

## Sovereignty Evolved: Tracing the Concept's Genealogy

- DOI: 10.31703/gsssr.2022(VII-IV).03      ▪ URL: [http://dx.doi.org/10.31703/gsssr.2022\(VII-IV\).03](http://dx.doi.org/10.31703/gsssr.2022(VII-IV).03)  
▪ Vol. VII, No. IV (Fall 2022)      ▪ Pages: 17 - 23      ▪ p-ISSN: 2708-2121      ▪ e-ISSN: 2708-3616

Hazrat Usman \*

| Raja Ishtiaq Ahmed \*

Nazim Shahab Qamar \*

**Abstract:** *This study undertakes a genealogical analysis of the concept of sovereignty, tracing its historical evolution and examining its cultural, political, and technological influences. The study begins with the Westphalian system, which established state sovereignty, and explores how globalization, human rights, environmental issues, cybersecurity, and artificial intelligence have affected the concept. The paper also examines the role of international law and institutions in shaping the limits and responsibilities of states in exercising sovereignty. This research argues that sovereignty is a dynamic and evolving concept, shaped by historical, political, and technological developments. By critically analyzing the diverse meanings of sovereignty and its various expressions in international law, this study offers a deeper understanding of the concept and its significance in shaping the modern world. The keywords for this study are sovereignty, international law, globalization, human rights, artificial intelligence, and state sovereignty.*

**Key Words:** Sovereignty, International Law, Globalization, Human Rights, Artificial Intelligence, State Sovereignty

### Introduction

Sovereignty is a central concept in international law and has been the subject of much debate and discussion throughout history. The notion of sovereignty pertains to the ultimate authority wielded by a particular state and its entitlement to govern itself without any external intervention. The concept of sovereignty has undergone a metamorphosis over time and has been influenced by historical, political, and legal developments. The lineage of the sovereignty concept can be traced back to ancient civilizations such as Greece and Rome. During medieval Europe, the sovereignty concept was intimately tied to the notion of monarchy and the divine right of kings. The modern rendition of sovereignty sprang from the Westphalian system, which acknowledged the sovereignty of states as self-governing and equivalent entities in the

international system. The Westphalian system instated after the Treaty of Westphalia in 1648, signalled the termination of the Thirty Years' War and established the principle of non-interference in the domestic affairs of states (Agnew, 2005).

The preeminence of sovereignty in the sphere of international law is a matter of utmost significance. It is an indispensable foundation of the international legal system, furnishing a blueprint for the configuration of international relations (Maftai, 2015). The principle of sovereignty is acknowledged in the UN Charter and is an elementary element of the international legal structure. It is imperative for safeguarding state sovereignty and upholding international tranquillity and stability (Bartelson, 1995). The objective of this scholarly article is to follow the lineage of the historical evolution of the concept of

\* Advocate High Court, Rawalpindi Bar Association, Punjab, Pakistan. Email: [hazratusmanadvocate@gmail.com](mailto:hazratusmanadvocate@gmail.com) (Corresponding Author)

\* Assistant Professor/Head of Department, Department of Law, Mohi Ud Din Islamic University, Nerian Sharif, Azad Jammu and Kashmir, Pakistan.

\* Assistant Registrar, Khyber Pakhtunkhwa Information Commission, Pakistan.

sovereignty and scrutinize its magnitude in the domain of international law. The document will scrutinize the maturation of the concept of sovereignty from prehistoric eras to the modern era and will examine its consequences on the making of international policies and international relations. The ambit of the article will pay attention to the progression of sovereignty within the perspective of international law and its criticality for the preservation of state sovereignty and the perpetuation of global harmony and security.

### **Sovereignty in Ancient and Medieval Times**

The concept of sovereignty has its roots in ancient civilizations, such as Greece and Rome, where the idea of sovereignty was closely tied to the power of the ruler and the concept of the state (Lee & Lee, 2016). In ancient Greece, the concept of sovereignty was associated with the idea of the city-state and the power of the ruler to govern the citizens. Similarly, in ancient Rome, the concept of sovereignty was tied to the idea of the emperor and the power of the emperor to govern the Roman Empire (Agnew, 2005). These ancient civilizations established the basic foundations of the concept of sovereignty and laid the foundation for its development in later times.

