

## **SOVEREIGNTY: COMPARATIVE ANALYZE**

By Boleslaw K. Jaszczuk  
Poland

### **1. Sovereignty–definition**

The Oxford Dictionary defines sovereignty as *fully self-governing and independent in foreign affairs power* (1). It means that sovereignty could be identified with individual states` ability to make sovereign decisions not dependent on any external pressure. In contemporary world full sovereignty is rather impossible because every state, even superpowers, have to fulfill their obligations as a result of membership in international organizations, and requirements followed by agreements they signed with other states. Moreover, states may independently decide in some spheres of its activity and not in others. It means that nowadays the phenomenon of partial sovereignty is dominating and only a grade or “percentage” of sovereignty could be considered. Thus, it is justified to separate these spheres such as legal, political and economic. Consequently, the Montesquie`s separation of power scheme should be revised.

### **2. Sovereignty and separation of power**

The term “separation of power” could be regarded from two different points of views. The first one, Montesquie`s authorship reflects only technical essence of separation of power taking into account relations between three subjects of state authorities. This model is limited to internal political system without state relations with foreign and international subjects, thus it concerns real independent and sovereign states. Such an approach was justified in 18<sup>th</sup> century. But, in contemporary world it is necessary to take into account various dependencies which formally independent and sovereign states are faced with.

It is also worth to add that the classical Montesquie`s model does not work completely even in most democratic systems. For example, in several countries there is not a separation between legislative and executive power since members of a parliament are simultaneously members of a government. The same problem concerns separation between judicial and legislative power. For an example, Constitutional Court judges in Poland are chosen by the Parliament as a legislative body (2).

The other comprehension of separation of power takes into consideration dependencies between formal sovereignty and internal relations. As a consequence of such an approach, it is justified to correct of the Montesquie`s model. Instead of technical understanding of separation of power it is necessary to see real divisions. In fact, a power has to be divided into legal, political and economic.

#### **2.1 Legal sovereignty**

Legal sovereignty is an attribute of majority of independent countries. They are able to freely introduce legal acts even if they are not in compliance with some basic human rights and are criticized by other states or international organizations, like e.g. death penalty. Moreover,

sometimes they may not respect their own laws without any external reactions. Legal sovereignty can be limited only in some cases when a state is obliged to introduce laws in accordance with international agreements signed by them.

Subordination of domestic law to external legislation is especially seen within the European Union. All of the EU Member States are obliged to strictly respect Union legislation and introduce EU legal acts into practice. Such an obligation is a *sine qua non* condition opening the door to the EU. Countries aspiring to membership in the EU started their accession negotiations with a review of their domestic law regarding its compliance with the *acquis communautaire*. Only at the moment when all of EU legal requirements are accepted a country is able to become the EU Member State. It is obvious that obligation of EU legislation concerns not only legal acts being already in force but also those unknown at this moment which would be implemented in future. Some future effects are not foreseen, like the Greece financial problems affected mostly by the membership of Euro zone. Of course, the decision concerning EU affiliation is sovereign decision made, as usual, by referendum. It means that a state consciously accepts renunciation of the part of its own sovereignty on behalf of the European Union. As it was expressed in the Polish constitution, *The Republic of Poland may, by virtue of international agreements, delegate to an international organization or international institution the competence of organs of State authority in relation to certain matters* (3). As a consequence, individual states' supreme legislative bodies elected by the people may not take any decision contradictory not only to the European Parliament resolutions but to those taken by non-elected EU bodies too. Such a situation is convenient for European bureaucracy who now is not bound by elected European or Membership States parliaments and, as a consequence, is not obliged to respect democratic standards and procedures.

## **2.2 Political sovereignty**

Though formally independent countries are able to make sovereign decisions in the international area as well those concerning relations with other states, it is rather impossible to say that they are fully sovereign. First of all, all of them including superpowers have obliged to respect requirements followed by their membership in international organizations. Otherwise they are risk sanctions imposed upon them.

Moreover, the question of political sovereignty is more complicated than the previous one. On one hand, it is known that the United States for several years made various efforts aimed at subordination of Latin American countries to their own interests which could be regarded as more or less visible interference in Latin American countries internal affairs. The same concerns former colonial imperia who continued their neocolonial policy in their former colonies.

