

The Problem with Sovereignty: The Modern State's Collision with IO and NGO-Driven Cosmopolitanism

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With the rise of what Phillip Bobbit calls the Market-State, traditional notions of sovereignty associated with the state are coming under pressure. Today we consider one major source of that pressure -- cosmopolitanism driven by non-governmental and inter-governmental organizations.

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One of the recurring themes found in Philip Bobbitt's discussion of [the six historical incarnations of the modern state](#) is that the institutions and ideas that contribute to our conception of the state are constantly evolving. Some concepts, however, have proven more historically resilient than others. Take the principle of state sovereignty, for example. It has provided a bedrock source of identity for the modern state, along with the capacity to conduct an independent foreign policy, the power to tax, and the power to create and enforce laws. With the recent rise of what Bobbitt describes as the Market-State, however, traditional notions of state sovereignty have increasingly become the subject of debate.

Susan Strange, for example, has rebranded the contemporary international system the 'Westfailure System'. According to Strange, the "Westfailure System" suffers from three sovereignty-related problems that almost ensure it will be unable to achieve important global public goals in an increasingly globalized world:

1. The failure to manage and control financial systems, as demonstrated by the most recent global recession.
2. The failure to safeguard the environment and the global commons.
3. The failure to preserve a socio-economic balance between the rich and powerful and the poor and weak (an issue that was recently discussed in the [ISN's analysis of the Occupy Movement](#)).

These perceived failures of the "Westfailure System" obviously resonate with proponents of global cosmopolitanism, who call for new forms of global governance or citizenship that they believe would be better suited to fixing the above problems. Not surprisingly, most calls for the increased

involvement of international organizations (IOs) and non-governmental organizations (NGOs) within global and domestic governance have been met with stiff resistance by defenders of traditional, state-centered sovereignty.

However, lurking behind this simple dichotomy, as today's featured publications illustrate, is something more complicated. For example, David Lake's *Delegating Divisible Sovereignty: Sweeping a Conceptual Minefield* not only argues that our notions of state sovereignty have been historically shaped by external as well as internal forces and events, but that sovereignty has always been a transferable and sharable thing. State-centered sovereignty isn't by definition "natural." In turn, Christian Bundegaard's [*The Normative Divide in International Society: Sovereignty versus Responsibility*](#) highlights the contemporary debate that goes directly to the core of what state sovereignty means to us today. This 'communitarian vs. cosmopolitan' debate (who can be sovereign, and why?) concerns not only what rights a sovereign state has, but also what duties should accompany these rights. The irony latent in such a debate, or so both Lake and Bundegaard conclude, is that transnational organizations (TNOs) and international organizations can actually enhance a state's power rather than diminish it.

The End of Sovereignty?

Critics of global governance take issue with the fact that many states delegate (or in their view, lose) some of their sovereignty to institutions like the United Nations (UN). To complicate matters further, the increasing competencies of IOs in areas such as humanitarian intervention provide further opportunities to undermine state sovereignty. Such criticisms obviously rely on the belief that state sovereignty is indivisible and cannot be delegated to global institutions. (This argument can be traced back to legal thinkers like Jean Bodin, who claimed that sovereign states were patterned on "the image of God" and that a prince could behave as he chose so long as he did not intervene in another prince's territory.)

David Lake, however, argues that sovereignty is indeed "eminently divisible." Not only can sovereignty be divided, it can also be pooled among nation-states and, indeed, delegated to IOs. In making this argument, Lake reminds the reader that sovereignty is a concept rather than a natural condition - a concept, by the way, that has undergone numerous historical transformations. So according to Lake, critics who assert the need to preserve or protect state sovereignty mistake a principle or myth with needed or inevitable practice. Accordingly, Lake does not see IOs as a danger to state sovereignty. Instead, IOs may act as the agents of states, with governments delegating roles and responsibilities as and when they see fit.

Furthermore, Lake sees such delegation as a perfectly legitimate and rational approach to take, given Strange's previously cited "Westfailures." Yes, delegating responsibility to IOs may compromise state sovereignty, but it may nevertheless be the most sensible option to pursue if it results in a solution to a global problem. (That is, better than any solution a state could possibly achieve by itself.) Likewise, collective decision making on the international level - a pooling of sovereignty - makes sense whenever an issue cannot be addressed at lower levels. In fact, the pooling of resources and delegating of tasks represent sovereign acts which are likely to empower states, given that they are the only ones that can legitimately delegate roles and responsibilities to IOs and other international forums.

