

Abstract

(approximately 380 words)

Should the notion of sovereignty be abandoned? I don't believe so. However, it should be redefined in order to take some facts and moral criticism into account. In this paper, I will defend a pro-sovereignty position, in the sense that sovereignty in my opinion should not be abandoned but transcended and understood on a higher moral level. I think it is difficult and even undesirable to imagine a world without sovereignty and without the nation state. Democracy and human rights depend on both sovereignty and the state. On the other hand, we are morally obliged to transcend the a-moral 20th century notion of sovereignty which has all too often been a fig leaf for tyrants and which has sometimes impeded international cooperation necessary for the solution of some transnational problems. In order to organize this international cooperation, we also have to transcend sovereignty in a spatial sense: international institutions have to take over some part of the sovereignty of nation states in order to establish cooperation and to solve transnational problems. However, these institutions must be organized in a democratic way.

The new sovereignty which I want to propose would have the following characteristics. Nothing would change for democracies which respect human rights. They continue to be protected by their sovereignty. No aggression or interference would be allowed. Their independence and territorial integrity would always be safeguarded. Non-democracies would have a limited or conditional sovereignty, conditional upon respect for human rights and democracy. The less respect they show, the less sovereignty they have. They lose a part of their sovereignty in proportion to the gravity of the rights situation in their territory. They lose their sovereignty completely in the worst cases, only partly in the other cases. Intervention for the purpose of protecting human rights and democracy could then imply military invasion and occupation in the worst cases, and something less extreme in less extreme cases.

New sovereignty also means diminished sovereignty in the sense of transfer of sovereignty to international institutions. This transfer already takes place, but is likely to become more important. However, it is important that the sovereignty of the people - or better the sovereignty of the united peoples - is maintained at the international level. International institutions therefore have to be organized democratically.

New Sovereignty¹

(approx. 6.000 words)

The notion of national sovereignty seems to have fallen in disrepute. Both empirical facts (e.g., globalization) and theoretical and moral thinking (mainly in the field of universal human rights) have dealt severe blows at the notion. Even the nation state as such, the owner of the right to sovereignty, seems to have outlived its purpose. Important parts of the rights and powers of the state are being transferred to regional or global institutions, or even to more anonymous mechanisms such as the market. Should the notion of sovereignty therefore be abandoned altogether? I don't believe so. However, it should be redefined in order to take facts and moral criticism into account. In this paper, I will defend a pro-sovereignty position, in the sense that sovereignty in my opinion should not be abandoned but transcended and understood on a higher moral level. I think it is difficult and even undesirable to imagine a world without sovereignty and without the nation state. On the other hand, we are morally obliged to transcend the a-moral 20th century notion of sovereignty which has all too often been a fig leaf for tyrants and which has sometimes impeded international cooperation necessary for the solution of some international problems.

Let us first take a look at the bright side of sovereignty. What is good about it and should therefore be preserved? Sovereignty is indispensable for democracy and human rights. A state has sovereignty because the territorial integrity and political independence of a state are requirements for the self-government of its people. A state which is the sole and highest authority in its territory creates and protects a political space and democratic institutions in which the people as a nation can shape their own common life, without the interference and aggression of external powers. These institutions also include federal and decentralized institutions protected by the nation state against outside aggression. It is far from clear how democracy can be organized on a world level outside of state institutions. The problems of scale seem to be insurmountable and there are still many things which can be handled locally without the involvement of world public opinion (do we need a park in our city, who will be our mayor, how will taxes be spent etc.). What can be done locally must be done locally. Democracy at the local level diminishes the number of participants and hence increases the importance and the influence of each individual, which from a democratic point of view is a good thing. However, not everything can be done locally in our globalized world. Some problems require international and even global cooperation. In the second part of this paper, I will come back to this problem and I will discuss the ways in which this cooperation can be organized in a democratic way.

