THE QUESTION OF SOVEREIGNTY

Congratulations on reaching the South Australian Final of the Evatt Competition!

Because you’re all pretty brilliant, we have decided to give you one prepared resolution that is unusually difficult. It’s not terribly long, but it deals with deep and complicated questions in global politics. This briefing aims to map out the basic territory of the resolution, but you are strongly encouraged to do your own research (and there are footnotes here to help you do just that!).

The difference between a state and a nation

The state, according to Max Weber, is “that entity which upholds the claim to the monopoly of the legitimate use of physical force in the enforcement of its order…over a given territory.”

This means the “state” is really “the government;” the government is special because it’s the one body that we’re basically OK with beating us up (the police are allowed – indeed trained – to use violence, even if not too much violence, to stop people who break the rules created by the state, known as “laws”). Consider that in a school the worst thing a school can do to someone who breaks its rules is to kick them out of that school (expulsion). The state can put you in a small cell for the rest of your life – and we’re OK with that, as long as it does this after a fair process (i.e. it’s legitimate).

If a state is a government, a “nation” is best understood as a “political community” that an individual feels they belong to the most. Often, a nation is governed by one state. For instance, most French believe they are part of the distinct political community or nation called “France;” they speak French, eat strangely shaped bread, and have lots of common beliefs about equality. They are also run by a single state, also called “France”. France is an excellent example of a “nation-state”; it’s both things at once.

1 It’s pronounced “Sov-ren-tee”.
2 In Australia, we have “states” and the “Commonwealth”, but these are labels specific to Australia (other countries like Canada have “provinces” for instance). When we use the word “state” in international relations, we usually mean a country’s government.
3 Weber is one of the founding fathers of political science, and with it global politics. His stuff is very, very difficult to read (it’s mostly in German and it’s quite complicated) but all you need to know is that this definition is widely accepted as authoritative.
When is a state not a nation?

So France is pretty simple – nation and state, in one snobbish French-speaking whole. But there are plenty of states that contain multiple nations. Take a look at the map opposite, and you’ll see the UK, to use one example, has one state (the “United Kingdom” with one Queen and one Parliament) but four nations: England, Scotland, Wales, and Northern Ireland.

Each of these nations has different traditions, different accents, different yet equally horrible food, and the people in these nations often think of themselves as being “Scottish”, for example (i.e. a member of the Scottish nation) but also “British” (i.e. a citizen of the state of the United Kingdom of Great Britain and Northern Ireland).

Notice that this kind of state made up of nations is not like Australia, where we are also one state and one nation despite having a middle tier of government, confusingly called “states”. People from Queensland don’t think of themselves as a separate nation from Victoria in the same way Scottish people think of themselves as a separate nation from England; we are all “Australians”. You can see this is a bit of a slippery definition, but the basic point is that a nation is a community to which people really feel a powerful emotional connection.

Nations that want to be states

As you might imagine, there is a lot of tension that comes about because states and nations don’t overlap perfectly (like France). The UK is another great example. Originally, the UK looked like the map on the left. Notice the difference with the map at the top of this page? Originally, all of Ireland was part of the state of the UK. But much of Ireland felt they were being oppressed by the UK government (because most of the UK Parliament was and remains dominated by England and English MPs); they felt with their own government they would be better able to look after their own

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4 Whether we are one nation is controversial because the Indigenous peoples of Australia form their own distinctive nations (more than 600 of them). But setting aside Indigenous peoples, Australia is fairly plainly one nation, albeit one divided into lots of different regions.
interests. So after a number of nasty wars, they declared independence and were allowed to be an independent country in 1921.\(^5\) But even after independence, some members of the Irish nation – namely those living in the northern part of the country – preferred to be governed by the UK state rather than the new state of Ireland. And so, after a lot more fighting, the UK became the “United Kingdom of Great Britain and Northern Ireland.”

Of course, it’s very possible for a nation to form its own state peacefully. The nation of Australia, after all, was peacefully given its own state, completely independent from Britain, with the “Australia Acts” passed in 1986. These mean we are a completely independent state from the UK (though we still keep the Queen, we do so because she is Queen of Australia, not Queen of the UK). However, it is often said we first became a “nation” at Gallapoli – it was the ANZACs, many believe, that made people living in Australia think of themselves as “Australians” rather than “Brits”. So we too had our own nation, and we had it before we became a completely independent state.

There are lots of examples of nations within states wanting their own states. Sometimes those nations existed in a place for a long time but borders, often drawn up by occupiers, divided the nation between several states. Consider Kurdistan (map on the right). The Kurds are a nation – they have their own language, their own particular variant of Islam (the dominant religion), and are a particular ethnic group. But because of the British (mostly) the land on which they live is shared between four states: Syria, Iraq, Turkey, and Iran. This is a particularly tricky issue for the Kurds: they don’t just want independence from one state, they want independence from four!

**Why do nations within a state want to become their own state?**

Every state came into being because of some quirk in history. Sometimes the state came into being alongside the nation – like France. But often a state is created because of a colonial power (as in much of Africa and the Middle East), arbitrarily drawing lines on a map without paying any attention to where nations actually existed. Kurdistan is only the most extreme example of this problem.

