SHARED SOVEREIGNTY: DEALING WITH MODERN CHALLENGES TO THE SOVEREIGN STATE SYSTEM

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SHARE\(D\) SOVEREIGNTY: DEALING WITH MODERN CHALLENGES TO THE SOVEREIGN STATE SYSTEM

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ABSTRACT

The dissolution of colonialism in the wake of World War II caused a major shift in the balance of world relations. This thesis examines the two-part conundrum of globalization and ethnic nationalism as they converge upon some developing Nation-States. In part, my work uses my experience as a summer student at the Graduate Institute of International Affairs (HEI) in Geneva, Switzerland during the Globalization, Governance, and Technology program.

Viewed through an interdisciplinary lens, this study analyzes Westphalian sovereignty, the global economy, ethnonationalism, territorial identity, the state of nature, implications of weak and failed states, conflict management, and shared sovereignty in the negotiation process. This project reexamines sources of conflict and demonstrates the moral ramifications of shared sovereignty as a diplomatic alternative to violence.
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INTRODUCTION

In the summer of 2007, I was invited by the Communication, Culture, and Technology (CCT) department at Georgetown University to participate in an inaugural study abroad exchange program in Geneva, Switzerland. This four-week intensive course was hosted by the Graduate Institute of International Studies (commonly known as HEI) and nestled adjacent to World Trade Organization headquarters in a beautiful old pink villa on the shores of Lake Geneva. Its proximity to numerous international agencies, non-governmental organizations, as well as many transnational firms, made it an ideal location to study international relations. Program participants had the opportunity to work closely with foreign scholars, executive management of the Bretton Woods system, and other international students while immersed in a diverse array of issues such as global governance, trade and development, human security, the role of international organizations, intellectual property, and the global information economy.

During my stay in Geneva it became apparent why it has remained the forum for international arbitration for such a long time. It becomes much easier to debate hard issues when surrounded by the placid Swiss countryside. But, after a thorough review of world events, both past and present, group discussion (sometimes heated), field visits to international agencies, and panel debates it became evident that the world was in flux. The global economy had already begun to stall. World leaders were in transition and corrupt officials had gained broader command of society. Former
Communist countries had been embraced by democratic regimes. The Middle East remained a hotbed of religious extremism. The standoff over nuclear weapons programs had continued. Military violence against protestors had escalated. Billions had been pledged in foreign aid yet poverty and homelessness was on the rise. Environmental calamity had displaced millions. Disease had spread and the sick were dying. All of these are difficult subjects to broach yet, a visible thread had emerged. The original Western concept of state sovereignty, based on a regulation initiated during the Peace of Westphalia in 1648, had begun to fail the Nation-State system – transplanted with something far more dangerous. As student scholars we were collectively bearing witness to an accelerated shift toward violence and bloodshed in the developing world.

The dissolution of colonialism in the wake of World War II and the end of the Cold War has created substantial alterations to the balance of world power. Nation-States have multiplied. Globalization has flexed its proverbial ‘muscle’ but, economic disparity and the struggle for self-determination between competing ethnic groups have been the principle barriers to the growth and stability of Nation-States. People of a particular ethnic identity now have viable international forums for debating political, economic, and religious grievances, but the surge in disharmony has increased. Whereas conflict in the 20th Century had primarily been about imperialism and isolationism, the root causes of conflict in the 21st Century have become globalization and ethnic nationalism (ethnonationalism).
These new challenges have culminated in tensions which threaten peace and diplomatic security. As ethnic groups wrestle for control of the state and conflict escalates we are left with only a handful of options. Perhaps our best hope at peace is the promotion of shared sovereignty at the behest of the international community. My purpose for this thesis is to examine the two-fold conundrum of globalization and ethnonationalism as they converge upon some developing Nation-States, while exploring the ramifications of shared sovereignty as a potential diplomatic alternative to armed conflict.
CHAPTER ONE: ANALYZING THE LIMITLESS LIMITATIONS OF GLOBALIZATION ON DEVELOPING SOCIETY

1.1 THE DECLINING HEALTH OF THE GLOBAL ECONOMY

The declining health of the global economy has created myriad new challenges for world leaders. What once was construed initially as a Western problem has since morphed into a virus capable of corrupting all but the most secluded of markets. Leading countries have drawn together with hopes of bolstering confidence as contamination spreads and markets wither.