Human rights as well still depend on the nation state for their effective enforcement. There is as yet no international or global enforcement machinery for human rights. And in many cases this is not even desirable. Judicial processes are best carried out close to the people concerned. We do not want to go to The Hague in order to achieve judicial satisfaction on some human rights issue. We want our

own judges to help us, and they will also be more familiar with our situation, closer to the perpetrators of a crime and hence more likely to impose effective punishment. If human rights depend on the nation state, then this state has to be the sovereign power inside its territory, able to enforce judgments on human rights violations and in possession of the monopoly of violence which is sometimes necessary for enforcement.

Democracy and human rights therefore need national independence and sovereignty (although it is possible and certainly also desirable to organize democracy and to protect human rights on a level that is higher than that of the state, but not at the expense of democracy and human rights protection at the state level²). A state has to be sovereign, independent and free from interference and aggression if it wants to be able to guarantee human rights and democracy within its territory. Hungary in the 1950s or Belgium during the second world war could have protected the human rights and democratic rights of their citizens had they been able to use their sovereignty against external interference and aggression. If another state or group of states attack an independent state and take away its sovereignty, then we may see the end of human rights and democracy. An aggressive state usually does not feel bad about rights violations, and democracy is, after all, a people determining their own fate and is therefore incompatible with foreign occupation or interference. Of course, interference may be necessary for the imposition of democracy and human rights. I will come back to this in a moment.

Sovereignty is justifiable because it is required by democracy and human rights. But even more so: it is only justifiable because it is required by democracy and human rights. It is not justifiable if it is required for something else, for example the perpetuation of a tyranny. Some adaptation of international law is required because currently every recognized state has a far-reaching legal right to protect its sovereignty. This makes it difficult to intervene in order to promote democracy and respect for human rights, which is why sovereignty has fallen in disrepute and has been attacked from a moral point of view.

I want to defend a new sovereignty, a transformation of the concept of sovereignty in which only a democracy which respects human rights would have an absolute right to sovereignty. If there is external interference or aggression in a democracy, then it must have the means to repel it. Its sovereignty implies a right to self-protection and the right to national liberation. But there can also be democratic interference. A democracy or an international institution may justifiably interfere in a non-democracy in order to protect democracy and human rights. As sovereignty is merely a means for the protection of democracy and human rights, it cannot be claimed by a non-democracy defending itself against external attempts to transform it in a rights-respecting democracy.

Of course, these attempts must be proportional to the gravity of the situation in the target-country. For instance, war for democracy, occupation, attacks on the territorial integrity will at best be only rarely justifiable. But non-democracies try to use their sovereignty even against the least harmful attempts. They in fact believe that they have an absolute right to sovereignty, which implies that even the most superficial form of intervention is illegal. Instead, in a new system of sovereignty, non-democracies

will only have a conditional right to sovereignty, a sovereignty which can be overridden by the international right to intervention. The instruments of intervention and hence the limitations on sovereignty will vary according to the gravity of the situation. In the worst situations, sovereignty would completely give way: the right to self-protection, independence and territorial integrity implicit in the notion of sovereignty would become null and void and a war and occupation would be justified. In less severe cases, only a part of sovereignty will give way. A country would be forced to allow inspections or to accept certain reforms for example.

In new sovereignty, there will be no absolute protection against democratic interference, but only a relative protection, a protection against disproportional democratic interference but not against justified interference. There will only be absolute protection against undemocratic interference, against interference in a democracy which respects human rights, and against interference not aimed at the installation or defense of democracy and human rights.

The sovereignty of the state is but a means for the sovereignty of the people. It is obvious, then, that sovereignty should not be used to ward off intervention aimed at the protection of the principles of democracy and human rights.³ It is like saying that you need a saw to hammer in a nail, and then using the saw to attack people who want to show you what you can really do with a saw. In a democracy, sovereignty protects democracy and human rights. In other forms of government, it often perpetuates immoral practices. What is necessary for the protection of democracy and human rights in one case, may harm them in another case. That is why a new understanding of sovereignty needs to include a difference between the sovereignty of democracies and the sovereignty of other states. The first is absolute, the second conditional and limited. Human rights and democracy always have priority over the right to sovereignty, because sovereignty is only a means to realize rights and democracy. And if it works in the opposite way, then it is limited or even, in the worst cases, null and void.

