

## THE CONCEPT OF SOVEREIGNTY

National and international politics today is dominated by the notion of sovereignty and contests over it. Sovereignty, according to its defendants, both in theory and practice, aims at establishing order and clarity in what they describe as a turbulent and incoherent world.

The term sovereignty is derived from the Latin word 'Superanus' meaning supreme or paramount. Thus the etymological meaning of sovereignty is the supreme power of the state. The idea of sovereignty entails that there is a political authority in a community and it has been entrusted with undisputed legal right to determine the framework of rules and regulations in a given territory to govern the members of that community. The exercise of the supreme power by the state is commonly called 'sovereignty' and states are, therefore, described as 'sovereign'. The use of the word 'sovereignty' as a technical term in political science dates from the publication of a work called *The Republic* by the French thinker Jean Bodin in 1576 A.D.

The sovereign state system in Europe emerged as a response to specific historical circumstances. By the 16th century, the Church in Europe was beginning to lose control over the state and societal structures since these were moving in a secular direction for a variety of reasons. The main components of the new cultural and political milieu of which the idea of sovereignty is a product are mentioned as under:

- Expanding avenues of trade
- New forms of manufacturing industries
- New developments in art, culture, philosophy and of course
- Systematic expansion of scientific and technological base accompanied by a challenge of doctrinaire religion.

## DEFINITIONS OF THE CONCEPT OF SOVEREIGNTY

- J. W. Garner, "Sovereignty is that characteristic of the state in virtue of which it cannot be legally bound except by its own will or limited by any other power than itself."
- Jean Bodin, "Sovereignty is the absolute and perpetual power of commanding in a state and a supreme power over citizens and subjects unrestrained by law." J. Bodin also defines it as, 'the supreme power over citizens and subjects, unrestrained by laws.'
- Hugo Grotius, "Sovereignty means freedom from foreign control."
- Harold J. Laski. "The modern state is a territorial society, divided into government and subjects, claiming with its allotted physical area, supremacy over all other institutions."
- J.W.Burgess writes, 'I understand by it, the original, absolute, unlimited, universal power over the individual subject and all associations of subjects.'
- W.F.Willoughby styles sovereignty as, 'the supreme will of the state'.
- R.G. Soltau, "sovereignty is the exercise of final legal coercive power of the state."

## Summing Up Definitions

To be a sovereign, one must have absolute authority upon the society and the members of the society must obey his command. At the same time, sovereign must also ensure that there is no final and absolute authority upon him and he is free from all the external forces.

## TWO DIMENSIONS OF SOVEREIGNTY

There are two sides of sovereignty:

**Internal Dimension of Sovereignty:** Sovereign authority exercises supreme command within a given territory. Internally, the state is considered to be sovereign and has

supreme authority within its borders. This implies that no higher authority exists internally above the state to take any coercive or any other action. Sovereignty enjoys absolute authority over the individuals and institutions of that region and sovereign has exclusive power to formulate rules and regulations for them. It thus means the final legal power of the state to command and enforce obedience to its authority. Its orders are final to all individuals or associations within the boundaries of the state.

**External Dimension of Sovereignty:** Sovereign is free from all exterior pressures. It upholds independence of the state from the control or interference of any other state in the conduct of international relations. The sovereign status of the state is not destroyed by the conclusion of any treaty with other states, or by the rules of international law. These are 'auto-limitations and are obeyed at will of the state.' There is no other authority which can coerce it into obedience. Its will is its own, unaffected by the will of any external power.

### **CHARACTERISTICS OF SOVEREIGNTY**

- **Absoluteness:** The sovereign authority is supreme and absolute both in internal as well as external arena. It is unlimited and subject to no legal limitations. It implies absence of any restraint on its authority, either from within or without.
- **Permanence:** Sovereignty is permanent feature of the state. As long as the state maintains its independence, sovereignty lasts. The two are inseparable. Governments may be formed or dissolved according to established procedure, but the continuity of the state will not be affected by such changes. It does not cease with the 'death or temporary dispossession of particular bearer or reorganization of the state, but shifts immediately to a new bearer as the centre of gravity shifts from one part of a physical body to another when it undergoes external change.'
- **Indivisibility:** Sovereignty cannot be divided between different sets of individuals or groups. In every state, sovereignty is vested in a single body. The division of sovereignty means the destruction of sovereignty. The notion of a 'divided, fragmented, diminished, limited, relative sovereignty' is the negation of sovereignty. Here it should be mentioned that pluralists have a different notion of sovereignty.
- **Universality:** Sovereignty extends to all individuals, groups, areas and things within its territory. Sovereignty is all-comprehensive in its nature. A sovereign state does not recognise the existence of any rival within its jurisdiction. Neither any person nor any organization can affect the sovereignty of the state within its territory. The only exception to the universality of sovereignty is the extra-territorial jurisdiction allowed to embassies. But here it must be remembered that the state grants immunity or extra-territoriality to the officials of embassies including; Envoys, Ambassadors, UN officials, Foreign Heads of State etc.
- **Inalienability:** Sovereignty can no more be alienated (from the state) than a tree can alienate its right to sprout or a man can transfer his life and personality without self destruction. 'Sovereignty can no more be alienated than a tree can alienate its right to sprout or a man can transfer his life and personality without self-destruction.'
- **Exclusiveness:** The sovereign power of the state is exclusive. No individual or association within and outside the territory of a state can compete with it. There is only one sovereign power in a state. It alone is legally competent to command the obedience of its inhabitants.