In other cases invasions and forced takeovers of territories meant nations were stuck in states they never wanted. A famous example is Quebec, which was

conquered by the British in 1759 and has since remained part of the state of Canada despite being very much its own nation with its own language (French).

So why would nations want their own state? Sometimes it’s just for money. The nation of Catalonia in Spain is extremely upset that the money they earn is being spent on other regions in Spain that, in Catalonia’s eyes, don’t work as hard. Catalonia gets much less out of the central Spanish state than it puts in (in its opinion), so it wants to form its own state.

But often a nation wants to become a state for cultural and emotional reasons. In the Basque Country in the north of Spain live a people (‘the Basques’) that have their own language, their own culture, and their own traditions – but have to obey a Spanish-speaking government. They feel oppressed; their nation cannot control its own destiny. So some Basques want to be independent to feel like their nation controls its own destiny.

It is hard, living in a single nation-state like we do, to really appreciate the strength of this emotional power. But it is so strong that in nations like Tibet, which want to be free of the Chinese state, citizens have set themselves on fire just protesting that they don’t have their own state. In many states in the world, the majority nation in a state oppresses the minority nations (often without thinking), using the apparatus of the state. Kurds, for instance, were terribly persecuted in Iraq by the majority non-Kurdish population.

If you do a bit of research, you can find out about hundreds of nations that struggle to become their own states (a process called “secession”). Tibet in China, Quebec in Canada, Scotland/Ireland in the UK, Western Sahara in Morocco, Kurdistan in four countries, Chechnya in Russia, and Flanders and Wallonia in Belgium are just some examples of ongoing struggles of nations to create their own state.

Likewise, some nations have succeeded in becoming their own state: the USA, Australia, and Canada from the UK; South Sudan from Sudan, Ukraine from Russia (the breakup of the Soviet Union was driven by “nationalism”, or the drive for nations for statehood, and many Eastern European nation-states came about this way), East Timor from Indonesia, and, though the case is slightly problematic, Pakistan from India.

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6 There are also, rarely, cases of a single nation in multiple states. The best example of this is Korea – North and South Koreans very much believe they are part of the same nation (the nation that was divided by the Cold War), but South Korea is capitalist while North Korea is a famine state run by lunatics. Same nation, but two states.
Federalism as a compromise when many nations make up one state

Many states try to deal with the multiple nations in their state by creating a “federalist” system where nations are given some power over their own lives but are still part of the same state. In the UK, Scotland is partially run by a Scottish Parliament with its own particular powers (but it is ultimately subject to the power of the central UK Parliament in Westminster). Nigeria has three different nations within its borders, but manages those nations through federalism, leaving economics to the central state but allowing different cultural practices in each region. In Myanmar, ethnic minorities are campaigning for federalism – not their own state – so they can exercise some control over their own communities but still have some say in the central state.

Why would states want to stop secessionist movements?

Of course if nations want so desperately to be their own state, why don't we just let them go their own way as this resolution proposes?

You should research some secessionist movements but in general the reasons include:

- Power. UK Prime Minister David Cameron would politically benefit if Scotland became independent (it overwhelmingly votes for the opposition Labour Party), but it would mean he is now just the prime minister of England and Wales. Less people to rule means less power and prestige and a diminished role for the UK on the world stage (where influence has a lot to do with how big your country is). Of course in international relations some nations may consent to remain part of a state because they think the state protect them more than they could protect themselves.

- Money. Fewer people means less tax revenue (to say nothing of natural resources where the seceding nation lives). Iraq is deeply opposed to Kurdish independence because the Kurds live where much of the country's oil is. Likewise, Sudan fought the secession of South Sudan because much of the oil in the area is located in South Sudan. Money also breeds resentment - the citizens who remain in the state may come to dislike the independence movement because they think it's getting special privileges or because they believe independence will lead to a lower quality of life for the citizens of the rump state (as in the case of Quebec)

- the Demonstration Effect. If one nation becomes independent it tends to encourage other nations to do the same. When East Timor became independent, it encouraged West Papua to try to become its own
country. This means one independence movement - if permitted – could trigger the breakup of the whole state with possibly disastrous results. This is one of the reasons China will never allow Taiwanese independence.

- minorities in the new nation. Nations don't live in their own confined little box - people live everywhere. So if your state is majority Hindu, but the nation wanting to secede is overwhelmingly Muslim, allowing secession will transform the Hindus living in the overwhelmingly Muslim nation from majority to minority in their state overnight. This could - and does - lead to oppression and violence. Muslims were much worse off in India after the independence of Pakistan than they were beforehand.

Another famous example of this concern was the us civil war – many northerners wanted to resist southern secession precisely because they knew that was the only way to end the Southern practice of slavery.

