Sovereignty™

In addition to states, a wide range of actors are involved in the performance of sovereignty today, including private security companies, civil society movements, militant groups, multinational corporations, international non-governmental organizations, and multilateral agencies. Terms such as popular, hybrid, public-private, graduated, shared, parallel and social sovereignty have been used to describe their state-like practices. As people, citizens and consumers, we are more sovereign, though at the same time more dependent than ever before. The sovereignty trademark is being reinvented.

Brief Points

- Most 21st century conflict involves sovereignty contestation in some shape or form.

- Sovereignty must be reinvented as new technologies, norms and means of governance are applied.

- Theoretical distinctions between 'real' and 'simulated' sovereignty lose significance when the focus is shifted to sovereignty as practice.

- State sovereignty becomes diluted as sovereign powers and functions are taken over by public-private partnerships involving both state and non-state institutions.

- With the rise of privatized security and the Responsibility to Protect, states no longer hold a monopoly on the legitimate use of violence.

Åshild Kolås   *Peace Research Institute Oslo (PRIO)*

In the 21st century, most conflict involves sovereignty contestation in some shape or form. This is prominent in the prolonged histories of conflict in which sovereignty claims and demands may serve as powerful mobilization tools for conflict actors.

State sovereignty has long been challenged by global financial interdependence and multi-national business, transnational civil society interconnectedness, cross-border politics, and private security, making inroads into state monopolies of legitimate violence.

Today, we should add transnational activism via digital networks, the expanding mandates of multilateral agencies, INGOs and supranational bodies, the use of drones in high-tech warfare, and the development of increasingly sophisticated e-governance technology. These developments have far-reaching implications for statehood and governance, and how sovereignty can be exercised and negotiated.

Theorists of globalization have proposed the demise of state sovereignty, but the sovereign state continues as a key model of governance, as state agencies wield sovereign power to regulate and govern our everyday life.

Sovereign power has been theorized in terms of brute force or the stripping away of humanity to 'bare life' (Agamben 1995). However, as governance technologies develop and the conditions for exercising sovereignty change, the way we think about sovereignty – the sovereignty trademark – is also reinvented.

Institutions of self-government and the legal accommodation of autonomy have taken many different forms across the world, while autonomy, independence, self-government and self-determination are at the core of most peace negotiations. Mediators must deal with fast-paced developments in the means of governance, as well as competing historical claims. While the nature of sovereignty is rapidly changing, the political language to resolve sovereignty issues is slow to adjust. Rather than a fixed condition, sovereignty can be seen as 'overlapping projects of control' that are mutually imbricated in the making of 'new and unstable terrains of rule, regulation, and power' (Dunn & Cons 2014: 95).

Globalization scholars agree on the decline of the nation state. The world is nevertheless

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defined by state boundaries, while military forces are preoccupied with securing state territories. The significance of the state is also evident in everyday life, as state agents and institutions of statecraft wield sovereign power. This is also what makes state- and nationhood so fiercely contested.

The state may still remain as a key vehicle of sovereignty, but new governance techniques, transnational norms and global governance mechanisms are changing the nature of sovereignty.

Firstly, globalization is accelerating, as can be seen in the increasingly transnational nature of networked political activism, the growing importance of INGOs, multilateral agencies and supranational bodies like international courts, and the growing interdependence of financial institutions, markets, and business conglomerates.

Secondly, the design and reorganization of governance structures is becoming more elaborate, comprising new arrangements for autonomy and consultation mechanisms to protect indigenous rights, improved federal structures and devolution of powers, via sub-state institutions

such as the Northern Ireland Assembly and Self-Government authorities in Greenland. With this, the very idea of the 'state', and the significance of 'statehood', is changing.

Thirdly, the nature of statehood is being transformed as sovereign functions are taken over by public-private partnerships between state and non-state agencies. For instance, by including state and non-state actors in its organizational structure, the Arctic Council has evolved as a mechanism for sovereignty sharing, and can be seen as an example of 'social sovereignty', as described by Robert Latham (2000). At stake in the novel structural approach is not the status of the agent, but that of 'a body of relations that shape spheres of life', which may operate within or across state boundaries (Latham 2000: 3).

Fourthly, with regard to the state as security provider or holder of the monopoly of legitimate violence, a significant normative trend is the expanding reach and mandate of international peacekeeping and post-conflict reconstruction. The Responsibility to Protect (R2P), set forth by the UN's International Commission on Intervention and State Sovereignty, can be viewed as an explicit call to revise the concept of sovereignty to allow humanitarian intervention

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as and when necessary for the protection of citizens against atrocities by the state. Arguably, this represents an erosion of state sovereignty.

Finally, springing directly out of attempts to resolve protracted conflicts, mediators are exploring plausible alternatives to statehood in the quest for new solutions to sovereignty contestation, for instance the 'parallel sovereignty' solution in the case of Israel/Palestine. Other such solutions include confederation, condominium, and binational statehood, representing attempts to separate the concepts of statehood and territory, economic and political control, and to accommodate the right to settle as well as the right to hold property. In all these proposals, sovereignty is no longer divided territorially, but shared.

After the Cold War, scholars reached for 'neo-medievalist' metaphors and models from the Age of Empire as they tried to explain the sovereignty order of 'post-wall' Europe (Wæver 1997). The dual concepts of Empire and Multitude have also been applied to the analysis of the global role of the USA (Hardt & Negri 2004). However, it is important to go beyond statehood and citizenship in the reconceptualization of sovereignty. As described by Medard Gabel and Henry Bruner (2003), of the hundred largest economies in the world, forty-nine are corporations: 'A handful of corporate giants control most of the world's energy, technology, food, banks, industry, and media'. In another sharp analysis of corporate globalization, Benjamin Barber (1995) describes how the world is being reshaped by 'Jihad versus McWorld', where 'Jihad' is the fragmentation of the global political landscape into smaller and

smaller 'tribal units' (the flipside of Multitude), while 'McWorld' is global integration as reflected in consumer capitalism and rapidly dissolving social and economic barriers between nations.

