest and most radical definition of which I am aware, namely that: sovereignty is the freedom of a state from external control.

Long before it had even been defined, the concept clashed with the reality that the world was inhabited by many, very different groups with conflicting interests, and there was no way to govern without taking them into account. Sovereignty, and its offshoot, international law, are imperfect instruments for controlling mankind's aggressive instincts.

Current global changes tend to speed the waning of the concept of

sovereignty and replace it with the idea of interdependence. In spite of difficulties, obstacles and negative attitudes, we are gradually moving toward a single world government and a world without borders. In human terms, sovereignty's waning is still a slow process, but historically it has been swift and is now accelerating.

localized events that will not alter mankind's trend toward integration.

Interdependence vs. interference

Nonetheless, the trend has created a dichotomy between interdependence and interference. One or two examples will suffice to illustrate the point.

All nations are contributing to the destruction of the ozone layer,

“The neoreactionary left opposes the Free Trade Agreement on the grounds that it implies selling or giving away our sovereignty”

These advances have taken place in spite of regional setbacks, such as the centrifugal forces currently pulling apart the majority of the Slavic states: the former Soviet Union, Yugoslavia and Czechoslovakia. Similar forces are threatening to dismember India. However, in historical perspective, these regressions are only temporary

which filters out ultraviolet rays and thus protects us from skin cancer. It would be unacceptable for one country to decide it could do as it pleased within its own borders, including emitting gases that destroy the ozone layer. Such a decision would harm all other nations.

In the interests of survival, the community of nations would be entitled to recourse to the concept of interdependence and demand that the degree of damage be determined, and solutions be found to prevent further damage. Quite apart from the simplistic concept of sovereignty, we have a right to apply sanctions to those who cause damage. The same is applicable in many other cases of destruction, whether of the biosphere, or animal and plant life.

Conversely, what right has a powerful nation to impose its own rules of government on the rest? Can it even judge how far less developed countries have progressed towards democracy? Does it have the right to impose sanctions on a nation that refuses to implement the same laws that govern its own people? My answers to these questions are firmly negative. **M**