Medieval Europe saw the rise of the nation-state and the consolidation of monarchical power, with the idea of sovereignty being closely tied to the concept of monarchy and the divine right of kings (Bartelson, 1995). The Church, a powerful force in medieval Europe, held great influence over the monarchs and the state and played a central role in shaping the concept of sovereignty through its support of the idea of the divine right of kings (Agnew, 2005). The monarchs, in turn, used this idea to justify their rule and maintain their power over the state.

In addition to the influence of religion, the concept of territoriality was also central to the concept of sovereignty in medieval Europe. The monarchs were seen as the sovereign rulers of their states and had the power to govern and make laws within their territories (Chiang, 2018). This idea of territoriality helped to establish the basic foundations of the modern state and was a key

aspect of the evolution of the concept of sovereignty. So, this concept in ancient and medieval times was closely tied to the power of the ruler, the idea of the divine right of kings, and the concept of territoriality. These early developments laid the foundation for the evolution of the concept of sovereignty and its significance in international law.

### **Sovereignty in the Post-World War II Era**

The epoch that followed the Second World War was a momentous juncture in the progress of the sovereignty concept, with the emergence of the dismantlement of colonial rule, the proliferation of globalization, and the augmentation of technological advancements substantially influencing the notion. One of the key developments in this era was the establishment of the United Nations, which sought to promote the idea of collective sovereignty and global cooperation (Amt, 2020). The creation of the United Nations marked a departure from the traditional idea of state sovereignty and the power of states to govern their territories and instead emphasized the idea of collective sovereignty and the power of the international community to address global challenges.

The end of colonialism and the emergence of newly independent states in Africa and Asia also challenged the traditional idea of national sovereignty. The rise of these new sovereign states marked a significant turning point in the evolution of the concept of sovereignty, with many of these states seeking to establish their independence and assert their authority over their territories (JORGENSEN). The emergence of these new sovereign states also challenged the existing power structures and the idea of state sovereignty, with many of these states seeking to establish their independence and assert their authority over their territories (Kurth, 2001).

The Cold War also left a pronounced impact on the notion of sovereignty, with the chasm between the capitalist West and the communist East defining the international system and the perception of sovereignty. During the Cold War, both sides employed the concept of state sovereignty as a tactic to establish their influence and pursue their goals, resulting in a period of intense competition and

animosity(Allen, [2011](#)). The conclusion of the Cold War was a consequential turning point in the progress of the sovereignty concept, with the international community endeavouring to establish novel mechanisms for cooperation and collaboration in the aftermath of the Cold War(Wallace, [1999](#)).

The post-World War II period denoted an eminent juncture in the development of the sovereignty concept, with the escalation of decolonization, globalization, and technological advancements yielding an influential role in the configuration of the notion. The foundation of the United Nations, the emergence of freshly independent states, and the influence of the Cold War all opposed the customary perception of state sovereignty and the potency of states to administer their regions. The international community has reacted to these challenges by striving to propagate the concept of collective sovereignty and international cooperation, and by introducing novel mechanisms for cooperation and collaboration(Cuellar, [2004](#)).

### **Sovereignty and Globalization**

---

The influence of globalization on the notion of sovereignty has been profound, leading to a transformation in the way that states and international institutions operate and interact. According to Agnew ([2005](#)), globalization has led to a more interconnected world, with the growth of international trade, investment, and communication leading to increased interdependence between states. This has challenged traditional notions of state sovereignty and has led to a greater need for international cooperation and collaboration.

One of the key impacts of globalization on sovereignty has been the emergence of transnational corporations. These corporations have come to play a significant role in shaping the global economy and have greater economic power and influence than many nation-states(Allen, [2011](#)). The rise of these corporations has challenged the traditional idea of state sovereignty, as they often operate beyond the control of any single state and could shape economic and political outcomes on a global scale.