On the other hand, political dependency is not always clear when publicly hidden pressures are not expressed *explicite*. Only when some information are disclosed, e.g. by Edward Snowden, the rest of the world could be informed about various operations hidden until this moment. The so-called color revolutions are interesting examples of them, presented in influential mass media as spontaneous actions initiated by the people against oppressive regimes. But the Russian author, Valentin Zorin argued that such revolutions are nothing else than interference in internal affairs, saying *the colour revolution scenarios are suspiciously alike, as if they were written in the same place by the same person. And there is invariably an American connection to each such scenario* (4). The case of Ukraine is the newest most

expressive example of such an interference. There a lot of proofs indicating external, namely US, inspiration and further influence over political situation in Ukraine. US interference begun 24 years ago since the declaration of Ukrainian independence was proclaimed. It was confirmed by US Assistant Secretary of State for Europe, Victoria Nuland who disclosed in an interview with CNN that Washington had allocated US\$5 billion „to support democracy in Ukraine”, but in fact to involve Ukraine in the US sphere of influence (5). Moreover Miss Nuland in an appeared on YouTube and published by BBC phone conversation with the US Ambassador to Ukraine, Geoffrey Pyatt decided who should be the president of Ukraine (6).

Sometimes it could be difficult to find “a thin border” between widening of spheres of influence and dominating aspirations. For example, there are quite different opinions on Chinese and Russian relations with other countries, sometimes described as “imperialistic” and compared with neocolonialism and other ones completely neglected such an approach. Here is no place to make a detailed analyze of this question. From my point of view, it is essential difference between colonial policy and widening of influence regarded as a normal political strategy concerning especially relatively strong states if it is not accompanied by political blackmail.

On the other hand, to defend their sovereignty relatively weak countries have to balance between their stronger partners. Some countries such as Egypt, Kyrgyzstan or Azerbaijan try not to be dependent on military equipment deliveries from only one source – US or Russia. On one hand, such an activity is normal and understandable, but on the other hand it shows that defensive sovereignty requires political manoeuvres in this field.

The above mentioned conclusions concern really neutral states not involved in military alliances. Sovereignty of military alliances member states is *ex definitione* seriously limited. It is hard to imagine that NATO countries may resign completely or in deciding measure of US military equipment. Differences between individual countries are reflected in different approach to US military bases in their territories or in more or less enthusiastic participation in NATO military actions in various part of the world. Obviously, this limited sovereignty does not concern the United States whose position in this alliance is dominating.

### **2.3 Economic sovereignty**

There are real connection between economic and political sovereignty. In our epoch military expansion was replaced by economic one. It was “*a coup d'état which used banks instead of tanks*“, said former Greek Finance Minister Yanis Varoufakis describing austerity measures applied by the creditors for his country (7). The Greece case is a classical example of lack of economic sovereignty related to states involved in common currency system, those ones who are almost fully dependent on good or bad will of their stronger partners.

Another aspect of economic sovereignty concerns globalization. Formally independent countries are loosing their economic independence step-by-step alongside with expansion of globalization processes. *The nation-state, which has been the center of political and (to a large extent) economic power for the past century and a half is being squeezed today –on one side, by the forces of global economics, and on the other side, by political demand for devolution of power*, wrote Joseph Siglitz in his book entitled “Making Globalization Work” (8).

Globalization encourages financial transnational and national capital represented by strong economic power to widen its expansion on various markets. At the same time capital engaged in productive and especially service sector, mainly wholesale trade, is permanently seeking for new sales territories. Expansion of these two kinds of capital seriously limited development capabilities of many countries whose domestic production and services are not able to effectively combat aggressive and more competitive foreign capital also weakening their domestic banking sector. Thus, so-called transformation from socialist to capitalist system, inspired or not by most influential West centers, has created favorable conditions for this expansion to new relatively absorptive sales territories. EU enlargement in 2004 was the next step in this path. Thank to this enlargement enabling non-customs-barriers export to Central and East European countries, “old” EU Member States were able to reduce their increasing year by year current account deficit. German economy, largest in the EU, has transformed its deficit of US\$25.2 million in 2000 (9) into surplus of US\$103.770 million in 2004 (10).

Dependency on strongest financial powers, both national and international, especially concerns relatively weak economies which need loans for realization of their development goals, and to reduce their debts. However, the International Monetary Fund, which is most important source of financial credits, is ready to provide financial support for countries interested in but at the same time it requires a fulfillment of strictly defined criteria. In spite of several times declared its “human” approach to developing countries, it continues its general guideline imposing neo-liberal fiscal and monetary requirements and recommendations as a precondition of opening of credit lines. “*A priority for all countries (...) must be to protect the hard-won improvements in economic fundamentals – more sustainable debt levels, lower inflation, liberalized trade and structural reforms*”, declared the IMF Deputy Managing Director Takatoshi Kato (11). It is known that such requirements and recommendations, including privatization, concern not only developing countries but indebted EU Member States too where strong austerity measures are applied.

