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War in Iraq: Implications for Sovereignty

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Does the war in Iraq constitute a crisis in the context of the concept and practice of sovereignty? In one sense, the lack of consensus within the United Nations and even among the United States' traditional European allies have denied the Bush administration the veneer of legitimacy that would have been extremely useful in maintaining its image as a benign hegemon. The corollary of this lack of legitimacy is the notion that, by attacking Iraq without a United Nations mandate, the United States has itself committed the cardinal sin of breaching the sovereignty of another nation-state.

If sovereignty is taken to be the cornerstone of the international system, then the US, by breaking the 'rules of the game', has surely done as much to disrupt and destabilize the international system as what Iraq might have done. Has the war on Iraq finally consigned sovereignty to the waste basket of history? On the other hand, though, the current crisis could also be interpreted as a vindication of realist thought and the triumphant resurgence of 'power politics'. If that is the case, then sovereignty, and the attendant realist notions of 'power' and 'interest', has surely been restored to primacy in the study and understanding of world politics.

This essay examines the impact of the war on Iraq on the understanding and practice of sovereignty from two seemingly conflicting perspectives, and attempts to resolve the apparent contradiction by suggesting that 'sovereignty' could be conceptualised as a normative project underpinned primarily by realist imperatives.

Right and Responsibility or Power Politics?

Prior to the war in Iraq, substantial work within the intelligentsia (albeit chiefly among liberals) had been undertaken to reconsider sovereignty by shifting the emphasis from 'sovereignty as a right' to 'sovereignty as a responsibility'. One of the more prominent examples of this exercise in reconceptualising sovereignty is the Report of the International Commission on Intervention and State Sovereignty, 'The Responsibility to Protect'. Primarily a Canadian initiative, the Report was crafted in response to Mr Kofi Annan's challenge to the United Nations to forge a consensus on the principles and processes for coercive intervention to protect people at risk and to ensure a more broadly-defined human security. Tellingly and unsurprisingly, the Report is fraught with many difficulties: it failed to receive sufficient support within the United Nations to be adopted in a General Assembly resolution and enjoys no status in Security Council deliberations. Nevertheless, it represents a possible though improbable alternative to conceptualising sovereignty, and is by no means a consensus view

of the international community.

The Report articulates, among other things, the circumstances under which the breaching of another state's sovereignty is justified, citing instances of humanitarian crisis, intra-state violence, and state failure. The last, 'state failure', is crucial for putting into practice the 'sovereignty as responsibility' doctrine. The Report, and its proponents, argues that despite outlining the criteria for external intervention in a state's internal affairs, the 'sovereignty as responsibility' doctrine is in effect a 'pro-sovereignty' doctrine. Far from undermining state sovereignty as the fundamental organizing principle of international relations, it instead seeks to address the failure of sovereignty. The argument goes: when states are incapable or unwilling to live up to the responsibilities that accompany state sovereignty, and that therefore a failure in sovereignty in sovereignty occurs, then the international community (via the United Nations) has an obligation to intervene. In other words, to quote directly from the Report, 'the principle of non-intervention yields to the international responsibility to protect.'

If one takes the realists' worldview as one parameter of the debate, and the 'sovereignty as responsibility' idea as articulated by the Report as the other, how would one then locate sovereignty within the current context of the war on Iraq? On the outset, the justification of regime change given by the Bush administration appears to adhere to the criteria for justified intervention. There is no argument that the brutality and misrule of the Saddam Hussein regime poses a threat to the human security of the Iraqi people, and that the regime has clearly failed to live up to the responsibilities that sovereignty entails. (It should be noted, however, 'regime change' is only the latest in a series of arguments offered by the Bush administration for its campaign in Iraq. Aside from the difficulty of fitting 'regime change' in the framework of the responsibility doctrine, the fact that the US government has not been consistent in presenting its other justifications has no doubt diluted the force and persuasiveness of its stand.)

