DISCUSSION GUIDE FOR
“SOVEREIGNTY IN THE MODERN WORLD”

Organizing Questions

• Why is it important for nations to have sovereignty?
• What are the three types of sovereignty and how do they differ?
• What are the dangers to a nation of lacking one or more types of sovereignty?

Summary

This discussion guide accompanies a 32-minute video in which renowned Stanford professor and Freeman Spogli Institute for International Studies scholar Stephen Krasner provides a comprehensive overview of the concept of sovereignty and how it applies to the 21st century. In his lecture, Dr. Krasner explains the three types of sovereignty, explains what they look like in the real world, runs through historical examples of how sovereignty has been understood, and explains why sovereignty has and continues to be violated. After watching the video, the class engages in activities to deepen and extend their understanding of the concept.

Objectives

Through the course of this discussion guide, students will

• articulate the importance to states of having sovereignty;
• understand the difference among the three types of sovereignty and connect these to real-world examples;
• examine how the lack of a particular type of sovereignty impacts a state; and
• identify current examples of states that lack one or more types of sovereignty.

Materials

Handout 1, Video Notes
Handout 2, Assessing the Sovereignty Status of Select States
Handout 3, Researching Updates to the Video
Handout 4, Notes on Updates to the Video
Answer Key 1, Video Notes
Answer Key 2, Assessing the Sovereignty Status of Select States
Answer Key 3, Notes on Updates to the Video
Answer Key 4, Concluding Discussion
Display, Concluding Discussion
Teacher Information, Video Transcript

Equipment

Computer with Internet access and a Flash-enabled or HTML5-supported web browser
Computer projector and screen

Teacher Preparation

Instructions and materials are based on a class size of 30 students. Adjust accordingly for different class sizes.

1. Make the appropriate number of copies of handouts.
2. Become familiar with the content of the handouts, answer keys, and display.
4. Set up and test your class computer and projector before starting the lesson.

Time

Two 50-minute class periods, plus homework before each class period

Procedures

Before Day One

1. Explain to students that they will spend the next two class periods learning about the concept of sovereignty and how it applies to the modern world. While “sovereignty” is an abstract concept, decisions related to sovereignty have significant real-world consequences. Learning about how sovereignty is interpreted in the modern world illuminates many dynamics of modern international relations.
2. Inform students that they will start the lesson by watching a seminal lecture on sovereignty recorded by the eminent Stanford scholar Stephen Krasner in May 2004. In 32 minutes, Dr. Krasner explains the three types of sovereignty, explains what they look like in the real world, runs through historical examples of how sovereignty has been understood, and explains why sovereignty has and continues to be violated. After watching the video, the class will deepen and extend their understanding of the concept through a series of activities.
3. Distribute one copy of Handout 1, Video Notes, to each student. Instruct students to watch the video and complete this handout before the next class period. Tell students this should take about 90 minutes, so they should plan accordingly.

Day One

1. Collect Handout 1, Video Notes, from each student. Use Answer Key 1, Video Notes, to assess student responses.
2. Organize the class into groups of six students each. Distribute one copy of Handout 2, Assessing the Sovereignty Status of Select States, to each student. Inform students that they have 20 minutes to work on completing the handout in their groups.
3. Check in on groups as they work on the handout. Refer to Answer Key 2, Assessing the Sovereignty Status of Select States, to help guide students in completing the assignment.
4. After 20 minutes have passed, reconvene the class. Ask them to share their responses to the handout. Use Answer Key 2, *Assessing the Sovereignty Status of Select States*, as a guide in reviewing the answers.

5. Leave 10 minutes at the end of the class period to introduce the next activity.

6. Distribute one copy of Handout 3, *Researching Updates to the Video*, to each student. Inform the class that this is an assignment that each group member will need to work on individually before the next class period. Ensure that each group assigns one person to each of the six update questions before the end of the class period.

7. End the class period by reminding students that they will be sharing what they learned for their research with the other members of their group at the next class period.

**Before Day Two**

Students work individually to research and complete their assigned question from Handout 3, *Researching Updates to the Video*.

**Day Two**

1. Ask students to reconvene in their groups. Distribute one copy of Handout 4, *Notes on Updates to the Video*, to each student.

2. Inform students that they have 30 minutes to share their research with the other members of their group. Each student should write down what they learn on Handout 4. Let students know that you will collect the handout for assessment.

3. After 30 minutes, collect Handout 4, *Notes on Updates to the Video*, from each student. Use Answer Key 3, *Notes on Updates to the Video*, to assess student responses.

4. Project Display, *Concluding Discussion*, so that the entire class can view the questions. Lead an all-class discussion on these questions. Use Answer Key 4, *Concluding Discussion*, to guide the conversation.