Human rights and democracy limit the sovereignty of states because in some cases it is necessary that they are enforced by the international community, even though there is as yet no global police force or executive power. States will not always use their sovereignty, in the sense of their absolute authority in their territory, in order to redress rights violations occurring in their territory. Sometimes, the state itself is the violator and it may not have the appropriate mechanisms (i.e., division of powers) or the will to correct itself.

The rule that sovereignty is only absolute in democracies which respects human rights and that it should give way - in part or completely - in other cases, is still not entirely accepted in international law. The famous or infamous art. 2 par. 7 of the UN Charter explicitly prohibits every intervention or violation of the sovereignty and territorial integrity of any UN member state, even the worst tyranny. 'Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State'. No difference is

made between democracies and non-democracies. The only exception to art. 2 par. 7 is an explicit Security Council mandate for intervention.

This article is often used against attempts to intervene for the sake of human rights or democracy. Even merely verbal criticism of rights violations is often supposed to be the type of 'intervention' prohibited by art. 2 par. 7. The 'matters' referred to in the article are never precisely defined, so that every state is free to define them. Hence, intervention becomes practically impossible. However, some acts clearly do not belong to these 'matters': violations of international law, attacks on international peace, and, according to some, systematic and extreme violations of human rights if these violations threaten international peace. Chapter VII of the Charter allows Security Council intervention in these cases, and art. 2 explicitly provides an exception for this kind of intervention. '[T]he doctrine expounded in San Francisco in 1945, by the framers of the UN Charter, to the effect that "if rights and freedoms were grievously outraged so as to create conditions which threaten peace or to obstruct the application of the provisions of the Charter, then they cease to be the sole concern of each State"'.⁴

This is important for human rights, although many violations of rights do not or not immediately threaten the peace. Today's legal consensus on the definition of 'matters' may even include the latter kind of violations. Some 'internal matters', which do not threaten the peace and which at first sight can benefit from art. 2 par. 7, are clearly violations of human rights and the Charter also stipulates that the UN should protect human rights. The UN is not only a peacekeeping institute. Some believe that the UN may take measures under Chapter VII (sanctions or even military intervention) against rights violations irrespective of threats to the peace. Chapter VII can override art. 2 par. 7. and is perhaps an instrument to enforce certain human rights in certain cases. However, there is still some legal dispute on this matter and some still prefer a wide ranging and uniform interpretation of sovereignty, one which would continue to protect rights violations.

Others say that it is not authorised to act in a way 'which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a Government representing the whole people belonging to the territory without distinction of any kind'.⁵ A democracy in other words. '[T]his might perhaps be interpreted as implying that action to dismember an independent state is permitted if the government does not represent the whole people'.⁶ If, in other words, the state is not a democracy. This would go some way towards a new sovereignty, but all this is still legal dispute which needs to be clarified if a new concept of sovereignty is to take root.

The current theory of sovereignty proclaims that one state should not force another because all states are equal. This is a fiction, a useful fiction to mitigate the de facto difference between strong states and weaker ones. The former have always been tempted to force the latter and hence it is useful to act as if all states are equal. A new sovereignty would not be based on such a fiction. It

would explicitly accept the moral difference between democracies and other states and give different rights to different states. It would not accept a general rule that one state cannot force another. A democracy can force a non-democracy, although the ways in which it can use force depend on the gravity of the situation.

