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Definition: A Multi-Faceted Concept

The ultimate authority to rule within a polity is known as sovereignty. Historically, ultimate authority within a polity was located in the person of the sovereign, a monarch whose rule was vested by divine right or local custom, and often by a good deal of force. In feudal Europe, a monarch's rule was not conceived territorially, except what he owned personally. Rather, his authority extended from the fealty of those loyal to him and they, in turn, possessed the land; when allegiances shifted, so too did the area under sovereign rule (Figure 2.1).¹

The modern territorial state system began to take shape under the Capetian dynasty (10th–14th centuries) and was largely consolidated by the time of the Westphalian peace in 1648. This system defines sovereignty as the right to rule a territorially bound state based on two types of authority (Sassen 2006). The first pertains to internal or domestic sovereignty, the authority to rule within a delimited territorial state, and which requires that the monarch's subjects recognize his right to rule (Wendt 1999: 206–211). Complementary to internal sovereignty, a second external or international legal sovereignty is the right of a sovereign government to rule its territory without external interference. This is predicated on the recognition of sovereignty by other sovereign entities, which since 1945 has been largely routinized in admission into the United Nations.

Contemporary norms of sovereignty remain bound to these two forms of recognized authority, and polities are thought to possess sovereignty absolutely or not at all (Williams 1996: 112). In effect, sovereignty comprises the legal personality of the modern state, an amalgam of government, territory and people, which thus possesses rights, powers, jurisdiction, etc. In this rendering, sovereignty may be violated or derogated but it is not divisible or additive – a state cannot gain some sovereignty at the expense of another, as is possible with territory (Brownlie 1998: 105–106). Stripped bare, legal sovereignty should be considered separate from the issues of power, control and jurisdiction

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Figure 2.1 Although the monarchy had long been limited by the time Queen Victoria took the throne, she remained a powerful example of a remnant system of personal sovereignty in Europe. She ruled over the major expansion of the British Empire and was officially both Queen of the United Kingdom and Empress of India. (Engraving from 1897, courtesy the National Archives and Records Administration).

Source: National Archives and Records Administration

that most people imply when they invoke the term. This is analytically useful since sovereigns have actually possessed differing abilities within their polities throughout history, from besieged figurehead to totalitarian despot. The empirical variability of what sovereignty means in practice reminds us that it is more an ideal or legal abstraction than what exists in reality, and most authors thus imply a wide range of meanings when they invoke the term.

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Stephen Krasner usefully identifies four meanings of sovereignty that are differentiated by varying degrees of authority and control, and which also highlight the implicit geographical construction of the international state system (Krasner 1999). First, domestic sovereignty includes both authority and control but only within a state. While internal political authority (the right to rule) may be constituted in various ways, it is distinct from whether a sovereign entity exercises effective control throughout state territory. Second, international legal sovereignty dwells on the issue of the authority of the state, namely its government, within the international realm where sovereign states interact. This authority ultimately rests on the recognition of state sovereignty by other sovereign states, and, importantly, this legal personality can survive territorial and internal changes. Third, Westphalian sovereignty implies the territorial organization of the state as an inviolate realm, free from intervention by other states. The norm of non-intervention is often at the crux of what is implied by ‘violations of sovereignty’, and although states may violate their own Westphalian sovereignty by invitation (asking another state to come to their defence), this does not diminish their international legal sovereignty. Fourth, interdependent sovereignty relates wholly to the state’s control of its borders and its exposure to external influences. Although Krasner focuses on commercial transborder flows of capital, labour, and goods, this could extend to other transnational movements, such as ideological and cultural diffusions. It is worth noting that these different forms of sovereignty may have transformative effects on one another but they need not vary in direct proportion to each other.

Evolution and Debate: Locating Sovereignty

As the above discussion implies, sovereignty is both an ambitious and a vague term. On the one hand, it is thought to provide the fundamental framework for the political and geographic organization of modern international politics. On the other hand, its meaning is both highly contextual and often not fully stated, rendering the concept less analytically reliable than we would expect.² The concept also presents numerous conundrums that authors have examined in some detail. For example, if internal sovereignty is dependent on the unlimited right of a ruler, then what happens when states are governed as representative

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democracies? The fragmentation of sovereignty within a modern governmental apparatus on top of democratic norms regarding popular sovereignty mean that a Hobbesian understanding of sovereignty (in which sovereignty is possessed by someone with special rights and separate from the rest of the polity) is simply not useful to understanding today's political world. Instead, modern democratic government suggests that sovereignty is something that can be unbundled into different competencies and even shared among various institutions within a state, e.g. the people, local political units or federal structures. Furthermore, if the right of non-interference means that the internal affairs of sovereign states are inviolate, then how do we square this with international norms protecting human rights, which might require an intervention (invasion) to protect victims and/or arrest violators? And what about situations where the actual area of sovereign control exercised by a state is smaller than its legal territory, and in the gap are sheltering threats to it or a neighbouring state?