**Assessment**

The following are suggestions for assessing student work in this lesson:

1. Evaluate student responses to Handout 1, *Video Notes*, based on Answer Key 1, *Video Notes*.

2. Evaluate student responses to Handout 4, *Notes on Updates to the Video*, based on Answer Key 3, *Notes on Updates to the Video*.

3. Assess student participation in group and class discussions, evaluating their ability to
   - clearly state their opinions, questions, and/or answers;
   - provide thoughtful answers;
   - exhibit sensitivity toward different cultures and ideas;
   - respect and acknowledge other students’ comments; and
   - ask relevant and insightful questions.
VIDEO NOTES

You are about to watch a 32-minute video from renowned Stanford professor and Freeman Spogli Institute for International Studies scholar Stephen Krasner. In this video, Dr. Krasner provides a comprehensive overview of the concept of sovereignty and how it applies to the 21st century. He explains the three types of sovereignty, explains what they look like in the real world, runs through historical examples of how sovereignty has been understood, and explains why sovereignty has and continues to be violated.

Use the space below to answer each question; you may want to take notes on another sheet of paper as you watch the video.

1. What are the three types of sovereignty that Dr. Krasner introduces? How does he define each?

2. What are some characteristics of international legal sovereignty?

3. What are some characteristics of Westphalian sovereignty?

4. What are some characteristics of domestic sovereignty?

5. What does Dr. Krasner say is most important to remember about these three types of sovereignty?
6. What three historical political structures that do not exhibit our modern-day notion of sovereignty does Dr. Krasner discuss?

7. What three examples does Dr. Krasner mention of how sovereignty has been violated?

8. How is sovereignty related to security issues facing the world at the time the video was recorded (i.e., 2004)?

KEY TERMS (in order of mention)

**Thirty Years’ War**—a conflict fought largely within the Holy Roman Empire from 1618 to 1648

**Peace of Westphalia**—name for two peace treaties signed in 1648 that ended the Thirty Years’ War, brought peace to the Holy Roman Empire, and established a new system of political order in central Europe based on the concept of co-existing sovereign states

**Westphalia**—a region of Germany in the states of North Rhine-Westphalia and Lower Saxony

**Emmerich de Vattel**—eighteenth century international lawyer whose work profoundly influenced the development of international law

**excommunicate**—to officially exclude someone from membership of a church or religious community

**Balkans**—a geographical region in southeastern Europe
Assessing the Sovereignty Status of Select States

Using Dr. Krasner’s definitions, decide with your group which forms of sovereignty the following political entities exhibit today. The first row has been completed as an example. You may conduct external research if needed.

<table>
<thead>
<tr>
<th></th>
<th>Domestic Sovereignty</th>
<th>Westphalian Sovereignty</th>
<th>International Level Sovereignty</th>
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<tbody>
<tr>
<td>People’s Republic of China</td>
<td><strong>YES</strong></td>
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RESEARCHING UPDATES TO THE VIDEO

This video was filmed in March 2004. In the video, Dr. Krasner uses several examples contemporary to that time.

It’s your turn to think like a scholar and see which elements of the lecture need to be updated.

STEP 1: CHOOSE AN UPDATE QUESTION

First, assign each of the six update questions to someone in your group. Enter the name of the corresponding student in the table below.

<table>
<thead>
<tr>
<th>UPDATE TOPIC</th>
<th>NAME OF ASSIGNED STUDENT</th>
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<tr>
<td>HONG KONG</td>
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<td>BREXIT</td>
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<td>IRAQ AND AFGHANISTAN</td>
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<td>BALKANS</td>
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<td>UKRAINE</td>
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STEP 2: CONDUCT RESEARCH AND PREPARE TO SHARE YOUR RESPONSE

As homework, each student should individually research your assigned question using the guidance below. Document your response and bring it to the next class period. You will be asked to share your update with the other members of your group. Your teacher will evaluate how well you understand each question, so make sure you do your best to explain this accurately to your groupmates.

1. **HONG KONG**: How much sovereignty does Hong Kong have now versus what Dr. Krasner described?
2. **HAITI**: Has Haiti’s level of sovereignty changed since 2004? If so, how?
3. **BREXIT**: How has “Brexit” (the United Kingdom’s exit from the European Union) affected the UK’s level of sovereignty?
4. **IRAQ AND AFGHANISTAN**: Since this video was filmed, the United States has withdrawn its troops from Iraq and Afghanistan. How would you now describe the level of sovereignty of these two countries?
5. **BALKANS**: Since 2004, which states in the Balkans have achieved a new level of sovereignty?
6. **UKRAINE**: How would you categorize the portion of eastern Ukraine controlled by Russia from 2014 to 2022 in terms of sovereignty?
## Notes on Updates to the Video

Use the table on the following pages to take notes on your groupmates’ response to their assigned research question. Your teacher will collect your responses for assessment.