Another aspect of the current theory of sovereignty clearly shows how inadequate and outdated it has become. It is not only immoral in many cases. It is just not adapted to reality any longer. It proclaims that a state should be absolutely free to do as it likes; it is sovereign in its territory and can manage its internal matters as it wishes, and no outside force - no other state and no international institution - can force it in a certain direction. For example, only a state itself can decide which laws are valid in its territory and can use force to impose these laws. Only its international actions - actions outside of its territory and actions involving other states or their citizens - can be governed by international rules and international institutions. Regarding all purely internal matters, a state should be free from interference. If there are international rules regarding the internal behavior of states, then these rules are only applicable to a state if this state voluntarily accepts them as part of its law. And the enforcement of these laws is also a purely internal matter. Nothing or nobody outside of the state can enforce laws in its territory. Everything that comes from outside the state, both laws and law enforcement, and that is not accepted voluntarily by the state, is null and void. A sovereign state cannot be forced to respect certain external rules, judgments or enforcement measures. It can only force itself.

Not surprisingly, tyrants especially try to cling on to this version of sovereignty. They like to be able to frame their own laws, to avoid international law being imposed on them and to be the only enforcement agency. Understandably, because International laws and law enforcement would focus on them first. It is like allowing a criminal to be the only one who can decide on the laws that apply to him and who can enforce these laws on himself. However, sovereignty understood in this way, as a kind of absolute freedom (also known as the Westphalian view on sovereignty⁷) is rapidly becoming an anachronism.

A few examples to illustrate this. It is true that most international law is still created by those who must respect it. To a certain extent, states continue to create and reject their own laws. But fortunately there is *ius cogens* ('compulsory law'), international law that has a peremptory character and that can be forced on states. States are not free to reject it (some examples of rules of *ius cogens* are the rule against genocide, the ban on aggression and the use of force in international relations etc.). And fortunately there are agencies such as the Security Council that, within their limits, can enforce international law on unwilling states and hence force states to behave in a certain way within their borders. States can no longer frame, accept, reject or enforce laws as they please. They are no longer free to do as they like. Sovereignty has in fact ceased to be absolute freedom and hence there is no point to claim a right to absolute sovereignty when people start to criticize you for violating human rights or when some legitimate international institution or other

state intervenes to force you to respect human rights or the principles of democracy. You can only claim that the instruments of intervention are disproportional.

Sovereignty does not only lose ground in the field of legislation and law enforcement. Sometimes, it is inevitable or even a good thing to yield a part of your sovereignty to an international institution. Take the case of national defense for example. That is a problem which many states are unable to solve independently. They have to become member of some international organization if they want to protect their national security. And any member of any group gives up some of his power to decide independently.

However, in many cases, states lose power against their will. In our globalized world, states are less potent and less free than ever before because even the strongest states have lost control over a number of phenomena. Actions - or the absence of actions - of one state have become increasingly consequential for other states. The economy, the environment, social security and immigration are more and more determined by and depended on things that happen outside your state. The way in which other states manage their nuclear reactors, nuclear waste or natural resources can have a severe impact on your wellbeing. They may create refugee flows - economic refugees or rights refugees - which end up in your country. They may accept labor conditions or levels of tax burdens that force companies to leave your country.

Multinational companies especially may decide to leave because they are already spread all over the world. Hence, they tend to become untouchable for the individual states. If they leave a state, they cause unemployment and a fall in tax-revenue, which forces states to pamper them. This not only threatens the power of the state over the economy but also the power of the state in general - for example the power to protect rights - because a state cannot act without revenues. The state will tend to make itself as small as possible and to act as little as possible, because any action, any law and any regulation might discourage investors and encourage flight of capital. States are afraid to antagonize multinational companies, because if they do - e.g. if they impose taxes, environmental regulations, labor regulations etc. - the companies in question may decide to move to another country, which leads to increased spending (more money goes to unemployment benefits) and a fall in tax revenue. Even the laws that exist will then be enforced in a 'pragmatic' way.