Normative considerations aside, students of actually existing politics must engage with the fact that power, territory and rights are increasingly reorganized into spaces other than states, challenging our understanding of a world based on sovereign territorial actors (Luke 1996: 494). To this end, it is useful to consider a series of geographical arguments that fundamentally reshape how we understand sovereignty. First, conventional approaches to sovereignty tend to view territory as merely the stage, container or resource of sovereign power rather than fundamental to its operation. It is necessary to grasp the geographic concept of territoriality as a historical explanation of how sovereignty has been organized through social practices that use bounded spaces as a medium of power and identity. Sovereignty is therefore an evolving spatial practice as states try to respond to changes and challenges in domestic and international economic, social and political life.

Second, seen through the lens of territoriality, it becomes easier to identify a further distinction between *de jure* (legal or recognized) and *de facto* (actual) sovereignty. The difference is significant since recognition of sovereignty is not the same as effective control of that territory. Governments in exile are an important example of why this matters. Likewise, international legal sovereignty might not be matched by a commensurate recognition of domestic sovereignty, as in the case of many decolonized states during the twentieth century (Murphy 1996).

Third, John Agnew takes this distinction a step further to argue that '*de facto* sovereignty is all there is', identifying four ideal-type regimes

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of effective sovereignty according to the strength of state authority and its territorial reach. Strong state authority within a bounded state territory represents the 'classic' type of sovereignty, while a weak central authority beholden to outside powers and challenged by separatist forces represents the opposite 'imperialist' type. Agnew identifies the European Union as an example of 'integrative' sovereignty, in which state authority is weaker by having vested certain competencies in a regional institution. The fourth type, 'globalist', is exemplified by the United States in having retained a strong central authority while extending its influence beyond its borders by getting other states to sign on to economic and political agendas for which the US serves as hegemon (Agnew 2005).

Agnew's argument recognizes a fourth point, voiced by others: that states are never as much in control of their affairs and territory as the ideal of sovereignty implies (Krasner 1999; Williams 1996). But whereas Agnew's formulation of effective sovereignty concentrates on states, there are a variety of other forces in world politics that are not sovereign actors yet challenge state sovereignty. Most commonly, these forces are manifestations of globalization, where multilateral treaty organizations, international trade, labour migrations and transnational cultural diffusions challenge the basis of state sovereignty. Neoliberal economic policy, for example, is thought by some to present a turning inside-out of state authority as once-sovereign powers submit to decisions made by bodies such as the World Trade Organization or the imperatives of multinational corporations. International action in defense of human rights suggests perhaps a more fundamental transformation of sovereignty since it not only violates the non-intervention norm but seeks to reform what counts as the legitimate practice of domestic sovereignty.

This leads to a final point – many territories are effectively ruled not by states but by other non-state entities, such as guerrilla/paramilitary groups, criminal gangs and illicit trade networks. In most cases, non-state actors merely limit the *de facto* sovereignty of a state over parts of its territory. That is, they limit a state's ability to exercise effective control over its entire territory, even though the uncontrolled territory is often still recognized, both domestically and internationally, as part of the state. In some cases, however, non-state actors may achieve not only effective territorial control but effective ruling authority, which local populations may recognize as a *de facto* domestic sovereignty. The challenges to state sovereignty introduced by territorialized non-state

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actors may similarly apply to occupying powers and international administrations established to temporarily govern a failed state, as in Kosovo or Iraq. But this raises doubts about the legitimacy of domestic sovereignty once a domestic government is restored. In Iraq, for example, the United States remains an occupying power although formal sovereignty has been handed over to a recognized Iraqi government, raising the question of whether the US would indeed withdraw if asked by the Iraqi government. Like globalization, these forces challenge sovereignty and cause us to re-examine what we mean when we think of states. At the same time, sovereignty has proven to be an important normative concept capable of historical transformation that may yet survive along with the state, albeit in response to changing expectations of what ultimate authority within a state actually entails (Taylor 1994).

