

## The Exhaustion of Sovereignty: International Shaping of Domestic Authority Structures

**Stephen D. Krasner**

Stanford University

*Draft, March 2003*

The most pressing problems in contemporary global politics do not involve relations among states but rather the extent to which domestic political structures in a target state can be influenced, altered, or transformed by external actors. It is not the balance of power among states that is the source of conflict and concern but rather the policies, and domestic structures of some specific states. Peace, order, and stability can best be furthered not by re-configuring the distribution of power among states but rather by altering the authority structures within states.

### **Conventional Sovereignty**

Conventional sovereignty is based on two principles:

1. International legal sovereignty: mutual recognition of juridically independent territorial entities (sovereign states) with associated rights of membership in international organizations, diplomatic immunity, and the right to voluntarily enter into mutually acceptable agreements or treaties.

International legal sovereignty has been generally, although not completely, honored. International legal sovereignty can be violated in two ways: recognizing entities that are not juridically independent or coercing a state to enter into an international agreement. For instance, the member states of the EU are no longer juridically independent entities; they are subject to decision of the European Court of Justice and in some cases policies within the Union are determined by qualified majority voting. Yet, the member states of the EU still enjoy international recognition. Highly asymmetrical bargaining situations also compromise international legal

sovereignty because the actions of the weaker state are not truly voluntary. Your money or life does lead to an exchange that leaves both actors better off but does not reflect a voluntary choice by one of them because the reversion point is too painful.

2. Vattelian/Westphalian sovereignty: non-intervention in the internal affairs of other states implying that the domestic authority structures of every state are autonomous or independent; they ought to be determined by indigenous actors within that state.

Historically Vattelian/Westphalian sovereignty has frequently been challenged by alternative principles including religious toleration, minority rights, human rights, and international stability, all of which have been used to justify intervention in the internal affairs of other states.

## **Failures of Conventional Sovereignty**

Conventional sovereignty has never worked perfectly, and its principles especially Vattelian/Westphalian sovereignty, have frequently been violated. The inconsistency of conventional sovereignty with stability, peace, and prosperity has become particularly acute in the contemporary environment for several reasons:

- Collapse of domestic authority structures: Domestic authority structures have collapsed primarily in a number of formerly colonial states which secured international legal sovereignty with independence but never exercised effective authority and control within their own territories. For instance parts of central Africa, notably the Congo, have been in civil war for decades, and the prospects that they can be put together again by indigenous actors are low to nil.
- Weapons of mass destruction and rogue states: Some regimes, or more specifically their leaders and the policies they have adapted, threaten peace and stability – Iraq and North Korea being two cases in point. That the policies of specific countries might threaten international stability is an old problem. Weapons of mass destruction, however, have created a disconnect between underlying power capabilities (as indicated, for instance, by GNP figures) and the ability of weaker states to damage much more powerful ones. The availability of weapons of mass destruction have made the nature of domestic political regimes in some relatively weak states a matter of concern to even the most powerful.
- Ungoverned regions: There are areas within internationally recognized states that are not effectively governed by central authorities – the Pakistan Afghanistan border, the border area of Paraguay, Brazil, and Argentina, and Chechnya – are three familiar examples. Terrorism, transnational crime, and weapons of mass destruction mean that such ungoverned areas present transnational not just local risks.
- Human rights abuses: The violation of human rights by repressive regimes, includes examples of genocide, have led some actors, including the Secretary General of the United Nations, to argue that the

protection of human rights must in some cases trump conventional sovereignty principles.

- **Governance Failures:** Even without a total breakdown of effective control or dramatic human rights violations, domestic governance has failed in many countries. Corruption is rampant. Accountability is non-existent. Criminality is rife. Operating within the principle of Westphalian/Vatellian sovereignty, many governments have not provided adequate levels of welfare to their own citizens.

