THE CONCEPT OF STATE SOVEREIGNTY: HISTORICAL DEVELOPMENT AND ROLE IN THE MODERN WORLD ORDER

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ABSTRACT

The article is devoted to the study of one of the most urgent questions of modern political science - the question of state sovereignty. Taking into account the breadth of the question, the authors selected only a few issues as their object of study, that the most important from the point of view of their influence on the formation of statehood and the modern world order. The authors consider the following questions: the genesis of the idea of state sovereignty; analysis of the main problems of the implementation of ideas of state sovereignty in the modern world. These questions determined the scope of the entire scientific research of the authors.

Noting that the aggravation of the problem of state sovereignty in the modern world is based on the processes of globalization, the authors turn to the ideological sources and content of current concepts of sovereignty as the antipode of globalization. With this end in view, the authors analyze the theoretical concepts of J. Bodin, T. Hobbes, J. Locke and other thinkers of the past, as well as the views of modern scholars on the essence and typology of sovereignties. The influence of the conceptual development of the idea of state sovereignty on the process of folding of European statehood, in particular the Westphalian system, is explored in historical, political and legal aspects.

In this article special focus is paid to the question of the correlation between the nominal and true sovereignties of states. There is a practical need to resolve this issue in connection with the situation in South Ossetia, Abkhazia, Transnistria, etc.

The authors suppose there are two main problems of the modern world order connected with sovereignty. On the one hand, it is "blurring" of the borders of state and national sovereignties, and on the other hand, it is the attempts of individual states, that are not satisfied with the modern world order, to isolate themselves from the rest of the world and find its own particular way. The authors believe that the further development of these tendencies poses a threat to the established world order.

Within the presented research, it was concluded that in the current world order no state has absolute sovereignty. Worldwide processes are actually managed by a small number of superpowers - "center of power". But because of the processes of globalization, even the superpowers are compelled to seek compromises among themselves and negotiate, transferring some of their powers

to supranational structures (such as the United Nations). In this regard, the role of supranational structures in the processes of limiting the sovereignties of modern states is analyzed.

Keywords: sovereignty, the Westphalian system, the concept of state sovereignty, desovereignization, the modern world order, supranational structures

INTRODUCTION

Globalization can be treated differently, but one cannot but admit that in the modern world this process is gaining momentum and now globalization is an integral part of the domestic and foreign policies of most states on the Earth. International integration in the economic and political spheres only confirms this thesis.

The international division of labor, together with the presence of a single commercial, economic and financial market, objectively conditioned the situation in which many countries became links in a single production chain, largely predetermining their internal development. The most important components of vital activity of state, such as the standard of living of the population and the possibility of making independent political decisions, depend from the place that it occupies in this single system of world production. At the same time, even the strongest "players" of this system can not appear absolutely independent in it, since they depend on many factors conditioned by the functioning of the system itself. What can we say about the "players" of the weaker, whose belonging to this system forces to follow the policy determined by the "strong".

In a sense, these countries are "hostages" of the global integration process, functioning according to its rules and having its own goals, which do not coincide with all the goals of the national development of individual state. However, being bound by long-term economic and political agreements, these countries are often forced to sacrifice their national interests for the sake of the overall development strategy of this global system. So-called "bloc thinking" triumphs.

Thus, there is a gradual restriction of state independence of a number of countries (and not only underdeveloped countries). Restricting themselves initially only in foreign policy and foreign economic spheres, many countries subsequently begin to experience attempts to restrict their domestic sovereignty, which should be regarded as a natural result of globalization.

This state of affairs suits far from all. Now, increasingly in different countries, both politicians and ordinary citizens are asking themselves: will this trend lead to a complete loss of independence, and whether it is possible to maintain its sovereignty while remaining within this global system? People of different states responds to it in different ways. But in some cases the answer to this and similar questions provokes the aspiration of peoples to self-determination. And this process does not always happen in a peaceful manner. In some regions, the issue of sovereignty is decided not through legal procedures (like in Scotland in 2014), but with weapons (the territory of the former Yugoslavia, Moldova, South Ossetia, etc.), which leads to huge disasters. Each of the sides of the conflict proceeds from their own understanding of state sovereignty and their own interpretation of the right of people to self-determination, therefore, attempts to resolve this problem, undertaken by the international community, often prove ineffective.

In our opinion, such background is largely facilitated by the absence at the international level of a unified approach to understanding the essence of sovereignty as such, its significance for the modern world order. Under the influence of geopolitical processes of the last decades, the idea of state sovereignty was transformed into an idea with a very ambiguous content. Such uncertainty makes it possible to read into it a different meaning depending on the political situation. In some cases, sovereignty is treated as an inalienable right of any people, in others it is regarded almost as a synonym for separatism.