Case Study: Bombing Serbia to Save Kosovo

Humanitarian intervention, namely armed intervention to defend the human rights of another country's population without that government's permission, raises hotly debated questions about sovereignty. Although such actions may appear similar to wars of conquest, they are predicated on a sense of moral responsibility to stop continued abuses rather than to gain territory from the target state. Moral and ethical reasons for violating another state's sovereignty, however real and compelling, have not yet been established in international law so these interventions generally occur in a legal grey area. In fact, states that undertake humanitarian interventions are careful in their justifications to avoid the claim of customary right to such actions and instead cite more narrowly construed national security interests (Holzgrefe 2003: 47–49). Leftish critics of humanitarian intervention often accuse western powers, especially the United States, of using such opportunities in the pursuit of empire, hegemony, regime change, or merely to exercise their might for show. Interestingly, they share a perspective commonly voiced by states with poor human rights records, e.g. Serbia. These criticisms in any case typically ignore the substance of the human rights issue and are not discussed here.

The Kosovo crisis from 1998 to 1999 provides an excellent case study through which to examine current issues affecting state sovereignty (Figure 2.2). The case of Kosovo is situated within the larger context of

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34 **Figure 2.2** Map of the former Yugoslavia. (Map by and courtesy of Carl Dahlman).

Source: Map by Carl Dahlman.

the break-up of the former Yugoslavia and extensive human rights abuses instigated by the leaders of that state as it was falling apart. Although the larger dissolution of Yugoslavia presents interesting questions about state sovereignty and territoriality, the focus here is on Kosovo, which was a distinct region within the Republic of Serbia, which was a part of the larger Yugoslavia. In particular, it raises three questions regarding Serbian sovereignty over Kosovo. The first relates to the basis of that claim and the subsequent independence movement that led to the crisis. The second question concerns the challenge to sovereignty raised by humanitarian intervention, namely the effect of the NATO bombing campaign against Milosevic's Yugoslavia, the country left over after the independence of Slovenia, Croatia, Bosnia and Herzegovina, and Macedonia. The third question concerns the international recognition of Kosovo as an independent state.

Serbian sovereignty in Kosovo has been repeatedly challenged, beginning, in fact, with pre-Westphalian claims to the area. Kosovo had been part of the early Serbian empire before the Ottomans conquered it in the

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fourteenth century, after which it slowly became more ethnically Albanian Muslim. The modern Serbian Kingdom gained the province by the Treaty of London (1913) and formally annexed the territory with the Allied defeat of the Ottomans in World War I. Annexed to Albania by Fascist Italy during World War II, it was returned to post-war Yugoslavia, whose federal socialist government did little to help the province. Agitation for ethnic Albanian rights was finally addressed in 1974 by a new Yugoslav Constitution that granted Kosovo the status of an autonomous province. Still, Kosovar Albanians were not recognized among the constituent nations of Yugoslavia, such as Serbs, because Albanians were considered to have a separate national homeland outside Yugoslavia. Instead, they were viewed as minorities within Yugoslavia with fewer rights than the constituent peoples in whose name Yugoslavia claimed sovereignty. As an autonomous province, however, Kosovo had a local government, judiciary, police and school system, as well as a sizeable Serb minority (18.3 per cent in 1971, falling to below 10 per cent in the 1990s) (Statistical Office of Kosova 2008: 7).

In his rise to power, Yugoslav President Slobodan Milosevic sought to exploit inter-ethnic tensions in Kosovo, which fuelled support among Serbs for the reactionary Serb nationalism that helped him attain office. Playing up a political discourse of Serb victimhood at the hands of Muslims, Milosevic made symbolic use of Kosovo's historical setting as the location of a major battle between the early Serb empire and Ottoman Turks, a battle that had its 500th anniversary in 1989. In the course of 1989, Milosevic took control of local Kosovo government, revoked its autonomous status, and began a process of discriminatory Serbianization in the province (Independent International Commission on Kosovo 2000: 33–42). As Milosevic was gaining unchecked powers, the republics of Slovenia, Croatia, and Bosnia and Herzegovina sought independence from Yugoslavia, leading to a series of wars that lasted from 1991 to 1995. Kosovo, meanwhile, remained under Milosevic's rule. During the 1990s, local Kosovar Albanians organized a parallel government that grew into a separatist movement, adding to growing unrest in the province. Despite the attention of international diplomats working to stop the wars in the other republics, the treaties of the 1990s did not address the issue of Kosovo. Out of this period came a guerrilla organization, the Kosovo Liberation Army (KLA) that in 1996 began attacks it hoped would provoke international interest and ultimately lead to Kosovo's independence, directly challenging Serbia's sovereign claims to the province (Judah 2008: 77–80).