The Group of Twenty Finance Ministers and Central Bank Governors (more commonly referred to as the G-20) have opened the dialogue on financial market competition, clean energy, economic development and sound fiscal growth but, international action should also address institutional collaboration, regionalism, collective action, free-rider temptation, and the investment of long-term sustainable solutions to environmental problems. The financial strain imposed upon Western governments will be noticeable to Nation-States which have struggled for years to access international banking conduits; barely benefiting from the system even when the times were good. There must be a way to produce inter-related packages of solutions if states are to remain the primary actors in sustainable governance and contribute to long-lasting economic viability.

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1.2 INSTITUTIONAL COLLABORATION

There have been several instances of failure in financial markets over the past two decades but, nothing in magnitude to the current crisis. For example, the Asian Financial Crisis of 1997 (a.k.a. Asian flu) spelled near financial disaster for the economies of Southeast Asia and Japan but, was largely contained to countries within the region. Many foreign investment firms grew reluctant to spend money on the creation of new businesses which further crippled regional economies. Social unrest increased as unemployment levels spiked. Separatist movements intensified as central authorities weakened across the region. Indonesia, South Korea, and Thailand were hardest hit and political instability forced many government leaders to resign their posts. For the people of Southeast Asia it has been a long slow road to recovery.²

The current financial state could have a lasting impact on developing countries, and alter diplomatic relations by unraveling partnerships that have taken decades to establish. Whereas the first half of the 20\textsuperscript{th} Century was an embarrassment in terms of failed government cooperation and a lack of cohesion at the international level, the second half was defined by the emergence of international institutions capable of developing friendly, and sustainable, inter-governmental relationships. Economic integration has been taking place on differing significant levels since the end of World War II. After the war, the Allied victors arbitrated disputes between the newly

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independent Nation-States and their former colonial master countries. What followed was a natural progression toward market liberalization as the old system became deficient.

Domestic institutions are limited in their policy enforcement mechanisms but, formalized institutions have the ability to enforce contracts, monitor surveillance, punish and reward. They also provide solutions to distributive conflicts and maintain a transparent forum for negotiations. They are able to enhance cooperation through resource allocation. In this way they can help improve knowledge and capacity provided that the member countries demonstrate a willingness to give up a small measure of control. Unfortunately, this is rarely the case as the larger more developed countries tend to act unilaterally or within the confines of their pre-existing relationships.

The General Agreement on Tariffs and Trade (GATT), established in 1947 to oversee commerce resolution, was replaced by the World Trade Organization (WTO) in 1994. The WTO acts to modify institutional rules and moderate international trade policy in order to penalize governments that are historically pre-disposed to certain behavior. As a member-driven organization it works on behalf of the interests of all member states. However, there is tension between the members’ goals versus the Secretariat. Governments are not transparent when it comes to subsidy practices and this has created challenges in the development of multilateralism. There are diverse reasons why governments will cooperate with one another and there are sharply
different motives in terms of cooperation. There are trade-offs required in order to do business and compete on domestic and international levels. If not you will have a very unstable world. Globalization is often hard to define within the context of the WTO, because it is comprised of numerous sub-processes. Managing interdependence is a search for a solution that responds to the economic needs and fits with the political constraints of governments. Inter-industry logic is back on the agenda with the re-emergence of intense social tension at home and abroad. As an adverse side effect, globalization has created a strong exclusionary bias and despite countermeasures countries are indeed getting left behind. There has been an acute climb in inequality which not only creates socio-political problems within countries but, also between countries. It creates the idea that capital and institutions are running the world, not governments.

The WTO confronts many challenges when attempting to broker resolutions to trade disputes between developing countries and their larger neighbors. Where it excels as an international forum is in its ability to open doors for all participants regardless of country size. This makes it possible to review members’ reform policies to see if they fall within the defined parameters. It also has its limits. Dispute resolution is not always beneficial to all parties involved. Inevitably some economic sectors get left behind. The banana industry in the Caribbean is a prime example.
1.3 THE ECONOMIC BLIGHT OF DOMINICA

The Commonwealth of Dominica is a small island located in the eastern Caribbean Sea. The island has a turbulent and bloody history as is common with many of its Caribbean neighbors. It became an officially recognized independent Nation-State in 1978 after several centuries of flip-flop colonialism and slave migration. For more than 50 years the banana industry was the lifeblood of Dominica, sustaining its population of some 72,000 people; 65% of whom are in their prime working years. Today, however, banana commerce in the Caribbean has dwindled drastically. In the late 1990s, the preferential trade relationship that had lasted for decades between European Union member states and their former protectorates in the Caribbean was challenged by a US-led coalition consisting of two leading produce giants, Dole and Chiquita, and select Latin American governments.