International institutions have also played a major role in forming the concept of

sovereignty in the era of globalization. It has led to a greater need for international cooperation and collaboration, with international institutions such as the WTO, the IMF, and the WHO playing a central role in shaping the global system(Amt, [2020](#)). These institutions have been instrumental in promoting the idea of collective sovereignty and establishing international norms and standards for the regulation of global economic and political systems. So, the impact of globalization on the concept of sovereignty has been significant, leading to a transformation in the way that states and international institutions interact and operate. The rise of transnational corporations and the role of international institutions have both challenged traditional notions of state sovereignty and promoted the idea of collective sovereignty. These developments have led to a more interconnected world, with the international community seeking to promote international cooperation and collaboration in the face of new challenges and opportunities.

### **Sovereignty and Human Rights**

---

The correlation between the concept of sovereignty and human rights has been the subject of much deliberation and discourse in the international community. Human rights are considered to be innate and global in nature and have been established in various international treaties and conventions, including the Universal Declaration of Human Rights (UDHR). These rights have presented a challenge to traditional notions of state sovereignty, as states are required to uphold and safeguard the human rights of their inhabitants and other individuals within their jurisdiction(Hannum, [1995](#)).

International agreements and covenants pertaining to human rights have had a significant influence on the relationship between sovereignty and human rights. The UDHR, for instance, has been ratified by numerous states and has become a fundamental cornerstone of international human rights law(Assembly, [1948](#)). Additional international treaties, such as the International Covenant on Civil and Political Rights (ICCPR)(Tomuschat, [2008](#)) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), have augmented

the international legal framework for the protection of human rights and have established legally binding obligations for states to respect and safeguard these rights (Saul et al., 2014).

The obligation of states to safeguard human rights represents a fundamental aspect of the correlation between sovereignty and human rights. States are mandated to uphold and safeguard the human rights of their inhabitants and other individuals within their jurisdiction, and they are answerable for any violations of these rights. Meanwhile, the extent of sovereignty regarding human rights is a critical aspect of this relationship. States may find themselves restricted in their ability to entirely respect and protect human rights due to various factors, including conflicting interests, insufficient resources, or political considerations (Ruggie, 2008). Consequently, the association between sovereignty and human rights is a multifaceted and evolving one. International human rights treaties and conventions have played a noteworthy role in shaping this relationship, creating legally binding responsibilities for states to respect and safeguard human rights. The obligation of states to protect human rights and the constraints on sovereignty in this context are important components of this relationship and continue to be the subject of continuous dialogue and deliberation in the international community.

### **Sovereignty and Environmental Issues**

---

The relationship between sovereignty and environmental issues has become increasingly relevant in recent years. As the effects of environmental degradation become more pronounced, questions about the responsibilities of states to protect the environment and the limits of their sovereignty have arisen. One of the key impacts of environmental degradation on sovereignty is the loss of control over natural resources. For example, as a result of climate change, many countries are facing rising sea levels, which threaten coastal areas and the resources they contain (Elsharkawy et al., 2009). This loss of control over natural resources can have significant economic and political implications, as states may struggle to maintain their sovereignty over these areas.

International environmental agreements have had a notable influence on the association between sovereignty and environmental concerns. An instance of such an agreement is the United Nations Framework Convention on Climate Change (UNFCCC), a treaty formulated to address the issue of climate change at a global level. This treaty mandates participating nations to curtail their greenhouse gas emissions and to provide progress reports on their efforts towards these objectives. The treaty also acknowledges the sovereign entitlement of states to develop and utilize their natural resources, while obligating them to factor in the consequences of their actions on the environment (Sands, 1992).

In addition to international environmental treaties, there are also other international institutions that have played a role in shaping the relationship between sovereignty and environmental issues. For example, the WTO has developed several rules and regulations aimed at protecting the environment, such as the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement). This agreement requires participating countries to adopt measures to protect human, animal, and plant life and health, while also considering the trade effects of these measures (Roberts, 1998). So, the relationship between sovereignty and environmental issues is complex and evolving. Environmental degradation has significant implications for sovereignty, and international environmental treaties and institutions have played a key role in shaping this relationship. As the effects of environmental degradation continue to escalate, it is likely that the relationship between sovereignty and environmental issues will continue to be a significant area of focus in international law and politics.