Lake also counters those critics who claim that the pooling and delegation of tasks will inevitably lead to a democratic deficit (the assumption being that lost sovereignty inevitably invites new forms of external and therefore illegitimate intervention). In his view, sovereignty has always been limited by international law and the restrictions imposed by other countries. It has never been what its advocates claim it to be. (This latter claim is buttressed by Stephen Krasner, who, by invoking

extensive empirical research, argues that sovereignty has never been anything but “organized hypocrisy,” particularly because it has been violated in premeditated fashion time and again throughout the course of history.)

But if it is to be assumed that sovereignty has always been limited by international norms, this does not mean that the limitations have always been the same. Increased interdependence, globalization, and the emergence of cosmopolitan values and norms mean that the modern state has never been so intensively monitored by the mechanisms of global governance.

Sovereignty vs. Responsibility

While realists argue that a state needs to be sovereign primarily to protect its own community from outside interference, more cosmopolitan conceptions of governance have different opinions regarding the duties of the nation-state. States, above all, have a responsibility to protect their citizens’ human rights. Indeed, a government can only be regarded as legitimate if it upholds certain minimal standards. Its sovereignty, in other words, resides with its people. They lend it to the state. Major failures to protect their rights should lead to the forfeiture of a state’s legitimacy, and therefore its borrowed sovereignty. Seen from this cosmopolitan perspective, sovereignty is thus contingent upon the safeguarding of human rights. And as a result, such cosmopolitanism underpins the work of many NGOs involved in global governance.

But just how “modern” is the cosmopolitan view of sovereignty? Christian Bundegaard shows us that sovereignty has always been conditional and based on certain standards. It is just that in the past it was contingent on standards other than human rights. To demonstrate this point, Bundegaard provides an intellectual history of sovereignty that dates back to the 16th century. When seen from this historical perspective, it becomes apparent that contemporary conceptions of sovereignty did not suddenly appear out of thin air, or out of more recent cosmopolitan movements. It was only with the end of the Cold War, Bundegaard writes, that “a new situation emerged, in which human rights abuse could be treated in its own terms rather than as part of the contest between blocks, and this obviously strengthened the human rights discourse and practice.”

Needless to say, if we look at the issue of sovereignty versus responsibility from a realist’s perspective, we will naturally find that there is a collision between state sovereignty and cosmopolitanism. But Bundegaard’s main point here is that the post-Cold War epoch is not the first one where notions of sovereignty have been renegotiated and redefined. Even if cosmopolitan conceptions of global governance should eventually prevail over communitarian/realist arguments, this will not mean the end of sovereignty as we know it. It will merely mean that sovereignty has, once again, evolved to accommodate prevailing agendas and norms (in this case, those embodied by IOs and TNOs).

Conclusion

Both of today’s featured articles clearly take umbrage with traditional conceptions of sovereignty and their reactions to transnational and international organizations. Unlike Bobbitt’s evolving notions of states and their sovereignty, traditional definitions remain rooted in the past and lack the comprehensiveness needed to deal with the problems facing the contemporary international system. Crucially, both Lake and Bundegaard argue that rather than undermining the role of the state, TNOs and IOs actually enhance its capabilities and bargaining powers. Indeed, the current system provides opportunities for states to reinforce notions of sovereignty and strengthen their legitimacy. So, arguments suggesting that cosmopolitan organizations are on a collision course with existing mechanisms of state sovereignty have been overstated. Without state sovereignty, the scope of transnational and international organizations would remain limited.

Resources

David A Lake, *Delegating divisible sovereignty: Sweeping a conceptual minefield* (2007)

Stephen D Krasner, *Sovereignty: Organized Hypocrisy* (1999)

Susan Strange, *The Westfailure System* (1999)

[Civilizing the World Order? The Scope and Potential of Transnational Norm-building Networks](#)

For the rest of our content on "The State in a Globalizing World," check out our [dossier](#) on the topic.

Publisher

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