Many problems are no longer limited to the territory of a single state and are therefore difficult for states to solve independently. These problems are beyond the power of the so-called sovereign and independent state, no matter how powerful this state, and require international collaboration. All states have thus become interdependent. The US, for instance, is economically and militarily very powerful, but depends on the oil-producing countries for its energy, on the World Trade Organization for its trade interests, on its neighbors for the problems caused by illegal immigrants or drugs production, on Islamic countries for its struggle against terrorism etc. At the time of the Cold War, it depended for its security on the traditional balance of power theory, but also on

international agreements, principally with the USSR, regarding limitations on military capacity. With the rules on limited capacity came the right to international inspection of this capacity.

Many things have ceased to be purely internal matters. International collaboration means that different countries decide to tackle a problem together. International problems require international solutions. In some cases, states have created international institutions to help them solve international problems. The UN for instance was created to solve the problem of international aggression. States always hand over some of their powers and sovereignty to such international institutions. These institutions can often take binding decisions without the consent of each individual member state. In any case, they establish certain common international rules and it is in the interest of the member states to abide by them because there is no solution without these rules. For example, states try to harmonize the rules on labor conditions or the levels of tax burdens in order to avoid delocalization and outsourcing. Or they try to find ways to impose stricter rules for the control of nuclear reactors in order to avoid international nuclear disasters or arms proliferation. No state can afford to close its doors, to refuse to communicate and co-operate. If it does, it will be unable to solve some of its most important problems. The time of 'communitates superiorem non recognoscentes (communities not recognizing any superior authority)' is over. States can no longer be absolutely sovereign. The circumstances have created a general acceptance of international rules and institutions.

And growing interdependence has resulted in growing international influence. A state that depends on other states for solutions to its most pressing problems and that benefits from co-operation, cannot pretend to be deaf when these other states demand that it stops violating human rights. International opinion becomes more important as international collaboration becomes more important. The shield of sovereignty loses its strength and can no longer be used to counter criticism of human rights violations, because it is precisely the lack of sovereignty or self-government which forced the states to cooperate. In a relationship of interdependence, states can also apply pressure on one another, can use sanctions, deny assistance and collaboration etc. The more a state is economically dependent on other states for example, the more it is exposed to measures that can harm its economy. The downside is that small states can be pressured more than large ones. But even large states are not invulnerable. Another problem is that states can also use their influence for other purposes than the promotion of human rights and democracy.

All in all, it is good to see that sovereignty loses some of its power in favor of democracy and international human rights law, a part of international law moreover which is no longer based exclusively on consent but also on pressure and enforcement made possible by international interdependence. The moral boost which one would like to see in a new kind of sovereignty (see first part of this paper), may result more or less automatically from the transformation of sovereignty that is already taking place in the real world. '[I]nterdependence could over time provide as effective a backing to regulation as outright force'.⁸ Force, fear or moral conviction are not the only reasons why people choose to respect human rights. The fact that other states or

international institutions use mutually beneficial co-operation mechanisms against you, may also convince you. For example, it has become acceptable to ask that respect for human rights is a condition for the entry into these mechanisms.

So it seems that it is not entirely true to say that treaties without a 'sword' are mere words. There are lots of different ways to pressure states into compliance and the sword is only one of them. Enforcement, traditionally the weakest part of international law, seems to have become easier in a globalized world, although in a way that people from the time of swords would have been unable to imagine. It is much harder now to violate international rules or to ignore international condemnations than it was fifty years ago. Human rights law is becoming more and more effective. The globalized world can make it easier to intervene for the sake of human rights and democracy, but it can also justify intervention. Violations of rights in one country can easily affect other countries (refugee problems, the centripetal and centrifugal force of a civil war, the domino effect of an economic crisis caused by bad governance etc.). These other countries have a right to protect their interests, even if this means trying to protect human rights elsewhere.