### **Sovereignty and Cybersecurity**

---

The rapid advancement of technology has had a significant impact on the concept of sovereignty in the modern world. The increased use of digital technology has raised new challenges in terms of cyber security and the protection of citizens' data. In this context, international law plays a crucial role in shaping the concept of digital sovereignty and ensuring the safety of nationals' rights in the digital world. The rise of cyber threats and

cybercrime has highlighted the need for strong cybersecurity measures to protect citizens' personal data and information. This has led to the development of international agreements such as the Budapest Convention on Cybercrime, which aims to harmonize national legislation and strengthen cooperation among states to prevent and combat cybercrime (Vatis, 2010).

However, the concept of digital sovereignty also raises questions about the limits of state authority in the digital world. For example, the prevalence of transnational corporations and the increasing use of cloud computing have led to concerns about the protection of citizens' data and the potential for its misuse by foreign entities. In this context, the accountability of states to safeguard nationals' data and the limits of their sovereignty in the digital world are crucial issues that need to be addressed.

The rise of digital technologies and artificial intelligence raises important questions about the balance between state power and individual rights in the digital age (Nemitz, 2018). In this context, it is essential to ensure that the principles of sovereignty are maintained in the digital world and that the rights of citizens are protected. So, the impact of technology on sovereignty and the protection of citizens' rights in the digital world is a crucial issue that requires further examination and analysis. International law has a crucial role to play in shaping the concept of digital sovereignty and ensuring the protection of citizens' rights in the digital world.

### Sovereignty and Artificial Intelligence

The impact of AI on sovereignty has been a topic of significant debate in recent years. With the rapid advancement of AI technology, states have been grappling with the challenges posed by this new phenomenon. The responsibility of international law in shaping the use of AI and the concept of digital sovereignty is crucial in ensuring that this technology is used in a responsible and ethical manner. International law plays a vital role in regulating the use of AI and shaping the concept of digital sovereignty. For instance, the European Union has introduced a series of regulations to govern the use of AI, including the Digital Services Act

package. This legislation aims to provide a framework for the regulation of AI, ensuring that it is used in a responsible and ethical manner.

The responsibility of states to regulate AI and the limits of sovereignty are also key considerations in this context. States must ensure that the use of AI does not undermine the sovereignty of other states or violate international law. For example, the use of AI for military purposes must be in line with international humanitarian law and the principles of the United Nations Charter (Niyitunga, 2022). So, the impact of AI on sovereignty is a complex issue that requires a comprehensive and nuanced approach. International law must play a central role in shaping the use of AI and the concept of digital sovereignty, ensuring that this technology is used in a responsible and ethical manner.

### Conclusion

In this research paper, we have traced the genealogy of the concept of sovereignty, exploring its historical evolution and the impact of international law on the principle of sovereignty. We have analyzed the concept of sovereignty in different eras, including ancient and medieval times, the modern era, the post-WWII era, and the era of globalization and technological advancements.

The research has found that the concept of sovereignty has undergone significant changes over the centuries, adapting to the changing world and the emergence of new challenges. The Westphalian system marked a crucial turning point in the evolution of sovereignty, as it established the principle of state sovereignty and the idea of international law. The emergence of international human rights treaties, environmental treaties, and cybersecurity agreements has further shaped the concept of sovereignty and its relationship with international law.

The impact of globalization and technological advancements, particularly artificial intelligence, has presented new challenges for the concept of sovereignty. The increasing power of transnational corporations, the need for effective cybersecurity, and the regulation of AI all raise questions about the limits of sovereignty and

the responsibility of nations to protect the rights of their peoples and the environment.

The future of sovereignty remains uncertain, and the implications for international relations and policymaking are significant. The development of effective international institutions and the creation of new international agreements will be critical in shaping the future of sovereignty and ensuring that it remains a relevant and effective principle in the face of new challenges.

Future directions for research could include a more in-depth analysis of the relationship between sovereignty and international law, exploring the impact of

globalization and technological advancements on the principle of sovereignty, and examining the role of international institutions in shaping the future of sovereignty.