In Latin America, the plantations are largely financed by transnational corporations and also benefit from an inexpensive localized labor force. In the Caribbean bananas are grown year-round on small family-run farms in fertile soil and geographic areas generally unsuitable for most other high-yield crops. The steep tree-lined hillsides, deep valleys, and lush forest are not conducive for large acre plantations, which are instrumental to the development of the mass-produced banana crops found in South and Central America. Dominica especially lacks a significant

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transportation infrastructure and suffers from poor access due to inadequately maintained roadways. Farming in the Caribbean is hampered by the constant threat of hurricanes and tropical storms that can rip through crops, interrupts production and destroy homes. Despite all of these challenges, the coalition held firm in its belief that European barriers against Latin American banana exporters amounted to unfair trade, threatened jobs in the U.S. and Latin America and created shortfalls of corporate revenue to the tune of a billion dollars. A staggering claim indeed but, effective enough to lead to a WTO ruling in 1999 that the complex system of tariffs was fundamentally anti-liberal and that the European Union should amend its trading policies and open the market to other suppliers.

Banana exports from the Windward Islands, which consist of St. Lucia, St. Vincent and the Grenadines, Grenada, and Dominica, have been affected significantly. According to data recorded in 2005 by Banana Link, an organization dedicated to promoting fair and sustainable banana trade, Dominican banana exports alone declined from 29,000 metric tonnes in 2000 to an astonishing 15,000 by 2004.\(^4\) The conclusions drawn from this one particular study are quite alarming. For one, how can a small agricultural island nation survive such economic turmoil? In June of 2002 the government conducted a poverty assessment study and discovered that it is not possible. Final stats indicated that the level of poverty in Dominica is absurdly high even by East Caribbean standards, 29% of households and 39% of the entire

population, and these households are more likely to include children and the elderly. Amongst the native Carib demographic the poverty rate is even higher at 70%. Additionally, unemployment rates in 2005 exceeded 13% of the total population, which in 2008 consisted of 69,000 people. I could go on but these few figures are mind-boggling enough. The fact remains that an alarming percentage of the population of Dominica is dipping below the poverty line. The devil is, unfortunately, in the details.

What is apparent is that the banana war was more of a vanity triumph for trade liberalists but, the detrimental economic ramifications on the developing countries have been enormous. In July of 2008, African and Caribbean banana exporters were again urged to come to a compromise on the issue of agricultural subsidies originated in the 2001 Doha Development Round. The European Union and Latin America came to a provisional agreement but, talks with the African Nation-States have since stalled. Agricultural tariffs have arguably been the most important and controversial point disputed between the larger industrialized nations and the developing world but, in this particular case it remains an unresolved issue trapped at the bargaining table.


7. African states, such as Cameroon, have balked on several of the provisions made in the agreement. African banana growers want cash to compensate for export revenues lost to Latin American competitors and a two or three year grace period before EU tariffs are lowered.
“Supporters of the Doha process concede that its goals, when it comes to lowering trade barriers, are modest but argue that its real purpose is to provide security for trading partners: legal commitments offer mutual assurances that trade policies will not be reversed.” Negotiations are set to resume in 2009 but, what remains uncertain is whether either side will come to a resolution that can work in the best interest of all stakeholders. As outlined in this case, institutional dispute resolution does not always serve in the best interest of all parties. In some respects, sector reform policies have severely hampered the ability for states to compete economically.

The major institutions’ policies frequently aggravate the debt crisis of the economically troubled countries. The result is that the gap between the rich and poor has widened. Globalization is not a phenomenon that happened overnight but, it has greatly impacted the ways that countries work together to solve common structural problems. With a looming global recession, countries need to form tighter bonds within these established institutional agencies instead of continuing to take the unilateral approach. Institutional cooperation has benefited the international system enormously since World War II. Indeed it is these institutions, whether they are non-governmental organizations, corporations, banks, or regional trading blocs, which have typically transpired and supplanted the most essential of government functions. In some cases they have successfully managed conflict mediation in place of governments

when governments have failed. Moreover, the new global challenges necessitate the inclusion of these other non-state actors in exchanges with world leaders.