<table>
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1. What are the three types of sovereignty that Dr. Krasner introduces? How does he define each?
   - International legal sovereignty: whether the state is recognized by other independent states
   - Westphalian sovereignty: the ability of a state to exclude outsiders from intervening or operating within its borders without permission
   - Domestic sovereignty: the ability of a government to control groups within its borders

2. What are some characteristics of international legal sovereignty?
   - Country is recognized by other sovereign countries (and by the UN and international groups)
   - Can enter into treaties
   - Diplomatic privileges are extended to diplomats
   - Officials can meet in public with other countries’ officials
   - Travel to other countries is allowed
   - Passports are accepted by other countries
   - Inhabitants can expect legal recourse and protection abroad

3. What are some characteristics of Westphalian sovereignty?
   - The government makes decisions regarding its own people with little or no outside influence. Other governments do not try to force the state to make decisions that would hurt its people
   - The government makes its own laws and enforces them
   - The government creates its own foreign and domestic policies

4. What are some characteristics of domestic sovereignty?
   - Government provides safety and security for its people
   - Power shifts smoothly from one leader to the next
   - Effective police force
   - Schools, hospitals, and other public services are in place

5. What does Dr. Krasner say is most important to remember about these three types of sovereignty?
   - These three types of sovereignty do not necessarily go together.
     - Haiti has international legal sovereignty but neither Westphalian nor domestic sovereignty
     - The United States, Japan, and China exhibit all three types
     - The European Union has international and domestic sovereignty, but not Westphalian sovereignty
6. What three historical political structures that do not exhibit our modern-day notion of sovereignty does Dr. Krasner discuss?

- Tribes: membership through birth; create laws and institutions; have structures of government; are not limited to specific territories or boundaries
- Medieval Europe: there were many different claims to authority, including the state (kings) and the Catholic Church; there were specific boundaries, but not exclusive authority
- The Sinocentric world of tributary states: China saw itself as the center of the world; other countries, areas, territories were considered inferior. These areas sent gifts to China on a regular basis; there was no exchange of ambassadors or embassies

7. What three examples does Dr. Krasner mention of how sovereignty has been violated?

- The European Union: international legal sovereignty is no longer applicable to EU member states because they are subject to supranational organizations and no longer are truly juridically independent. Despite this, the countries continue to be recognized in the United Nations and retain the privileges of countries with international legal sovereignty.
- Hong Kong: after 1999, Hong Kong was returned to China and therefore became a part of China (no international legal sovereignty). Despite this, China does not exercise legal control over Hong Kong, and Hong Kong maintained its memberships in international organizations, such as the World Trade Organization (even when China was not yet a member); Hong Kong also negotiates separate visa agreements with other countries.
- Balkans: Westphalian sovereignty was violated when the countries wanted international legal sovereignty and recognition; major powers insisted that the rights of ethnic and religious minorities be protected before agreeing to recognize the new countries.

8. How is sovereignty related to security issues facing the world at the time the video was recorded (i.e., 2004)?

States that are poorly governed and those lacking domestic sovereignty (such as Iraq and Afghanistan) pose security threats to industrialized nations, including the United States. If international agencies try to develop better structures within these nations, they violate Westphalian sovereignty. The major question remains: how can the governance of these states be improved to provide a safer, more peaceful world?
## Assessing the Sovereignty Status of Select States

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1. **How much sovereignty does Hong Kong have now versus what Dr. Krasner described?**

As Dr. Krasner mentioned in the video, the United Kingdom handed Hong Kong back to China in 1997. China agreed to govern Hong Kong under a “one country, two systems” framework that gave Hong Kong a high degree of autonomy over its legal, economic, and political affairs for 50 years after the handover (that is, until 2047).

However, since 2019, China has taken several actions that have reduced Hong Kong’s legal autonomy. In 2020, China imposed a new national security law on Hong Kong that gives the Chinese government more direct control over Hong Kong’s security matters and criminalizes activities deemed as secession, subversion, terrorism, or collusion with foreign forces. It also changed several of Hong Kong’s election laws in 2021, including introducing a vetting process for candidates to ensure their loyalty to Beijing.

Despite these changes, Hong Kong’s levels of sovereignty remains unchanged from 2004: it retains its international legal sovereignty but does not have domestic or Westphalian sovereignty since these are provided by the central Chinese government.

2. **Has Haiti’s level of sovereignty changed since 2004? If so, how?**

Haiti’s level of sovereignty in 2023 is not much different than in 2004. As in 2004, all major international organizations and countries recognize Haiti as a country, so it has international legal sovereignty.

However, as in 2004, its levels of domestic and Westphalian sovereignty are low. Criminal gangs control large portions of Haiti rather than the government, and foreign groups exert strong influence.

After Haiti’s president was assassinated in July 2021, the country descended into such violence that some compared the situation to a civil war. In 2022, Ariel Henry, Haiti’s Prime Minister, asked for international troops to come to the country to bring peace and order. The United States and Mexico considered leading such a force, but never did so. In August 2023, Kenya considered sending a police force to help restore order to the country. As of September 2023, Haiti remains unstable with low levels of Westphalian and domestic sovereignty.