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From late 1997 until October 1998, the KLA made confrontational shows of force while declaring its strongholds in the province 'liberated'. The Yugoslav police, Serbian special police, and Serb paramilitary units – similar to Serb formations that fought in Croatia and Bosnia – began a series of attacks on KLA positions. The Serbian forces also attacked ethnic Albanian civilians and began depopulating areas under its control. In response, the KLA attacked Serb villagers in some areas. The violence caused many to flee and by the end of 1998 more than 250,000 persons, mostly Albanian but including many Serbs, had left their homes. The already large displacements created during the first phase of the conflict were dwarfed after October when the Serb forces under Milosevic's direction took direct measures to ethnically cleanse Kosovo of ethnic Albanians (NRC 2004). The growing crisis, especially in the wake of revelations regarding the scope of ethnic cleansing and genocide during the Bosnian war, brought intense international scrutiny and concern for the human rights of civilians in Kosovo.

The international response to the crisis in Kosovo raises a second issue, that of humanitarian intervention contra Yugoslav and, later, Serbian sovereignty. The United Nations Security Council in March 1998 adopted Resolution 1160 calling on the parties to seek a political solution for ending the violence and for giving the province 'an enhanced status' within the Yugoslav state, including autonomy and meaningful self-administration. Although Resolution 1160 affirmed the 'sovereignty and territorial integrity' of Yugoslavia it also demanded that Yugoslavia withdraw some of its forces and accept an Organization for Security and Cooperation in Europe (OSCE) observer mission while placing the country under an arms embargo. It explicitly put the events in Kosovo under the jurisdiction of the International Criminal Tribunal for the Former Yugoslavia (ICTY), which was investigating war crimes in Croatia and Bosnia. The conflict grew and attacks on civilians increased during the months that followed, and in September the Security Council passed Resolution 1199 that called for a ceasefire, continued negotiations, open access for diplomatic and authorized international agencies, and the withdrawal of Yugoslav forces used for civilian repression. In October, the NATO council authorized use of force against Yugoslavia if it failed to comply with Resolution 1199, causing Milosevic to accept the Security Council's terms. Yugoslavia's agreement to end the conflict in Kosovo was affirmed by UN Security Council Resolution 1203, and Resolution 1207 required Yugoslavia to cooperate with the ICTY, which was ready to pursue war crimes investigations and prosecutions for the events in Kosovo.

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Although government and KLA forces appeared at first to respect the ceasefire, renewed KLA attacks led to Yugoslav army action soon after the October agreement. From October 1998 to June 1999, government forces under Milosevic's direction armed local Serb militias to ethnically cleanse Albanian villages, summarily executing civilians in the process. Unlike in Bosnia, where verification of widespread human rights abuses was at first difficult to obtain, US and European diplomats and OSCE monitors were in Kosovo and reported immediately on Serbia's excessive use of force and human rights violations against Kosovo's civilians (Independent International Commission on Kosovo, 2000: 67–83). An attack on civilians in the village of Recak was immediately verified and condemned by the OSCE observer mission, helping to accelerate the international response. When the chief prosecutor of the ICTY attempted to enter Kosovo, however, she was prevented from doing so by the Serbian government; the head of the OSCE mission was then declared *persona non grata* – an anodyne demonstration of sovereignty (Independent International Commission on Kosovo 2000: 75–83).