But the facts may not move towards the norm so automatically. New sovereignty can be promoted by globalization, but globalization can also harm democracy. And if it harms democracy, it harms new sovereignty. New sovereignty is designed to give protection to the sovereignty of the people, but globalization often renders the sovereignty of the people quite meaningless. The power deflation experienced by the states vis-a-vis the market, multinationals, the environment and each other means that decisions affecting the well-being of the people are taken by outside forces (the market, companies, other states etc.). It is obvious that this is incompatible with democracy and with the sovereignty of the people. Democratic control over events is an important value, but one which implies the presence of a state and a people capable of imposing their will. If they cannot impose their will, as is shown by many problems of globalization, then we have to look beyond the level of the state. International institutions can sometimes solve problems which are beyond the power of one individual state and one people.

International institutions are created in order to solve problems. Hence they are created to give back power and control to a group of states and an association of different nations that have lost their individual power and control. Control and power are the reasons behind the creation of international institutions. And in a democracy, control and power mean sovereignty of the people and self-government. It is therefore incoherent to organize international institutions undemocratically. The rescue of democracy - which is necessary because democracy can become meaningless on a state level - is precisely the purpose of international institutions. New sovereignty as a concept should include the attempt to restore the sovereignty of the people at an international level. Self-government is part of the justification of new sovereignty on the national level, but this new sovereignty should also protect the self-government and the sovereignty of associated peoples on the international level. International institutions should not lead to a loss of self-government for

the different people that they encompass because if there is no need for self-government there is no need for international institutions either.

But how do we organize the sovereignty or the self-government of groups of nations on an international level? Many international institutions suffer from a lack of democratic accountability and legitimacy. It is quite easy to imagine states or their representatives working together in these institutions in order to solve international problems. But it is much more difficult to find ways in which different peoples can work together. These peoples have to keep some kind of participation and decision power in international institutions, otherwise we find ourselves in the same situation as the one created by multinationals or nuclear waste for instance: decisions that affect the people are not taken by the people. The people do not have their fate in their own hands. International institutions are created to remedy this lack of self-government and should therefore, for the sake of coherence, be organized democratically. No external power should decide a people's fate, no market, no other states, but no international institution either. An international institution should not be an external power.

The problem is that international institutions often comprise many states and many nations and it is often very difficult to frame a harmonious popular will overlapping all these nations. Is democracy possible at a level that is higher than that of the state? Democracy is not at its best on a large scale. Efficient participation is difficult in very large groups. On the other hand, international cooperation can stop events taking place without the agreement of the people. If we have international cooperation, we can avoid the situation in which one country or the market takes decisions that have negative effects elsewhere (for example, the decision to build a nuclear plant just at the border with another country, without involving the people of this other country; or the decision of one country to start destroying its rainforests, irrespective of the consequence for the global climate). International cooperation has a positive influence on self-government because it allows people to control events which they individually would not be able to control.

It is obvious that international organizations, set up to solve international problems, must be democratic, at least when we remember that democracy and self-government are among the reasons for solving international problems. Some of these problems inhibit self-government because an individual nation is not able to deal with them. International organizations are set up to recreate self-government by solving problems that inhibit self-government. One should not create an undemocratic international institution, because the purpose of such an institution is precisely self-government.

How can we make international organizations more democratic? There are not many examples to inspire us. In any case, the people of the different states have to be represented in these organizations and not only in their own states. Direct democracy is also a possibility. Perhaps we can presume that we have a democratic decision from the moment that democratic states, in their position of members of the organization, take a common decision. These states represent the people and hence the people are indirectly involved in the decision. However, do these states have to

decide unanimously? Or can we also apply the system of majority rule at an international level? In the latter case, we put aside entire nations. Is this acceptable? It is certainly not acceptable for the nations concerned. The reason why these nations joined the organization in the first place, was to solve problems that escaped their power and to recapture their sovereignty. They will never accept to be outvoted.

But then again, the people of every individual state have less democratic power when they are outvoted minorities in a larger entity, but the 'people' of the whole have more democracy because they are now able to solve problems they were not able to solve when they were still divided. We accept the existence of minorities in state level democracies, so why not in international 'democracies'?