3. **How has “Brexit” (the United Kingdom’s exit from the European Union) affected the UK’s level of sovereignty?**

The United Kingdom continues to exhibit very high levels of domestic and international legal sovereignty. However, as mentioned in the lecture, the United Kingdom did not previously have full Westphalian sovereignty because it was part of the European Union. Since the completion of “Brexit” in January 2020, the United Kingdom now has full Westphalian sovereignty since institutions in the European Union, such as the European Court of Justice, no longer have any authority in the United Kingdom.

4. **Since this video was filmed, the United States has withdrawn its troops from Iraq and Afghanistan. How would you now describe the level of sovereignty of these two countries?**

The United States invaded Iraq in 2003 to overthrow President Saddam Hussein and maintained high levels of troops in the country until 2011. However, the Iraqi government
requested help from US combat troops in 2014 to help fight the Islamic State of Iraq and Syria, also known as ISIS. The United States maintained combat troops in Iraq until December 2021 and as of 2023 the remaining U.S. troops in Iraq only serve in an advisory and assistance role.

Iraq has full international legal sovereignty and recognized institutional structures that exercise a level of domestic sovereignty. However, despite the withdrawal of U.S. combat troops, it does not have full Westphalian sovereignty because the United States and Iran both heavily influence what happens in Iraq.

The United States started to withdraw its last troops from Afghanistan in 2020 and completed the withdrawal on 30 August 2021. The country is now governed by the Taliban, an Islamic fundamentalist group. Few states recognize the legitimacy of the Taliban, so has a low level of international legal sovereignty. However, the Taliban have kept outside states from interfering in the country so it currently exhibits a high level of Westphalian sovereignty.

However, Afghanistan’s level of domestic sovereignty is not high. A group called the Islamic State in Khorasan conducts significant terror operations in Afghanistan’s cities. More broadly, the government has not been able to provide many of the basic necessities to its population. In March 2022, the United Nations estimated that 95 percent of Afghan households did not have enough to eat, and large numbers of Afghans continue to flee the country.

5. **Since 2004, which states in the Balkans have achieved a new level of sovereignty?**

   One of the states that existed in 2004, the State Union of Serbia and Montenegro, no longer exists. In 2006, Montenegrins voted to form their own country. Montenegro became an independent country on 3 June 2006 and is recognized internationally. It has all three types of sovereignty: international legal, Westphalian, and domestic.

   Later, a region of Serbia known as Kosovo declared its independence in 2008. Several states such as the United States and many members of the European Union recognize Kosovo as an independent state, but other countries do not. Kosovo is not a member of the United Nations. Serbia does not recognize Kosovo as a sovereign state but does accept the authority of the Kosovo government.

   Thus, Kosovo has domestic and Westphalian sovereignty but only partial international sovereignty. In this way, it resembles Taiwan.

6. **How would you categorize the portion of eastern Ukraine controlled by separatist groups from 2014 to 2022 in terms of sovereignty?**

   In April 2014, separatists in the Donetsk and Luhansk regions of eastern Ukraine started to fight to separate from Ukraine. Supported by Russia, fighters in the two regions gained control of a large portion of each of the two regions. This effort has supported by Russia. By August 2014, these groups had effectively secured independence from Ukraine (that is, they had achieved domestic sovereignty) and proclaimed new states called the Donetsk People’s Republic and the Luhansk People’s Republic.

   These two new states were never recognized as independent by other countries or international bodies, and they were heavily controlled by Russia. Thus, the two regions had none of the three types of sovereignty themselves.
For Ukraine, the fact that these two regions were no longer under its control meant that it maintained international legal sovereignty over Donetsk and Luhansk, but not domestic or Westphalian sovereignty.

The situation changed dramatically in February 2022, when Russia recognized the two regions as independent states and then invaded Ukraine itself.
CONCLUDING DISCUSSION

1. Does a state need international legal sovereignty to successfully exist? Use an example to bolster your conclusion.

   Not necessarily.

   Taiwan is an example of a state without international legal sovereignty that nonetheless is successful. Although Taiwan is not recognized by most other independent states, it nevertheless exercises effective Westphalian and domestic sovereignty. Most observers would classify its government as effective. The lack of recognition by other states has not hindered the country from existing, exercising control within its borders, or providing essential services to its citizens.

2. How do states without total sovereignty over their territory affect the security of the United States? Use at least two examples discussed in this lesson to bolster your conclusion.

   As Dr. Krasner notes in the lecture, states that cannot exercise effective domestic sovereignty over their territories can pose security threats to other countries, even those that are far away geographically.