For Russia, the problem of ensuring its sovereignty is not only the subject of scholarly discussions. This is a practical task of the system of state power. Do not forget that our country is a

multinational federation, consisting of many very different sub-sovereigns. With the weakening of the consolidating role of the federal center, it is quite possible that one or another extremist groups in the sub-sovereigns will try to play the script for the struggle for national self-determination.

In view of this, the study of the genesis of the idea of state sovereignty, as well as the analysis of the problems of its implementation in the modern world, are an actual scientific and cognitive tasks. We tried to make a feasible contribution to its resolution by our research.

RESULTS AND DISCUSSION

1.The idea of sovereignty as a theoretical basis for the development of European statehood in XVII-XIX cc.

There is no need to prove that the modern European statehood is based on the principles of state and people's sovereignty, which is the quintessence of the centuries-long development of scientific views on the essence of supreme state power, the ways of the best organization of state administration, and the role of the monarch in these processes. Hence it seems obvious that the heart of the matter of today's problems of European sovereignty (both domestic and foreign) is due precisely to this age-old ideological transformation, and is associated with the "blurring" of many conceptual provisions of previously formed theories. In this regard, the appeal to the process of the emergence and development of the idea of state sovereignty will make it possible to understand its true meaning, and therefore will allow us to better understand many of the problematic aspects of modern European statehood.

In the history of European scientific thought, the idea of sovereignty as an independent theory first arises in the work of the French scientist and statesman Jean Bodin "The Six Books of the Republic" ("Les six livres de la Republique", published in 1576). Undoubtedly, his views were significantly influenced by the ideas of N. Machiavelli, whose work he took as a basis. Largely due to this, Bodin interpreted sovereignty as the extension of the monarch's power to a certain territory. Later his theory was developed by Thomas Hobbes, but already taking into account his own views on the essence of power and the state. In 1651 his book "Leviathan or The Matter, Forme and Power of a Common-Wealth Ecclesiasticall and Civil", was published. In this book he made an attempt to distinguish two types of sovereignty: absolute sovereignty and sovereignty of individuals. In the first case it is an unlimited supreme power in the territory of a certain country (inextricably associated with the personality of the monarch), and in the second case it is the power of each individual (if the ruling dynasty was broken and the state ceased to exist as a single whole).

The further development of the idea of state sovereignty, was headed in the direction of improving the concepts proposed by J. Bodin and T. Hobbs. Throughout the XVII century, attempts were made to theoretically justify the need for legal and moral restrictions on the power of the Supreme ruler, but it was generally not possible to create specific mechanisms for such restrictions. The turning point in this sense were the writings of John Locke and his followers in the eighteenth century – Jean-Jacques Rousseau, Charles-Louis de Montesquieu, etc. Thanks to Locke at the end of the XVII century the doctrine of constitutional sovereignty was formed and became the basis for limiting the absolute power of the state, which had previously dominated the personality. According to this doctrine, a people inhabiting the territory of a state delegates only punitive powers and the administration of justice, and even then within the limits of natural rights. Later, Rousseau in his theory of social contract proposed the concept of national sovereignty, in which the source of power in the country is the people who exercise the function of rule the state through the government. However, even before that, on the basis of previous concepts of state sovereignty in Europe there was appeared a new system called the Westphalian system (by the name of the treaty of peace after the Thirty Years' War), according to which the state within its territory possessed the monopoly right to make decisions that affect the lives of all subjects or citizens. Before the Westphalian system was fully established, the Papal state was the main sovereignty almost all over the continent for many centuries. So, the Pope could actively intervene both in foreign and domestic policy of European States and within wide limits. This background clearly did not suit the

rulers of large States on the continent, especially by this time the first stage of the formation of national States in Europe was finished.

It cannot be claimed that it was just the Westphalian system that enshrined the principles of national sovereignty, non-interference in the domestic affairs of other countries and their equality. We can state with confidence only that it consolidated the new political realities that had developed in Europe, primarily in inter-state relations. However, the importance of the Westphalian system for the European and global order is enormous. After all, it existed with certain changes until the beginning of the XXI century. Even in the conditions of profound changes in the modern world order, taking place in recent years, it is impossible to say that the world community has completely abandoned the principles of the Westphalian system. This system has become a regulator of international relations, when the strong imposes his will on the weak, but at the same time showed the feasibility of finding compromises by creating a balance.

