

Sovereignty Revisited: European Reconfigurations, Global Challenges, and Implications for Small States

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The question of sovereignty and its links with autonomy, the power of nation-states, and the role of globalization has been one of the most intractable issues in debates surrounding the European integration process and interactions between member states and the European Union (EU). My research reconsiders the problem and proposes a new way of tackling it.

National sovereignty is defined by the dynamics between ultimate domestic control and mutual recognition among units making up the international system. It exists in the border zones between territoriality and extra-territoriality — more and more uneasily as the world is globalized and regional integration processes challenge the divide between domestic and foreign-policy domains.

These developments represent the most recent stages in a longer transformation process, both in Europe and elsewhere. Since the early 1970s, the notion of sovereignty has been affected by "interdependence": "sovereignty is not virginity, which you either have or you don't," as former UK Foreign Secretary, Sir Geoffrey Howe, argued at the point when the Cold War was coming to a close.

My argument is that the sovereignty question in Europe is best analyzed as a three-dimensional structure, each dimension representing different qualities and gradations of sovereignty, and the three tiers interlocking in different ways for nation-states located at different points on the international power continuum.

As regards the EU-*internal* perspective, the EU can only be instrumentalized on condition that sovereignty is no longer an operative principle in the internal interaction among member states. There is a trade-off between sovereignty and influence, power and interest in a post-sovereign context, where nation-states are no longer the sole, highest, or ultimate arbiters of authority.

This does not mean that nation-states no longer exist, only that they exist, in the EU, in a format whereby national interests have become divorced from national sovereignty. EU member states are autonomous, but not sovereign units of governance. ("Autonomy" is here taken to imply the freedom and space to govern, manage, and act, in conditions largely determined by extraneous and dominant agency). Rule-making in these conditions takes place in the state-external political space, although domestic actors can participate in or be consulted regarding legislation and practical enforcement. Member states accept these limitations of their sovereignty because they perceive them to be necessary, even desirable for the pursuit of national preferences.

Concerning EU-*external* relations, things work more according to a traditional template of interstate interaction, though significant changes have also taken place here. The external question subdivides into two separate but interdependent dimensions.

On the first dimension orthodox sovereignty is retained. International institutions, notably the UN, as well as extra-EU state actors recognize member states as sovereign, not the EU. France, not the EU, is a permanent member of the Security Council. Denmark can make bilateral trade agreements with China that are based on the mutual recognition of sovereignty. Germany can oppose US intervention and war in Iraq, while Britain and Poland can support it. NATO membership is national, not communitarian.

As far as EU membership is concerned on this dimension, member states give away their bargaining rights in certain external policy areas and thus some factual external sovereignty, but this does not affect their legal (de jure) sovereignty. The EU assumes some external "personality," but no legal sovereign existence. Member states appear on the external political stage largely as sovereign units taking their place in the normal workings of the international order.

We are faced, therefore, with an ambiguity: internally in the EU, the units have lost their sovereign quality; externally, their sovereignty is retained, though modified in scope and strengthened in influence due not least to the EU "shield." The situation is further compounded by the second dimension, which I refer to as licensed sovereignty.

Licensed sovereignty is a form of national independence whereby the substantial instruments of ultimate control reside outside the national context, and where domestic law and order as well as state-external influence are exercised within a political franchise system recognizing "sovereignty" in return for compliance with global norms. This is part of the process through which states are being re-functionalized to assume new roles in a global order implying a more clear-cut differentiation between cores and peripheries, weak and strong states.

The case of Iraq, where the United States while keeping its troops in the country and remaining in factual control, in 2004 handed back sovereignty to politicians carefully selected for their pro-US sympathies, illustrates the paradoxes of licensed sovereignty. Whereas the formal skeleton of authority was now filled with persons carrying Iraqi names and legitimate credentials, real power (including the option to overrule by force any decisions running counter to American preferences) remains in US hands.

Processes of this nature bear witness to the erosion of the traditional core unit of international relations. The success of states depends on abandoning old-fashioned claims to ultimate control. In this sense, sovereignty is a right held on condition that certain political preferences, normative standards, and economic policies are maintained.

The conclusions are fourfold.

1. The sovereignty question in the EU must be conceived as a triangular structure, where nation-state sovereignty is no longer an operative or helpful analytical concept internally, because the interaction between member states and EU institutions has assumed post-sovereign characteristics. Externally, member states both retain sovereignty qualities and see them challenged by global processes.
2. This means that we must conceptualize member states as both sovereign and not. Sovereignty is significantly a relational thing; different relations mean different qualities and competences in different settings.
3. Small states inside the EU stand to gain considerably from this restructuring of the landscape of sovereignty. Internally in the EU, the trade-off between sovereignty and political clout

creates a more dependable political and economic environment. Externally, the EU enhances the sovereign qualities of vulnerable member states, and acts as moderating buffer against the turbulence and unpredictability of global challenges.

4. The EU itself possesses some of the formal trappings of a sovereign unit, but is nevertheless not recognized in those terms. Internally, this is the case because it would require that member states recognize EU institutions and actors as supreme and sovereign, and abandon all symbolic gestures and discourses of national sovereignty. Externally, the same holds true, but with the difference that here member states as *nation-states* are recognized and behave as sovereign entities, and the EU appears, if at all, as a representative of the regional setting, adding weight to the interests of member states. This may be in for a change, but as both the Iraq conflict and the debates over the Constitutional Treaty have shown, there is still some way to go before such ideas can be transformed into political practice.