   One example Dr. Krasner mentioned was Afghanistan. This country was not able to sufficiently control all groups in its territory in the early 2000s. Al-Qaeda gathered strength within Afghanistan’s territory and carried out the plans for the September 11, 2001 attacks from its Afghanistan base. For this precise reason, the United States decided to attack and invade Afghanistan in October 2001.

   Another example mentioned in the lesson is Haiti. Its inability to exercise effective domestic sovereignty has led to large-scale flight of its residents to the United States.
1. Does a state need international legal sovereignty to successfully exist? Use an example to bolster your conclusion.

2. How do states without total sovereignty over their territory affect the security of the United States? Use at least two examples discussed in this lesson to bolster your conclusion.
I’m going to talk to you for a few minutes today about sovereignty, a concept that is both extremely important in the modern world and a concept that’s also pretty abstract, which I think often people don’t fully understand. I think if you’re thinking about sovereignty, the basic notion of sovereignty which people have in their heads is that politics takes place within countries, specific states. These countries are independent from each other, and within each country, the people in that country are able to establish their own laws, their own institutions.

This is something, actually, that’s very familiar to Americans, since we know what the United States is. We know that the United States fought a revolution with Britain, that the United States became, at the end of the 18th century, an independent sovereign state. The critical first step in understanding how sovereignty has actually worked, how this way of organizing political life has actually worked, is to recognize that there are at least three different ways of thinking about sovereignty. And these three different ways of thinking about sovereignty do not necessarily go together either logically or historically.

The first way of thinking about sovereignty is international legal sovereignty. And international legal sovereignty has a fundamental rule. And the rule is: Recognize juridically independent territorial entities. By that, what I mean is that international legal sovereignty occurs when one state or many states recognize another state as being an independent state. The United States recognizes Great Britain, or it recognizes France or Mexico or Brazil or South Africa or Nigeria. And once recognition has taken place, countries would exchange ambassadors. Internationally recognized states would become members of international organizations like the United Nations or the World Bank or the International Monetary Fund. And once states recognize each other, they agree that they can sign treaties or contracts with each other in the same way that private individuals might sign business contracts in the United States. So international legal sovereignty is one way of thinking about sovereignty.

The second way of thinking about sovereignty is what people have generally called Westphalian sovereignty. Westphalian sovereignty refers actually to a peace agreement that was signed in 1648 and ended the Thirty Years’ War, which was a very, very costly war fought mostly in Germany. The ideal of Westphalian sovereignty is that each state is autonomous and independent. Each state has the right to decide on its own national laws, national institutions, national voting arrangements. And the corollary of that, the rule that goes along with Westphalian sovereignty, is: Do not intervene in the internal affairs of other states. So non-intervention in the internal affairs of other countries is a basic rule of Westphalian sovereignty. I do have to say, although this is more history than you need to know, actually Westphalian sovereignty had very little to do with the Peace of Westphalia. And the idea of non-intervention was really developed only 100 or 150 years later, actually by a Swiss international lawyer named Emmerich de Vattel. But that’s an historical detail which you don’t have to worry about.

So international legal sovereignty is one way of thinking about sovereignty. Westphalian sovereignty is a second way of thinking about sovereignty. The third way of thinking about sovereignty is domestic sovereignty. And basically domestic sovereignty means the nature of the institutions, the rules, the laws within a country, and the extent to which those institutions and rules and laws are actually effective. So if you looked at the domestic sovereignty of the
United States, you would say it’s a democracy, it has a presidential system of government and the government works more or less pretty well. If you looked at Great Britain, you would say that it’s a democracy, it has a parliamentary form of government, and the government also governs pretty effectively. If you looked at China, you would probably say that it’s an autocratic form of government run by the Communist Party, very different than the United States or Britain, although there the government is also quite effective. If we looked at Haiti at the moment, actually, as we’re thinking about Haiti right now, in March of 2004, Haiti actually has no government. The president has just left the country, the country is in chaos. So we would say that it’s hard to identify, uh, what Haitian institutional structures are, although there is a constitution. And it’s certainly the case that the government in Haiti, what there is of it, is not very effective. So we have then, three kinds of sovereignty: international legal sovereignty, Westphalian sovereignty, and domestic sovereignty.

The single most important thing to understand about sovereignty is that these three kinds of sovereignty do not necessarily go together. If you look, for instance, at the contemporary international environment, there are countries in the present world which have every possible mix that you could imagine of international legal sovereignty, Westphalian sovereignty, and domestic sovereignty. I would say that the United States, Japan, China actually have all three kinds of sovereignty, but most other states do not. If you looked, for instance, at Haiti, Haiti is a recognized country today. It has international legal sovereignty, but it is now being occupied by foreign troops. So it doesn’t have Westphalian sovereignty, nor does Haiti have effective domestic sovereignty. If you look at many countries in Africa, these countries all have international legal sovereignty. Some of them have Westphalian sovereignty, that is, people are not trying to alter their internal affairs, but very few of them have effective domestic sovereignty.