As citizens and consumers, we are more sovereign, but also more dependent than ever before. Even as democracy ostensibly gains ground, sovereignty is becoming more and more elusive.

Neologisms are flourishing, in terms such as contingent sovereignty, social sovereignty, shared sovereignty, graduated sovereignty, fragmented sovereignty and qualified sovereignty all trying to model the new global landscape. Innovative topics such as food sovereignty and consumer sovereignty have also emerged. We are living in a world where concerns about bare survival coexist symbiotically with the utopian fantasy of global governance, where the tribal and medieval coexist with the cosmopolitan and hypermodern, and Empire is rebranded as Eurozone.

While new governance models and blueprints are put on the table, from the post-imperialism of the EU to the public-private partnership of the Arctic Council, rule by royalty lives on in our imaginations with major previously colonial powers remaining as monarchies. There is a gap between the dynamic, evolving practices and technologies of governance, and the theoretical literature seeking to explain these practices in terms of sovereignty and statehood. As pointed out by Robert Jackson (2007: xi): 'Sovereignty is not originally or primarily an abstract idea fashioned by philosophers and other theoreticians and then applied in practice. [...] The political

arrangements and legal practices of sovereignty came first, the academic theories later'. Following this perspective, sovereignty is continuously in flux, reconceptualized in contestation over legal authority, citizenship and territoriality, and in the application of new technologies of governance.

Since the advent of the United Nations, the state has been recognized across the globe as the only legitimate repository of sovereignty, or the seat of authority over a territory and people. At the same time, 'nations' or 'people' were recognized as holders of the right to self-determination. This failed to reconcile the sovereignty–state equation, as can be seen in the turbulent nature of politics and activism around the world, from the rise of multilateral institutions to mass demonstrations such as the 'Arab Spring' and 'Occupy' movement.

Sovereignty is and has always been an ideal, a fantasy, or an unachievable goal. In this sense, sovereignty is and must always remain imagined. However, when the relationship between sovereignty and statehood becomes elusive, it is no longer possible to imagine sovereignty in the same way as before.

State sovereignty is challenged from 'above' by suprastate governance mechanisms and multilateral agencies engaged in international peacekeeping. The universal recognition of human rights and expanding mandates of the court institutions safeguarding these rights has allowed citizens to contest the authority of the state.

State sovereignty is challenged from 'below' by

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civil society mobilization via new media, as well as transnational political activism through digital networks. Cyberspace is unlike other kinds of territories, where state borders can contain sovereign jurisdiction. There is also the tension between democracy and popular cyber sovereignty on the one hand, and surveillance and state security on the other.

Privatization challenges state sovereignty across the board. When military operations and intelligence services are outsourced to private companies, the state is no longer holding the monopoly of legitimate violence.

Moreover, militaries rely heavily on private manufacturers for their high-tech weaponry. Technologies such as drones, heat-seeking missiles, surveillance equipment and software for e-governance are all the result of public-private and transnational partnerships.

Despite the dilution of state sovereignty in the post-World War II era, the ideal of sovereign statehood is still being pursued by nationalists as they reiterate hegemonic discourses on the nation state, by which the state as an idea is also strengthened. In the European context the referendum on Brexit and the persistence of the Catalan sovereignty movement are cases in point.

On the other hand, calls to strengthen the nation and protect state sovereignty also come as a reaction to new forms of globalization, whether in the guise of transnational judicial and legal mechanisms, new technologies of governance, communication and surveillance, changing customs and mobility regimes, or globalist neoliberalism and neo-colonialism. ◼

References

Agamben, Giorgio (1995) *Homo Sacer: Sovereign Power and Bare Life.* Redwood City, CA: Stanford University Press.

Barber, Benjamin (1995) *Jihad vs. McWorld: How Globalism and Tribalism Are Reshaping the World.* New York, NY: Ballantine Books.

Dunn, Elizabeth & Jason Cons (2014) 'Aleatory Sovereignty and the Rule of Sensitive Spaces', *Antipode* 46(1): 92–109.

Gabel, Medard & Henry Bruner (2003) *Global Inc.: An Atlas of the Multinational Corporation.* New York, NY: The New Press.

Jackson, Robert (2007) *Sovereignty: The Evolution of an Idea.* Cambridge: Polity Press.

Latham, Robert (2000) 'Social Sovereignty', *Theory, Culture & Society* 17(4): 1–18.

Hardt, Michael and Antonio Negri (2004) *Multitude: War and Democracy in the Age of Empire.* New York, NY: Penguin.

Wæver, Ole (1997) 'Imperial Metaphors: Emerging European Analogies to Pre-Nation-State Imperial Systems', in Ola Tunander, Pavel Baev and Victoria Ingrid Einagel, eds. *Geopolitics in Post-Wall Europe: Security, Territory and Identity.* London: Sage.

THE AUTHOR

Åshild Kolås is a social anthropologist and research professor at PRIO. Her research on identity, ethno-politics and representation is based on fieldwork in Tibet, Nepal, Inner Mongolia and Northeast India. She has also written on the Basque nationalist movement, and nationhood in Norway, with a focus on politics, identity and governmentality.

THE PROJECT

'Imagined Sovereignties: Frontiers of Statehood and Globalization' studies sovereignty as a construct that is imagined and debated in unique socio-cultural and political contexts, involving conflicts over identity-based rights and legitimate authority, territory, and the space of the state. The project is funded by the Research Council of Norway.

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