February negotiations in Rambouillet in France failed to produce a settlement between the Milosevic regime and the KLA. The OSCE evacuated its mission in March, after which the conflict grew worse, followed by NATO airstrikes against military targets in Kosovo and strategic sites elsewhere in Yugoslavia. The air campaign lasted from 24 March to 10 June and caused enormous damage to Yugoslav military sites and civilian infrastructure, in addition to killing hundreds of civilians. The actions by NATO were taken without explicit UN Security Council authorization; the alliance instead cited the implicit authority to apply force according to Security Council resolutions which were adopted under the UN Charter's Chapter VII powers. The government's deliberate ethnic cleansing of Albanians continued during the airstrikes and was visible in the exodus of displaced persons from Kosovo seen by global TV viewers. By June, the government campaign had displaced about 1.45 million people, about 90 per cent of all Kosovar Albanians (NRC 2004). Milosevic attempted to maintain his country's sovereignty over Kosovo by forcibly removing its 'non-sovereign' majority population of ethnic Albanians.

A third question of Yugoslav and, since 2003, Serbian sovereignty over Kosovo was raised immediately following the negotiations that stopped the NATO strikes.³ The Security Council adopted Resolution

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Figure 2.3 Map of United Nations Mission in Kosovo (UNMIK), key sites. Note the clear distinction between the province boundary, international borders, and the UNMIK perimeter of operations (based on United Nations Map 4133, June 2007).

1244 that established a *de facto* protectorate in Kosovo, effectively separating it from the rest of Serbia (Figure 2.3). The structure of the international administration in Kosovo has two parallel elements: a military peacekeeping operation (KFOR, or Kosovo Force) and a civilian operation under UN auspices including OSCE and EU involvement.

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Resolution 1244 also set forth the expectation that international negotiations would resolve the final status of Kosovo. These negotiations did not begin in earnest until 2006, after which the UN special envoy outlined a proposal for what appeared implicitly to be independence for Kosovo. Serbia's government remained steadfastly opposed to such an outcome, proposing instead a final status 'more than autonomy but less than independence'. Serbia has been supported on this matter by Russia, which has blocked any further Security Council Resolution that would replace 1244.

Towards the end of 2007, it was clear that negotiators would not reach an agreement on Kosovo's final status acceptable to both Serbian and Kosovar governments. What remained of the negotiations was UN Envoy Martti Ahtisaari's draft status proposal that had been blocked by Russia at the UN Security Council. The plan nonetheless shaped international expectation of Kosovo's eventual independence that began to move forward without a new resolution by the UN Security Council. The Prime Minister of Kosovo, a former KLA military commander, indicted that Kosovo would make a 'coordinated declaration' of independence on advice from the United States and the European Union. This took place on 17 February 2008, and the United States, France, the United Kingdom, Germany, and several other states quickly recognized Kosovo's sovereign independence. Within the year Kosovo had been recognised by 22 EU member states and about 30 other states – still a minority of the 192 members of the United Nations. The European Union itself has no formal means of recognizing Kosovo's independence, but it has supported independence by offering to replace the UN international administration with relevant EU support missions. Although Russian objections to Kosovo's independence might relate to Moscow's own interests in the Caucasus, the largest issue by far facing Kosovo is Serbia's continued claim to the province. Serb enclaves that formed after the 1999 war and riots in 2004 are now *de facto* pockets of Serbian rule on the territory of Kosovo. Belgrade has sponsored local parallel Serb administrations in these enclaves that continue to provide identity cards, property documents and other basic services to its residents. These enclaves also hosted polling locations during the Serbian parliamentary election held shortly after Kosovo declared independence. Thus even as Kosovo achieves wider international recognition, its sovereignty is challenged by obstacles to membership in the UN and Serbia's continued claim to at least part, if not all, the province.

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KEY POINTS

- Sovereignty is the ultimate authority to rule. In practice this authority has changed over time in response to attempts to limit it, e.g. democratization, economic liberalism, and humanitarianism.
- Contemporary sovereignty is closely entwined with a state's territory. Although they differ in important ways, state territory is the fundamental medium of sovereignty.
- Interpretations vary as to what state sovereignty implies for contemporary political rule, especially with regard to human rights.

NOTES

- 1 The gendered language here reflects the widespread use of agnatic primogeniture in the succession of title and land, though female inheritance was not everywhere barred during the Middle Ages.
- 2 For an example of how the term is used in very different ways in the US academic context alone, see the provocative article by Sinclair and Byers (2007).
- 3 In 2003, the Federal Republic of Yugoslavia became the State Union of Serbia and Montenegro, followed in 2006 by the dissolution of the union, leaving Serbia and Montenegro as separate sovereign countries.

FURTHER READING

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