## **Coping with the Failures of Sovereignty**

Many states if left to their own devices will not only fail to achieve peace, stability, decent governance, and prosperity for their own citizens, but will also threaten the well being of other states and their citizens. Policies designed to alter the internal authority structures of target states are already widespread. Some of these initiatives, for instance providing assistance for the development of better education, are consistent enough with Vatellian/Westphalian sovereignty. National decision makers may simply be using the resources of external actors to promote policies that have been indigenously determined. Others initiatives, such as military invasion for the purpose of regime change, clearly are not consistent with conventional sovereignty principles. Still others, such as the establishment of a de facto protectorate in Kosovo seem to defy categorization; it is not a question of honoring or defying the principle of non-intervention (Vatellian/Westphalian sovereignty) but rather creating a new kind of institutional form altogether. External efforts to influence, alter, or transform domestic authority structures in other states have taken several forms including the following:

### ***Assistance to Promote Political and Economic Reform***

The provision of various kinds of assistance including money, experts, advisers, training, etc., to promote and support representative, responsible, honest, and accountable institutions and policies including macro-economic stability, trade promotion, market opening, property rights, privatization, etc.

Many examples of foreign assistance for political and economic reform are easily accommodated within the conventional principles of sovereignty. Assistance is the result of a voluntary contractual agreement (a treaty) based on international legal sovereignty; the goals are set by national decision makers; the activities of external actors and resources are temporary and not endowed with any independent authority. A donor state might simply give additional budget support for activities promoting the rule of law such as police training. If however, bargaining is highly asymmetrical, or the objectives have been determined by external rather than national decision makers, or external actors are imbued with authority independent from that of the state (as for instance could be the case with foreign observers who could validate or delegitimize an election), the

principles of conventional sovereignty would be violated. Assistance for political and economic reform is a well recognized activity. The problem is not that observers cannot conceptualize what is going on within conventional frames of reference, but rather that our knowledge of what works and what doesn't is not very well developed.

### ***Coerced Regime Change***

Military action to depose a regime and replace it with another.

Examples include many US military interventions in the Caribbean and Central America, Soviet activities in central Europe and allied occupation of Germany after the second world war (as well as deposing the imperial regime after the first world war); and recent military action to eliminate the Taliban regime in Afghanistan and create a successor.

Coerced regime change through military force is a recognized activity although not one that has been subject to much systematic study. To what extent have efforts at coerced regime change been successful? What determines the degree of success? To what extent must new arrangements be built on traditional foundations? Coerced regimes change violates international legal sovereignty and Vattelian/Westphalian sovereignty in the short run but has been depicted as an effort to create conventionally sovereign states in the long term.

### ***New Institutional Structures***

The creation of new institutional structures inconsistent in principle, not just in practice, with Westphalian/Vattelian sovereignty is less well conceptualized, much less analyzed. Recent examples include Kosovo, Bosnia, and the European Union. For instance, the literature on the European Union, the most well articulated alternative to sovereignty that has been developed in the last half century, deals almost exclusively with the determinants of the EU's authority structure (was it the result of conventional interstate bargaining, functional spillover, or the initiatives taken by European institutions, especially the ECJ?) but not with what the EU actually is. It is more than an international organization but less than a federal state. What is it? How effective has the European Union been as an alternative to traditional sovereignty? To what extent can EU institutions transform the domestic political structures of new members? consolidate democratic practices within existing members? protect human rights? conduct effective monetary policy?

With regard to less examined entities, such as Bosnia and Kosovo, the analytic muddle is deeper. For example, UN Security Council Resolution 1244, which creates a UN administrative structure for Kosovo, makes a bow toward conventional sovereignty by welcoming Yugoslavian support for the UN presence (support which was secured only after the NATO bombing campaign) and affirming support for the territorial integrity of the Federal Republic of Yugoslavia, but, in fact tramples the Vattelian/Westphalian sovereignty of Yugoslavia of which Kosovo is still a part by creating a

distinct geographic entity controlled by a combination of external and local actors but not the federal government of Yugoslavia.

### ***Authoritative External Actors***

The use of external actors to carry out functions that have traditionally been considered the responsibility of national entities. Such activities could include:

- IMF oversight and management of national central banks
- Private firms contracted to supervise the collection of customs
- DEA agents and other American law enforcement officials operating in foreign countries
- Officials from one country seconded for service in another, such as French civil servants serving in Francophone Africa
- The creation, with the assistance of the World Bank, of a Trust Fund for revenues from the Chad Cameroon oil pipeline

There is no adequate mapping of these activities. How extensive are they? Have they grown over time? Can national governments simply hire and fire external actors at will or is the authority of the state, or its policy options, limited once foreign actors have been engaged? For instance, while a state might have the formal right to dismiss an IMF official sitting in the ministry of finance, would the costs of such action be prohibitive because of the reaction of private investors?