During the XVIII and XIX centuries there was a process of reforming the Westphalian system and rethinking the main components of sovereignty. It was then that the principles of territorial integrity of the state, non-interference in domestic policy were formulated. As a result of the Vienna Congress in 1815, the legal inequality of countries in international relations was established, which continues to this day (despite the fact that all countries are declared equal in international law). According to the decision taken at the Congress, States were divided into two types: "broad sphere of interest" and "narrow sphere of interest". The great powers had the right to exchange ambassadors, and the rest only attorneys or delegates [1]. Consequently, they could not have a real impact on international political processes, even formally. In the category of great powers in the first place were the countries that defeated Napoleon, but in the future they were added by the US, Germany, France, and then Japan. It is impossible not to draw certain analogies with present days, when the fate of the world is decided by a relatively small number of countries.

Thus, the question of state sovereignty in any form, whether in terms of the possibilities of state power within the country or in international relations, in terms of the right of the nation to determine all aspects of its national life and other aspects, has been and now is remaining an urgent problem of state and legal reality.

This problem is the subject of scientific analysis for modern scientists. At various times it was studied by Damon L. [2], Price M. [3], Powers S. [4], Kayumova A. R. [5], Chernyak L.Yu. [6], Musikhin G.I. [7], Vasileva T. A. [8], Volkova G.I. [9], Terentyeva L.V. [10] and etc. Many of them paid considerable attention to the typology (classification) of sovereignties.

In the context of our research, the classification of sovereignty on the basis of the real possibility of effectuation of sovereignty in a particular territory is attracted particular interest. According to this classification, they are divided into nominal and true.

By the names in this typology you can make a conclusion that nominal sovereignty is most often enshrined in the constitutional and legal acts of the state, but the real power of the owner of nominal sovereignty in the territory no longer extends. True sovereignty, conversely, is characterized by the entity that exercises power in this territory, while this power may not be legally formalized, but in fact all the processes in the territory under its control. For example, South Ossetia, Abkhazia in relations with Georgia, as well as Transnistria in their relations with Moldova. Formally, in both the first and the second cases, these countries are one state, since both Georgia and Moldova do not recognize the loss of these lands from their jurisdiction, but real sovereignty in these republics is exercised by elected governments that have nothing to do with Georgia and Moldova. In addition, these republics have received international recognition of their independence, however, from only a few States. But there is a legal document from Georgia and Moldova (nominal sovereignty), and there is actual power (true sovereignty) from the Republican governments exercising power in these independent States. Thus, for the abovementioned States, the question of the correlation between nominal and true sovereignty is far from theoretical.

In general, the analysis of the current geopolitical and international legal situation allows us to say that the two main problems of the modern world order related to sovereignty are, on the one hand,

the "blurring" of the borders of state and national sovereignty, and, on the other hand, the attempts of individual States, which are not satisfied with the current world order, to separate from the rest of the world and find their own special way. All the rest are in most cases derived from them. The first process leads to the total hegemony of one country or a bloc of States, since equality in international relations, unfortunately, is not achievable, and the second - to the growth of a global disorder that can result, given the potential of modern weapons systems, in a big war. The gradual limitation of the sovereignty of States has led to the emergence of theories [11], [12] that deny the sovereignty of States as such, a kind of "nihilism of sovereignty", but, in our view, it is too early to talk about the death of this political and legal phenomenon. However, it is clear that the processes of de-sovereignization become a reality of the modern world order.

2. The role of supranational organizations in the process of desovereignization of modern states

The processes of desovereignization are very heterogeneous and occur on several models. On the one hand, it is a Eurocentric, and on the other - an American model. The Eurocentric model is more democratic, as it proposes to take into account the interests of as many international players as possible by creating international organizations and institutions with the right to global sovereignty. The American one is a classic Imperial model, according to which any international supra-state structures can work effectively only if states do not lose their sovereignty, but only delegate part of their powers to these structures [13]. The latest global financial crisis has confirmed the greater viability of the American model at this stage. Even in the territory of the European Union, states with great economic potential (Germany, France), primarily, followed their national interests, saving their economies from collapse, and only then pulling the rest of the European economy and it was not unselfish. All of this is due to globalization, which is inevitable today.