The United States' actions appear to fulfil the criteria for justifiable intervention – despotic regime, repression of society, human suffering – at least when considered on the 'regime change' front. And yet, the lack of support within the United Nations for the war has been telling. There could be two reasons for this. The first is that, in the opinion of the Security Council, the then proposed intervention did not fulfil the criteria for triggering a response of justifiable intervention. The second is that the United States' rationale for regime change was seen as only a cover for US national interests and unilateralism. Whichever the case, what is certain is that it renders the 'sovereignty as responsibility' doctrine highly problematic: in the first case, it highlighted the difficulty in obtaining consensus on what made a good case for intervention. In the second case, the very notion of the responsibility doctrine failed simply because it was viewed as sneaking in the realist agenda by the backdoor in a benign liberal guise. In the end the notion of sovereignty as a right prevailed. It seems that 'sovereignty as a right' continues to assume primacy over 'sovereignty as a responsibility', especially in the sphere of policy making and statecraft. In the event, the United States' circumvention of the United Nations and leading a coalition of the willing made a mockery of the 'responsibility to protect' doctrine.

Past Practices and Current Norms

The war in Iraq has had a highly paradoxical effect on the discourse on sovereignty; particularly in the ideational tussle between the liberals and the realists. Within the rarified

realm of liberal political thinking, attempts are being made to reconcile sovereignty (and the accompanying principle of non-intervention) with the ideas of responsibilities and humanitarian intervention. At the same time, sovereignty has been brought back into the realists' worldview of international relations, and entwined with the realist vernacular of power and interests. The current impasse is not due to a failure by the two camps to agree. The realists and the liberals are simply talking about different aspects of sovereignty.

It is important to disaggregate the current norm of sovereignty, as enshrined in the United Nations system, from the practice of sovereignty in the past. The prevalent understanding of sovereignty has its roots in the United Nations Charter (Article 2.1), which enshrined the principle that all states, regardless of size, resources or power, were equally sovereign. Sovereignty has come to entail the mutual coexistence of the great powers, and the respect for and restraint in dealing with smaller and weaker states. More than that, sovereign equality was in some sense underwritten externally by the United Nations, international law and other international practices.

However, there is a 'power politics' dimension to sovereignty that predates the United Nations system, and stems from historical practices of sovereignty, for example in ancient China of the Warring States period. In such a conception of sovereignty, no external guarantees of sovereignty existed: the articulation and defence of sovereignty was a strictly self-help exercise, and territorial expansion against the weak was regarded not only as fair play, but as the primary (and perfectly reasonable) objective of the sovereignty game. Sovereignty is seen as a function of power, and in Orwellian language, some states are more sovereign than others. Given this conception of sovereignty, the United States' behaviour should not seem surprising at all: strip away the unconvincing rhetoric of regime change and the problematic doctrine of 'responsibility to protect', what obtains is the archetypal great power behaviour at the expense of the weaker state, and in the pursuit of national interest.

The war in Iraq therefore has had the mixed effect of diluting the normative aspect of sovereignty, while underscoring its older, realist dimension. Unilateral interventionism and the circumvention of the United Nations have brought the normative dimension of sovereignty into a crisis. However, the reversion to power politics, while stripping sovereignty of its normative dimension, has served to reinforce the linkages between sovereignty and the will and power to assert it, and to underline the importance of statecraft. In one sense, sovereignty is in crisis; in another, sovereignty is alive and well, and has never been more robust.

Contradiction and Resolution

How then is it possible to salvage the work on 'sovereignty as a responsibility' when there is almost always a yielding to 'sovereignty as a right' in the endgame of *realpolitik*? Realist thinking, despite the various ways in which it has manifested itself throughout history as *realpolitik*, is not condemned to a perpetually pessimistic and bleak cycle of amorality, or worse, immorality. Lest it be forgotten, it was Hans Morgenthau, the political scientist and realist extraordinaire, who said, 'It is a dangerous thing to be a Machiavelli. It is a disastrous thing to be a Machiavelli without *virtu*.'

The paradox is that the only way that the normative liberal dimension of the discourse on sovereignty can be advanced within the realm of policy and statecraft is at the behest of the realists. In other words, any attempt to lift sovereignty from the realm of power and

interests and into a 'post-sovereign' discourse of collective action, multilateralism and the 'responsibility to protect' will succeed only if the realists are engaged, and by using the very vernacular of state power and national interests.

Sovereignty, still taken to be the defining characteristic of the nation-state and of the international system, constrains the extent to which normative issues can be accommodated within an agenda set for the large part by the practitioners of realist statecraft. Clearly, if the impasse between the liberals and the realists is to be resolved, the respective roles played by each camp needs to be redefined in a complementary fashion: the role of the liberals in pushing the limits of the political imagination beyond the current boundaries of sovereignty, and the role of the realists (if they are so convinced) in advancing the 'post-sovereign' agenda through the still-effective and still-relevant instruments of statecraft.

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