If you look at the countries that are members of the European Union, this is now 15 countries, which will be expanded to 25 in May of 2004 [note: there were 27 members of the European Union in January 2023], all of these countries have international legal sovereignty. Britain, France, Germany, Italy, the Netherlands all sit in the United Nations. They all have effective domestic governance, effective domestic sovereignty. But in many ways, these countries have voluntarily signed away their Westphalian sovereignty. They’ve agreed to be members of the European Union. Within the European Union, there are some decisions that are taken by a majority of states, so that if you’re a member of the European Union, you have to honor these agreements even if you disagree with them. And they’ve created supranational institutions, especially the European Court of Justice.

The European Court of Justice, which is a kind of international court for the European Union, makes decisions which are directly applicable in national courts of the member states. So, for instance, there was a complaint about how Britain was running its prison system. The European Court of Justice decided that Britain was in violation of European rules, and Britain was compelled to alter the way in which it was dealing with its prison system because these findings, these decisions by the European Court of Justice, were enforceable in British courts. It’s as if, and this is an idea that’s very alien to the United States, it would be as if a court, for instance, that was sitting in Canada could make decisions that would be directly applicable in a court in California or Kansas or New Jersey.

So if you look at the member states of the European Union, they have international legal sovereignty, they have effective domestic governance, they do not have Westphalian sovereignty. So the first thing to recognize about sovereignty is that it really has these three different components. These components are different. They do not necessarily go together. And if you look around the world, you can find virtually any mix of Westphalian, international legal, and domestic sovereignty.
It may be easier to understand the idea of sovereignty if we contrast sovereignty with other ways in which political life has been organized. And I’m going to give you three examples of different ways in which historically politics has been organized by human beings.

One is tribes. If you think about tribes, tribes are a form of political organization. People become members of a tribe basically through birth. Tribes often did not have specific territories. If you look at Native Americans, many Native American tribes, not all, were nomadic. They moved from one place to another. They moved their laws with them. They did not identify themselves with a specific territory. If you look historically at nomadic peoples in Africa or the steppes of Eurasia, they had rules, they had regulations, they had rulers. They had mechanisms for making decisions within their societies, but they were not limited to specific territory. So if you think about tribes as a way of organizing political life, tribes are characterized by structures of governance, laws, rules, leaders, but tribes did not have specific territories. Very different from the idea of sovereignty. Sovereignty has lines on a map. States have territories. States recognize the boundaries of other states and it’s clear where a state exists.

A second example of a different way of organizing political life: Medieval Europe. Medieval Europe was a political system in which there were often many different claims to authority and authority structures within a specific territory. The most obvious disputes, and the ones historically that were most consequential, were disagreements between the Church, this was the Catholic Church, on the one hand, and various secular rulers, kings, on the other. The Church made claims to govern certain kinds of activities, certainly the activities of the Church itself and its members, priests. The Church often made claims to govern other kinds of activities: Inheritance, marriage, a number of different activities. The Church, the popes in the 11th and 12th and 13th century, often intervened in affairs that we think of as being the affairs of state, like wars and excommunicated, in some instances, rulers for not honoring the decisions of the Church. So if you look at medieval Europe, medieval Europe was a political system in which competing authorities existed within the same territory. There was not a claim to one exclusive authority structure within a specific territory. So within France, you had the King of France. You also had at times historically the King of England, who owned certain territories in France. You had the Catholic Church also making claims within France to certain kinds of activities. So medieval Europe had territory, but it didn’t have any idea of exclusive authority within that territory.

A third example: What’s called now the Sinocentric world, the world of East Asia, the world of China before the kind of massive arrival of the European powers in the 19th century. In the Sinocentric world, and this is something that had existed for millennia before the 19th century, there was no notion of sovereign equality. There was no idea of international legal sovereignty. There was no notion of mutual recognition. China essentially claimed to be the center of the universe. There were other political entities like Korea or Vietnam. They were always regarded as tributary states of China, inferior to China. Tributary states episodically, sometimes once a year, sometimes once every three years, would send tribute missions to Beijing, the capital of China. The tribute missions included gifts to the Chinese empire and also opportunities for trade. The Chinese emperor invested kings or rulers, would send delegates to Vietnam or Korea or other tributary states to legitimate the rule of certain individuals. But there was no idea that, for instance, Korea and China were in some ways equal. There was no such thing as an ambassador or permanent representatives between Korea and China because that would imply that these two countries were equal. China would have been ... a son. I’m sorry, China would have been the father, Korea would have been the son. So there was always a sense in this traditional Sinocentric world not of some idea of international legal sovereignty and formal
equality, but rather of a world in which China was the center of the universe and other political entities were subordinate.