In conclusion, the evolution of the concept of sovereignty is a complex and dynamic process, shaped by historical events, technological advancements, and international relations. The future of sovereignty will continue to be shaped by these factors, and it will be critical for international policymakers to respond effectively to new challenges and ensure that sovereignty remains a relevant and effective principle in the face of changing times.

## References

- Agnew, J. (2005). Sovereignty regimes: Territoriality and state authority in contemporary world politics. *Annals of the Association of American Geographers*, 95(2), 437-461. <https://www.jstor.org/stable/3694127>
- Allen, J. (2011). Topological twists: Power's shifting geographies. *Dialogues in Human Geography*, 1(3), 283-298. <https://doi.org/10.1177/2043820611421546>
- Amt, A. (2020). Together for Europe's recovery: Programme for Germany's Presidency of the Council of the European Union. In: Online: <https://www.eu2020.de/blob/2360248>
- Assembly, U. G. (1948). Universal declaration of human rights. *UN General Assembly*, 302(2), 14-25.
- Bartelson, J. (1995). *A genealogy of sovereignty*. Cambridge University Press.
- Chiang, F. (2018). Chapter 2 - The State and Sovereignty. In F. Chiang (Ed.), *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status* (13-99). Elsevier. <https://doi.org/https://doi.org/10.1016/B978-0-08-102314-3.00002-1>
- Cuellar, M. F. (2004). Reflections on sovereignty and collective security. *Stan. J. Int'l L.*, 40, 211.
- Elsharkawy, H., Rashed, H., & Rached, I. (2009). *Climate change: the impacts of sea level rise on Egypt*.
- Hannum, H. (1995). The status of the Universal Declaration of Human Rights in national and international law. *Ga. J. Int'l & Comp. L.*, 25, 287. <https://digitalcommons.law.uga.edu/gjic/vol25/iss1/13>
- Jorgensen, F. A. E. African states from the perspective of the English school: from sovereignty deficit to regional Society. *Ege Stratejik Arařtırmalar Dergisi*, 11(2), 22-35.
- Kurth, J. (2001). Globalization: Political Aspects. In N. J. Smelser & P. B. Baltes (Eds.), *International Encyclopedia of the Social & Behavioral Sciences*. (6284-6287). Pergamon. <https://doi.org/https://doi.org/10.1016/B0-08-043076-7/01263-8>
- Lee, D., & Lee, D. (2016). 25 The Lex Regia: The Theory of Popular Sovereignty in the Roman Law Tradition. In *Popular Sovereignty in Early Modern Constitutional Thought* (pp. 0). Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780198745167.003.0002>
- Maftai, J. (2015). Sovereignty in International Law. *Acta Universitatis Danubius. Juridica*, 11(1), 54-65.
- Nemitz, P. (2018). Constitutional democracy and technology in the age of artificial intelligence. *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences*, 376(2133), 20180089. <https://doi.org/10.1098/rsta.2018.0089>
- Roberts, D. (1998). Preliminary assessment of the effects of the WTO agreement on sanitary and phytosanitary trade regulations. *Journal of International Economic Law*, 1(3), 377-405. <https://ssrn.com/abstract=915033>
- Ruggie, J. (2008). Protect, respect and remedy: A framework for business and human rights. *Innovations: Technology/Governance/Globalization*, 3(2), 189.
- Saul, B., Kinley, D., & Mowbray, J. (2014). *The international covenant on economic, social and cultural rights: commentary, cases, and materials*. OUP Oxford.
- Tomuschat, C. (2008). *International covenant on civil and political rights*. *United Nations Audiovisual Library of International Law*, United Nations, 1-4.
- Vatis, M. A. (2010). The council of Europe convention on cybercrime. *Proceedings of a Workshop on Deterring Cyber Attacks: Informing Strategies and Developing Options for US Policy*. <http://www.nap.edu/catalog/12997.html>
- Wallace, W. (1999). Europe after the Cold War: interstate order or post-sovereign regional system? *Review of International Studies*, 25(5), 201-223. <https://www.jstor.org/stable/20097646>