

Sovereignty and the Concept of International Intervention

The word “sovereignty” carries various nuances in international and constitutional law and political philosophy, besides just its permanent meaning of government power or supreme judicial authority. We can arrive at a better understanding of sovereignty if we look at it in its historical context. This idea was thoroughly absorbed in the Sixteenth and Seventeenth centuries. Some thinkers may look at this principle and see the question of sovereignty being applied in times of imminent or ongoing crisis or civil war. Others hold, and this is the prevailing view, that its exercise does not require a crisis or emergency situation, but that it is a natural right, exercised as a normal function of government in our day and time.

Regardless of the various forms of political structure, sovereignty is a right equally granted to all nations that have been recognized by the international community. It follows from this recognition that each nation will have rights and obligations towards itself and others. However, a number of questions arise from this principle, whether within the context of the recognized nation state or within the international community as a whole. In the national context, there is the question of whether this sovereignty is in the hands of one or more individuals, to exercise themselves or to delegate to others, and the particular circumstances surrounding this exercise. This prompts further questions, such as who holds permanent sovereignty? If this sovereignty has been delegated, then to whom? What is the time period of delegation and what are its reasons? These questions can only be discussed or answered definitively in the context of a specific country and in light of its political philosophy and ideology, as reflected in its constitutional system. Since sovereignty is the authority to determine and apply policy through laws and other institutions, it will only be an expression of the will of the people if it is approved through the participation of all the nation’s constituents and the citizens who are subject to this sovereignty. It is morally repugnant and practically difficult to coerce the people to apply policies and obey

laws against their free will. We speak of sovereignty in the sense of the approval of this authority and the delegation for its exercise derived from the independent, free-will expression of all elements of the society in question. It is not the monopoly of one group over another, in which case it would be the sovereignty of one class over another. This would be morally unacceptable.

With the addition of the other fundamental elements for a nation: territory, people, and government, sovereignty becomes the fourth pillar in building a nation. It becomes the standard for the people's cultural, social, and philosophical opinion groups and their aspirations for economic welfare and social development.

When the nation does not have the fundamental elements, be it territory, people, or a government with authority over the territory and people, and by that we mean a nation which can apply its vision and impose its authority and law over its territory and people, then other nations must recognize this fact. This recognition generates the fair administration of requirements and obligations. Once relations have diverged, interests have been severed, and war has broken out among the nation's peoples or between groups within the nation where their interests come together against other groups, then it becomes necessary to find a means whereby any nation can exercise its authority and sovereignty in a manner which does not harm other nations.

These concepts have developed over time; international rules appeared for the first time to regulate these diverging relationships, rules of war were composed, and many agreements were signed to govern the relations between nations. The League of Nations appeared as the first organization with the goal of achieving peace and justice and organizing the various relations that had become more complicated between these nations. With the rapid developments that followed the two destructive world wars, all the nations of the world felt the necessity to form a stronger and more comprehensive union than had been the case with the League of Nations, and so replaced it with the United Nations. Despite the

United Nations' recognition of the principle of equitable sovereignty for the member states, this principle was not absolute and an inviolable boundary as it had been in the past.

It is well known that current international jurisprudence is based on the recognition of states as persons before international law, and each nation has a scope of jurisdiction within its geographic borders, where there is no effect from its behavior outside these boundaries (except in exceptional cases). Sovereignty is the most important right that a country may exercise within its borders. Doctor Boutros Ghali, the former Secretary General of the United Nations, states that "while acknowledging the fundamental importance of sovereignty and national independence, it can't be denied that this principle is adulterated in actual practice. In reality, it has never had the quality of being absolute. Therefore, it is necessary to review and rethink the question of sovereignty, not as a means to weaken it, but to recognize that sovereignty may take more than one form, and perform more than one role. This new mode of thinking helps to solve problems within a nation and in relationships among nations. This is tied to the increasing acceptance that countries and governments are not able to confront and solve today's problems by themselves, and that it is necessary to establish principles of international cooperation."

If we accept that sovereignty is not absolute, and that there are restrictions established by the necessities of international transactions and an opening of the world to itself, commercially, culturally, scientifically, and economically - a comprehensive opening by throwing the doors wide open before what is called the international country (this opening is taking hold with what is known today as "Globalization"), then a number of questions present themselves. What is the nature of the restrictions to be imposed on countries so that they relinquish some of their sovereignty? To what extent will these restrictions be obligatory on countries? What is the nature of the legal and political restrictions and the extent

to which countries can be obliged to obey them? Will all nations be treated fairly in this global equation?

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