So we’ve lived in a world historically in which there have been different ways of organizing political life. The notion of sovereignty as the key way of organizing political life is something that’s been widespread in the world for the last 200 years, and most forcefully since decolonization after the Second World War and especially since 1960. If you look at how sovereignty has actually worked, returning to these three ideas of sovereignty, domestic sovereignty, international legal sovereignty, and Westphalian sovereignty, what’s striking, I think historically, is the extent to which the basic rules of sovereignty recognized juridically independent states, and especially the rule of Westphalian sovereignty non-intervention, have frequently been violated. So even within the world of sovereign states, the rules of sovereignty have not always been honored. In fact, they’ve frequently been ignored or transgressed. And let me give you a few examples of this in the contemporary world and also some historical examples.

If we think about international legal sovereignty, the basic rule is recognize juridically independent territorial entities. If we look at the member states of the European Union, none of these states are any longer juridically independent. In fact, in terms of their law, the laws of each member state of the European Union are subject to interpretations and decisions taken by the European Court of Justice. Despite that fact, all of the member states of the European Union are still recognized, and nobody’s proposed, for instance, taking away France’s seat or Britain’s seat in the Security Council of the United Nations on the grounds that these states are no longer juridically independent. Yet, in fact, they’re not fully juridically independent.

A second example, and one that I think is in some ways odder and more interesting, is the example of Hong Kong. Hong Kong was for a long time essentially a British colony. In the 1990s, Hong Kong was returned to China. Hong Kong, as many of you I’m sure know, is a very prosperous place. It’s basically kind of a large city with the island of Hong Kong and then some territory that’s on the mainland of China, has been extremely successful. When the country was returned to China, the Chinese government in Beijing did not just want to incorporate Hong Kong into China itself. They demanded, in a formal sense, that Hong Kong become part of China and be accepted as part of China. But they did not want to subject Hong Kong to Chinese law. They didn’t want the Beijing, the People’s Republic Army, to simply march into Hong Kong. And they didn’t want to do that because they didn’t want to destroy the economic prosperity of Hong Kong, which rested on this very active, very wealthy, and very skilled business community in Hong Kong.

So what they did was they created Hong Kong as a special entity within China. They allowed, that is the Beijing government, allowed Hong Kong to continue to be a member of the World Trade Organization. The World Trade Organization is an organization that sets rules for international trade. China at this time was not itself even a member of the WTO, the World Trade Organization, but a piece of China actually was. The Chinese government allowed Hong Kong to conclude visa agreements with other countries. So, for instance, if you’re an American, you can fly into Hong Kong without getting any visa in advance. If you fly into the PRC, the People’s Republic of China, mainland China, you have to get a visa in advance. If you’re a citizen of China and you’re going to Hong Kong, you have to get special papers that allow you to go to Hong Kong. So it’s as if an American needed some kind of certificate, almost a kind of visa, to go, say, from New Jersey to Pennsylvania or Florida to Georgia. So internally, what happened in Hong Kong is that Hong Kong actually does have international legal sovereignty. It is a recognized entity. It is a member state of international organizations. It has signed separate visa
agreements with many, many countries. But at the same time, it’s not a juridically independent state. It’s part of China. So again, the rule of international legal sovereignty has been violated. So international legal sovereignty is a rule very widely understood, but not universally honored. Some of the entities that are recognized as international legal sovereigns are actually not juridically independent. They are not fully independent states, or in the case of Hong Kong, they’re certainly not a fully independent political entity.

If you look at Westphalian sovereignty, Westphalian sovereignty has been even more frequently violated, very frequently violated. There have been very, very frequent attempts by especially powerful states, to influence domestic authority structures in weaker states. This is something that has happened historically in virtually every major peace treaty that’s been signed since the 17th century through the end of the 20th century. And it’s certainly something that you see occurring in the contemporary international environment and in many different places.

The basic reason that Westphalian sovereignty has frequently been violated is this: Often international peace and security depend on what the nature of a domestic political regime is in another state. Is the state peaceful or not? Is it ruled by someone who is interested in peaceful international organizations or interactions or ruled by someone who’s interested in international conquest? If you can change the nature of the ruler or change the nature of the regime, you can change the way in which that country affects the international system. Let me give you a few historical examples and then turn to the contemporary era.

Historically, one of the places that has been very troubled internationally and is still troubled today in terms of the way in which it’s been governed domestically is the Balkans. The major states in the Balkans today are Albania, Yugoslavia, Croatia, and Slovenia. In the 19th century. at the beginning of the 19th century, the Balkan countries, the Balkans themselves, were controlled by the Ottoman Empire. The Ottoman Empire had its capital in Istanbul. It had been a very large, powerful empire really going back to the 14th century. In the course of the 19th century, all of the Balkan possessions of the Ottoman Empire became independent, beginning with Greece in 1832, then Romania, Serbia and Montenegro in 1878 and ending with Albania in 1913. In every single case, the major powers of Europe said that we will recognize you as an independent state, but only if you guarantee the rights of religious minorities within your own country. And if you don’t guarantee minority rights, we will not recognize you. So your international legal sovereignty, the international legal sovereignty of these new states, was contingent on their accepting minority rights, something which they would not have done otherwise. This is an example of a clear violation of Westphalian sovereignty. External actors, the major powers of Europe, were intervening in the internal affairs of Greece, of Romania, Bulgaria, of Albania, to insist that these countries institute constitutional rules that would protect religious minorities and ethnic minorities within each of these countries.