The fact that international institutions take away a part of the sovereignty of states in order to be able to solve certain problems, does not have to imply a weakening of democracy. On the contrary, it can imply the rescue of democracy, on the condition of course that these institutions are governed democratically. Large-scale international cooperation is not per se undemocratic. True, it is much more difficult to organize it democratically. Small groups have the advantage of allowing more people to participate and of giving each individual more influence and control, and the smaller the better. Even the nation state can be less democratic than a town meeting. But larger groups have the advantage of being able to solve certain problems in a better way than small groups. If democracy means determining your own life, then it also means being able to decide something and to solve problems. A small group which allows everybody to speak and decide and to have a real influence on things, can hardly be called democratic if it cannot solve some of the major problems of life. A larger group may force people to participate less and to have less influence, but its size allows people to cooperate and to tackle some important problems. Such a group may be more democratic than a smaller group because 'its capacity to cope with certain matters (...) would be greater. On this view, a unit large enough to deal with matters of importance to the people concerned will always be more democratic than any smaller unit'.⁹ This is a nice way to counter the argument that democracy is only appropriate for small groups in pre-modern societies.

Conclusion

Sovereignty remains an important concept. The sovereign nation state still is an important guarantee for democracy and human rights. Precisely for this reason, what we may call new sovereignty does no longer apply to all states. Non-democratic states or states which harm human rights should no longer be able to hide behind their sovereignty. Some evolution in the legal rules that are applicable is required in order to attain a new kind of sovereignty.

This new sovereignty will be an absolute sovereignty for democracies which respect human rights, and a conditional sovereignty for all other states. These states will lose a part of their sovereignty in

proportion to the gravity of the rights situation in their territory. They will lose their sovereignty completely in the worst cases, only partly in other cases.

The purpose of state sovereignty is not the possibility for a state to oppress its people. Only freedom can be allowed to benefit from sovereignty because freedom in the sense of human rights and self-government is the purpose of sovereignty.

The current definition of sovereignty as the absolute freedom of states to do as they like, has become an anachronism. States are less free than ever before. Interdependence has become the rule. Sovereignty is limited. International institutions which try to manage this interdependence should be organized democratically because self-government and control are the purposes of international institutions.

Filip Spagnoli, PhD.

Notes:

¹ This paper is loosely based on some paragraphs which appeared in Filip Spagnoli, *Homo Democraticus, On the Universal Desirability and the not so Universal Possibility of Democracy and Human Rights* (London: Cambridge Scholars Press, 2003), or which will appear shortly in Filip Spagnoli, *Democratic Imperialism, A Practical Guide*, also with Cambridge Scholars Press.

² It is not impossible to imagine the current nation states as some kind of decentralized units of a future global federal state. Just as the municipalities or federal units of current federal states do not have to relinquish their democratic organization of local matters, there is no reason to believe that some form of democracy for the nation state level has to disappear when more and more matters are regulated and organized on a regional or global level. One can only hope that this regional or global level will also be organized in a democratic way, at least in a more democratic way than is the case today.

³ I have argued elsewhere (see note 1) that democracy and human rights necessarily go together. If the sovereignty of the state is but a means for the sovereignty of the people, then it is also a means for human rights because there is no sovereignty of the people without human rights.

⁴ A. Cassese, *International Law in a Divided World* (Oxford: Clarendon Press, 1992), p. 161.

⁵ Vienna Declaration and Programme of Action 1993, Adopted by the World Conference on Human Rights, doc UN A/CONF.157/23.

⁶ M. Akehurst, *A Modern Introduction to International Law* (London: Harper Collins, 1991), p. 296.

⁷ The peace of Westphalia of 1648 is the start of the modern system of sovereign nation states.

⁸ D. Beetham, *Politics and Human Rights* (Oxford: Blackwell, 1995), p. 5.

⁹ R.A. Dahl, *Democracy and Its Critics* (New Haven/London: Yale University Press, 1989), p. 205.