Likewise in the cases of political and partly legal sovereignty, economic sovereignty is limited by obligations to respect rules defined by international organization, such as the World Trade Organization or the World Customs Organization, which individual states are members of. But one serious problem is appearing at this moment. Theoretically all of the member states have equal rights and equal obligations they must fulfill. But only theoretically, what can be illustrated by the case of the dispute within the framework of the WTO between Antigua and Barbuda in one side and the US on the other one. Due to the WTO rules, even one of the smallest states may accuse a most influential world superpower of using measures protecting domestic market. In this case against foreign gamble and betting services. So Antigua and Barbuda did it. However, despite of the fact that WTO has solved this dispute in favor of Antigua and Barbuda, the US ignored it and did not introduce WTO recommendations into practice (12). As we can see, limited sovereignty of some countries is compensated by over-sovereignty of others.

### **3. Sovereignty of former socialist countries. Case of Poland**

When in 1989 political system in Central and East European countries has been changed Polish policymakers and mass media in my country argued that we regained independence and sovereignty after more than 50 years of “Soviet occupation”. To confront such a slogan with reality it is worth to compare real sovereignty of the Polish People’s Republic and a contemporary state.

With regard to legal sovereignty, Polish authorities were fully sovereign in their decisions concerning national law. The Soviet Union did not interfere in lawmaking process and each of socialist countries could freely introduce their own regulations. Now, as it was written in the previous part of this paper, Polish law must be compatible with European regulations which obligatory have to be introduced.

Political and military sovereignty was limited with regard to Warsaw pact membership. Polish foreign policy was realized generally in accordance with Soviet and other allies political guidelines. Now the similar situation we are faced with, whilst Poland as a member of the NATO and the EU has to respect common agreements worked out within these structures where the US has a decisive voice. The difference consists in relations with both of “Big Brothers”. Whilst Polish authorities since 1956 tried to obtain maximal possible area of its independence, in the contrary to some other West European countries uncritically accepting Soviet positions, currently Polish authorities without regard to their political orientation make efforts aimed at presentation themselves as a loyal and credible US ally. Allies credibility is used as an incessantly repeated argument justifying Polish troops participation in military interventions in Iraq and Afghanistan, as well making US military intelligence accessible to use Polish military training centre as a prison where detainees accused of terrorism were tortured. Polish position in relation to Ukraine is also completely compatible with the US one, whilst some other Central and East European countries point of view is differentiated, also with regard to relations with Russia in Poland presented as a most dangerous enemy threatening the European peace.

The scope of economic sovereignty in socialist Poland was also much wider than now. It is true that in first after war years the Soviet model of economy was adopted but it was affected by the fact that Soviet experiences were sole and known, and authorities did not want to exercise any experiments. In spite of it, even at this time some specific circumstances were taken into account, especially in relation to collectivization of individual agricultural farms, so this process was realized more slowly in comparison with other Soviet bloc countries. In 1960s and 1970s Poland, like other socialist states, tried to find its own model of economy, and to implement more or less advanced market reforms. National economic policy was completely independent and deprived of any external pressure. Though Poland was a member of the Council of Mutual Economic Assistance (CMEA) known also as Comecon, there were not obligatory regulations within this organization. It is a substantial difference between the EU managed by bureaucratic apparatus and CMEA where mutually contradictory interests did not allow to work out a model of integration acceptable by all of member states. It is known that at this time were not any foreign-owned industrial factories or banks in Poland, whilst now about 70 percent of banking sector is controlled by foreign banks and a lot of privatized companies are in foreign owners hands.

This comparison shows that the scope of sovereignty of socialist Poland was much wider than this observed now in a country of renewed capitalism.

---

## References

- (1) Oxford Advanced Learner’s Dictionary of Current English, Oxford University Press, Reprinted in Poland by PWN, Warsaw 1981
- (2) See: The Constitution of the Republic of Poland, Article 194

- (3) The Constitution of the Republic of Poland, Article 90
- (4) [voiceofrussia.com](http://voiceofrussia.com), 12 April 2014
- (5) RIA Novosti, April 22.2014
- (6) See more: Ukraine crisis: Transcript of leaked Nuland-Pyatt call, BBC 7 February 2014
- (7) [yournewswire.com](http://yournewswire.com), July 15, 2015
- (8) Joseph Siglitz, "Making Globalization Work", Penguin Books 2007, p.21
- (9) „Balance of Payments Statistics. Part 1: Country Tables. Yearbook 2004. IMF, p. 356
- (10) Ibidem, p. 1900
- (11) IMF to Assist Africa Hit Hard by Global Downturn, IMF Survey online, February 3, 2009
- (12) [www.wto.org/english/tratop\\_e/dispu\\_e/cases\\_e/ds285\\_e.htm](http://www.wto.org/english/tratop_e/dispu_e/cases_e/ds285_e.htm)