After the First World War, which ended in 1918, there were very extensive negotiations in Versailles in France to try and create a more peaceful international world. The major powers, now including the United States, looked at the First World War, saw that in part at least, the First World War had arisen as a result of ethnic nationalist conflicts within the Balkans, decided that it was critical to deal with issues of minority rights. Felt that if you were going to have democratic regimes which Woodrow Wilson, the American President, especially thought would be essential for international peace, you had to find a way to deal with issues of minority rights. And again, what the major powers did, this is the United States, Britain, France, the major powers insisted that smaller states, especially new states, states that were being newly created as a condition of being recognized and as a condition of becoming members of the League of Nations. (The League of Nations was a predecessor organization to the United Nations.) The major powers
insisted that all of these new states, there were something like 33 of them that were either new or states that had their boundaries changed, that all of these states accept minority rights. Often the provisions that they asked for were very specific and very detailed. For instance, Poland agreed that they would have bilingual education in areas which had large minority populations. Poland agreed not to hold elections on Saturday because it would violate the Jewish Sabbath. There were large numbers of Jews in Poland before the Holocaust took place. So you’re in a situation in which often these new states accepted very substantial violations of their Westphalian sovereignty because they saw this as the only way they could get international recognition.

So Westphalian sovereignty is a set of rules that actually has been frequently violated throughout history. And these violations, if you look at developments in Yugoslavia, when Yugoslavia fell apart in the 1990s, you had a very similar situation. Again, the European countries insisted in 1991 that their recognition of the new states that emerged from Yugoslavia, especially Slovenia and Croatia and then later Bosnia, would accept minority rights as a condition of recognition. So Westphalian sovereignty has frequently been violated historically and continues to be violated to the present day.

I want to end by saying a few words about what I think is really the most important issue, security issue, in the contemporary international environment and the way in which sovereignty affects that issue. The issue is this: There are many states in the world now which are very badly governed, in which domestic sovereignty is working very ineffectively. These states have declining national incomes. Health is deteriorating. The levels of violence are very large. In some cases, the recognized government, the entity that has international legal sovereignty, does not control the entire territory of the state. And in some cases, where states are very badly governed or governed by autocratic regimes like Afghanistan or Iraq, these countries may present real security threats to the United States and other democratic industrialized countries. One of the great challenges, if not the great challenge, of our era, of the next 10 or 20 or 30 or 40 years, will be how can we improve governance in these badly governed places?

When the issue is put that way, it’s clear that getting better governance in places like Afghanistan, Iraq, Haiti, many countries in sub-Saharan Africa like the Congo, getting better governance in these places will require violations of Westphalian sovereignty. It will require the international community, external actors, the United States, international organizations, the major democracies in Europe, to engage for an extended period of time in these countries to try and develop for them better governance structures. We can’t historically have much confidence that these countries operating on their own will develop decently governed domestic authority structures, much less fully democratic ones.

So I think the great [thing] challenge, and something that we have to think about with in the deepest possible way right now is how can we think about providing Haiti with a government? And by we, I mean the United States, Canada, France, the Organization of American States, the United Nations. How can we provide Haiti, for instance, or the Congo with a governance structure that will be more effective for its own population, that will increase levels of economic prosperity, that will provide some levels of democracy? And I think doing that will require imagination and skill. It will not just mean some kind of recreation of colonialism where external actors will step into a country and try to directly run the country for some extended period of time.

But it may mean that international actors, for instance, international judges or individuals providing health care, or even police or even security forces might in some badly governed country, have to be provided by some kind of external actors. It might be that in elections
in Haiti, perhaps there should be one or two or three Haitian candidates, but perhaps there should be a candidate from another country supported by the international community. And Haitians would have the right to select either from nationals from their own country or from nationals that might come from elsewhere. So the Haitians, for instance, could essentially rent a government for some period of time, the period of time of the election, and could see if these external actors might be able to govern Haiti more effectively than has been the case for Haiti’s own national authorities. We’re thinking about what will happen in Iraq or Afghanistan, also issues that are very critical for the United States, but the international community writ large.

The key thing that has to happen in these countries, the ideal thing that could happen, would be the creation of better governed, more prosperous, ideally democratic states. Doing that is likely to require us, United States, the rest of the international community, international organizations, to think beyond the confines of traditional sovereignty and to try and create a new set of institutions different than any that we’ve seen in the past, which can bring effective governance, peace, and security around the world. Thanks.