The Westphalian system of sovereignty has indeed undergone the greatest changes today, but its core remains unchanged, as it was a hundred and two hundred years ago, the relatively small number of states – the "centers of power" - are actually managing the global processes and trying to form a conglomerate of weaker states around them. That is, it becomes obvious that there is no full sovereignty for all, but thanks to globalization processes, even the "centers of power" - superpowers - are forced to seek compromises and negotiate among themselves, delegating part of their powers to supranational structures, which should become universal regulators of interstate relations. However, supra-state structures (for example, the United Nations (UN)) are not self-sufficient, their global sovereignty is primarily ensured by the sovereignty of individual states. In this case, for the UN enshrines the right of interference in the domestic affairs of states. Paragraphs 1-5 of article 2 of the UN Charter establish that the principles of organization apply to members of the United Nations, and in paragraph 6 of the same article stipulates that the UN provides the activity of the states which are not members of the UN, in the framework of these principles in order to maintain international peace and collective security. That is, the UN has the right to intervene in the domestic affairs of any state on the earth. Of course, the inclusion of this provision in the Charter was appropriate in the interests of the majority, but it was totally contrary to the theoretical provisions on the essence of sovereignty [14]. It is another matter whether the UN will intervene in these affairs and what kind of intervention it will be, because this organization is a highly bureaucratic structure that is unable to respond quickly to changes of the international situation. While the UN was originally intended to peacefully resolve conflict situations between the Capitalist system and the Communist system, at the present time conflicts occur because of the unfair distribution of benefits and resources in capitalist states. These are purely economic issues that are being resolved within the framework of the WTO, the IMF and the G-7 [15]. The correlation between the two fundamental principles of the UN Charter also raises many questions. On the one hand, there is the principle of the territorial integrity of states, and on the other, there is the principle of self - determination of peoples and nations. Not only do these principles contradict each other, they do not fit within the framework of the theory of state sovereignty. How can a state ensure its integrity if in the face of the threat of separatism it can be accused of restricting the right of a nation to self-determination that is hanging like the sword of Damocles over It? This issue is

particularly acute for Federal states, which are populated by a large number of different peoples. In this situation, almost any Federal state risks either falling apart as house of cards or being accused of oppressing an ethnic group.

Besides purely legal and formal issues of the work of supranational structures, there are problems with their real activities. The last twenty years have seen the emergence of new "power centers" that are now demanding a review of the world order and clearly not going to agree with the leading role of the United States, while the United Nations by approving of "humanitarian interventions", has undermined confidence in itself as a fair international regulator. At the same time the authors would like to recall to the idealists who advocate for equality and justice in international relations, that the UN was created not to achieve universal equality and justice, but as an attempt to streamline international processes in order to harmonize and, accordingly, to ensure the interests of the strongest states in the world.

If we discard the unnecessary idealism, it can be noted that, despite the declaration of beautiful theoretical doctrines, there is policy of double standards in the field of real provision of sovereignty of states (at least - at the international level). The world community allows to developed countries, primarily the United States, much more than others. True sovereignty is conditioned by the military and economic potential of the country, its ability to influence world processes depends on it.

In addition to the processes of desovereignization occurring at the international level, the process of desovereignization also occur within democracies. The more rights and freedoms the state recognizes and actually provides, the more state power restricts its sovereignty, being influenced by various institutions of civil society represented by parties, public organizations (including international non-governmental organizations), trade unions. Besides it, you should take into account the institution of lobbying when subjects deprived of a real opportunity to participate in politics (for example, commercial structures) promote the necessary decisions through interaction with parties, up to direct bribery.

The problem of true sovereignty is also evident at the regional level. For example, how can Tajikistan take frankly not friendly position towards Russia, if according to the World Bank, remittances of migrants (working mainly in Russia) in 2016 amounted to 52% of GDP [16]. From a formal point of view, Tajikistan does not cease to be a sovereign independent state, but in fact, when making important decisions, the Republic will have to look back at its northern neighbor. Thus, the processes of limitation of sovereignty, both at the global and regional levels, are given due to objective economic and political factors.

CONCLUSION

The process of limiting sovereignty in the twenty-first century is irreversible. In today's world order, no state has absolute sovereignty. This is facilitated by close economic and geopolitical ties, as well as the existence of supra-state structures (like the UN), to which even the super-powers are forced to delegate some of their authorities. However, these supra-state structures are not self-sufficient and may not always be universal regulators of international relations. In this regard, the Russian Federation needs to careful consideration of all the risks associated with participation in supranational international organizations in order to ensure its national interests in the international arena. It is quite possible that at the present stage of development of our country it will be necessary to rethink the concept of the priority of international law over national law. In order to minimize all the risks associated with decision making in this area, it is necessary to involve the scientific community more actively in this process, since politicians are not always able to correctly assess the consequences of their decisions. It is wrong to say that we definitely need to amend our Constitution, because regardless of whether the provision on the priority of international law is retained or not, our sovereignty will remain limited due to the huge number of informal financial and economic ties, from which it will be much more difficult to get rid of. Herewith breaking these tie at once without creating a sustainable platform for the development and promotion of our

fundamental positions in the international arena, we risk to be "off" all of the world's most important processes. In this situation, we will definitely not be able to have any influence on them.

Conflict of interest

The authors confirm that the presented data do not contain a conflict of interest.

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