- Competing national projects. States don't sit around twiddling their thumbs while national movements grow in strength. They make their own efforts to combat nationalism by embarking on 'national projects' designed to create loyalty to the state. This Turkey, well aware the Kurdish nation made up a big chunk of their eastern territory, decided to re-label the Kurds 'mountain Turks'. The Kurdish language was stamped out, and efforts were made to diversify the region in which the Kurds live by settling other populations. Often these national projects can create as strong an emotional connection as the nation's own struggles for independence. Much of the original case to fight Southern secession in the us civil war came from an emotional attachment to 'the union' of the states. David Cameron wants to keep the UK together because he was brought up with the idea that it should be one nation ('Britain').

The concept of sovereignty

Keeping this dual definition in mind – states are governments, nations are imagined communities people believe they belong to – we are now ready to consider the concept of sovereignty.

Sovereignty is the principle that a state generally can do what it likes within its own geographic boundaries and that, in general, only one sovereign should have final power over any given territory. It comes originally from the Peace of Westphalia, a series of treaties that ended the Thirty Years' War in 1648. This and the past few centuries of wars in Europe revolved around a struggle between two different versions of Christianity (Catholicism and Protestantism). The eventual compromise was that each sovereign would decide the religious affiliation of the territory over which they ruled ('cuius regio, eius religio' in Latin).
To allow this, European rulers agreed that they would not invade each other just because they disliked the religion chosen by their fellow rulers.\(^7\)

This fits with our definition of a “state” – recall that Weber defined it (centuries after the Peace of Westphalia) as the entity that has a *monopoly* on legitimate violence. You can’t have a monopoly over legitimate violence if there are other states trying to muscle in on your territory.

The Peace of Westphalia instituted this rule because the alternative, pretty clearly at the time, was endless war as different states tried to invade each other for religious or political reasons. The foundation of peace is recognising that other people are going to do things you don’t like, and living with that fact.

As the “sovereigns” of states began to shift from kings to “the people” adopting a democratic Constitution, so the justification for sovereignty shifted. Where once it was a way to promote peace, it now came to be seen as the underpinning of “self-determination”, or the ability of a people to control their own destiny through their own democratic state. Clearly, the influence of a second state on your state would limit a people’s ability to govern themselves, and so sovereignty began to be seen as a necessary condition for democracy.

After World War II, where fascist countries attempted to impose themselves on the rest of the world; facing the possibility of a third world war between the Soviet Union and the United States; and with colonialism finally breaking apart across the world, the founders of the United Nations\(^8\) encoded sovereignty into the UN charter itself, at Article 2:

> “1. The Organization [the UN] is based on the principle of the sovereign equality of all its Members…

> 4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations…

> 7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state … but this principle shall not prejudice the application of enforcement measures under Chapter VII [i.e. the UN Security Council can intervene when there’s a threat to “international peace and security” but otherwise the UN can’t go there].”

\(^7\) The Peace was made in the days before “nations” and “states” as we understood them – what made it so important was recognizing the idea of one ruler per territory, which generally excluded other rulers from exercising influence over that territory except through pressuring the territory’s one ruler.

\(^8\) Deceptively, the “United Nations” is not a club of nations – it’s a club of states that contain nations. Unfortunately at the time it was set up the name “United States” was taken.
Problems with Sovereignty

Sovereignty is the fundamental principle of international law – each state is supreme over its own territory. But there have always been two serious moral problems with sovereignty in the modern era.

By far the best known problem is that of mass atrocities. Many states have committed horrendous acts - genocide, war crimes, crimes against humanity, and ethnic cleansing - against their own people. The most famous example was the Rwandan genocide, where the majority Hutus killed more than 500,000 Tutsis while, in large part, the world merely stood back and watched in horror. The reaction to the genocide, and a determination to never let anything like it happen again, led to the development of the responsibility to protect doctrine, codified by UN Security Council resolution 1674. It commits the UN to intervene – sovereignty be damned – if a mass atrocity is being conducted by a state against its own people. According to Responsibility to Protect, sovereignty is a privilege, not a right, and states lose this privilege if they engage in or permit horrendous acts against their own population.

But why do mass atrocities occur at all? Much of it can be attributed to one nation in a state trying to wipe out another nation under that state's control. Consider the Holocaust, the paradigm of a mass atrocity. Here, one nation (Germany) decided to exterminate another nation (the Jewish nation). Likewise, the Hutus and Tutsis were in many ways separate nations in one state. Ditto Armenians in Turkey, Indigenous Australians in Australia, Tamils in Sri Lanka, and so on and so forth. There are very rare exceptions – Communist China during the Cultural Revolution or Cambodia under the Khmer Rouge – but generally mass atrocities happen because of different nations.

Moreover, if sovereignty is justified by self-determination, what of the rights of a nation to decide to form a state? Supposing Scotland decides in a democratic referendum to become its own country but the central UK government refuses to allow it. What should the international community do? The legitimacy of the UK’s sovereignty comes from the choice of the people to live in the state of the UK. What if those people no longer want that state?

This is an incredibly difficult problem – the question of sovereignty in a world of states that contain multiple nations. When multiple nations under a state can be a source of incredible violence (often triggered by failed attempts of a nation to secede from the state) it is also a key problem of international peace and security. Our basic system of countries and governments is not truly fit for purpose, and we are still paying the bitter price of arbitrary state-creation left by colonialism and historical accident.