1.4 REGIONALISM, THE LOGIC OF COLLECTIVE ACTION AND THE FREE RIDER PROBLEM

Apart from international institutions like the WTO, the IMF, and the World Bank there exists an increasing number of regional trading blocs. Nation-States have found that partnership in these groups have made it easier to get liberalization underway because there is a smaller number of participants. The ability to maintain more control over economic competitors is of real benefit, and the commitments are deeper, faster, and potentially more homogenous. This is true for a number of reasons, some of which included shared cultures, language, territorial boundaries, religious views, or ideology. When individual state actors, working in concert, contribute equal parts to a whole, be it goods or services, all parties can benefit greatly from collective action. Although if only a handful of states are contributing equal portions, and some elect not to contribute at all, then those state actors may be accused of being deceitful beneficiaries of the collective’s actions. They are then considered to be free riders on the system.

The European Union is but one example of a Regional Trade Agreement (RTA). It is governed by a value system of laws, or acquis communautaire, which includes all of the treaties, regulations and directives passed by the European institutions, as well as the rulings of the Court of Justice. European Union law
regulates activities but does not have the power to override the sovereignty of national governments. The EU, however, can outright block entry of potential new countries if they refuse to comply, or if their governments are incapable of adhering to a specific set of acquis. Member states must adopt, implement and enforce all of the acquis in order to join and remain a good citizen. According to the Stanford Encyclopedia of Philosophy online, the logic of collective action has become one of the richest avenues of research in rational choice theory in the academic areas of social science and philosophy. Much of that literature focuses on the explanation of varied social actions and outcomes, including spontaneous actions, social norms, and large institutions.\textsuperscript{9}

The EU has struggled over the years for ways to broker power arrangements without compromising individual states’ sovereignty. Countries that have refused to comply with all of the acquis and become a full-fledged EU member, like Switzerland, have been accused of free riding. They benefit from most of the social, economic, and political services of the EU and do not comply with all of the rules.

Prior to World War II countries would regularly invade one another to recover debts owed. Today, international organizations abhor this behavior. Whereas institutions like the WTO, UNCTAD, and the World Bank would seek to overturn trade imbalances in times of conflict, regional blocs can impose penalties in other ways often by excluding some countries entirely from future agreements. In order to conduct international business successfully, countries must have well-functioning

markets, sound financial practices, independent central banks and labor market flexibility. One misconception is that in order to maintain successful economy central governments must be democratic but, non-democratic countries like China are proving this particular theory to be inadequate. It very well may be true that some democratic countries tend to perform better in the long term but, there is only a handful of evidence to support this claim. However, due to effective check and balance systems in place within democratic states there can tend to be less market corruption. In a democracy the individual actors (i.e. citizens) have more freedom of mobility, meaning they can transfer their account balances across various private banking institutions with minimal transaction fees, and business owners are sometimes given tax breaks for creating new jobs. Within the European Union, for example, countries enact financial cushions such as structural and cohesion funds. These reserve funds are allocated to support poorer and/or developing countries, and are also used to enhance regional competitiveness through the growth of the Union’s infrastructure. In poorer countries governments need to organize socially and develop pre-established ways to react in case of economic or social upheaval. In times of global economic hardship, shock still remains inevitable despite the strength of protectionist measures, but swift financial recovery is paramount in order to maintain social stability.

Economic regionalism can enable developing countries to better promote and stabilize economic integration, build up their strength and credibility under the auspice of globalization, and can even create a source of identity for countries lacking political
symbols. It is politically useful for domestic economic reform and strategically useful to secure the cooperation of powerful states. However, we are beginning to witness and over abundance of these regional trade associations and most countries now belong to more than one trading bloc. This in turn has created a spaghetti bowl effect of overlapping association partnerships. “These parallel unilateral and regional efforts at liberalization ended up robbing the multilateral process of some of its raison d’être.”

This makes the current situation more than a little worrisome as a proliferation of preferential trade agreements means that a significant percentage of world trade is governed by these regional groups and not multilateral institutions. This greatly diminishes the power and authority of organizations like the WTO. It also becomes difficult to monitor individual countries’ misbehavior when outside of international regulation. Aside from free riding, some states will also try to cheat by intending to renege on commitments if they cannot cope with macro-economic policies and, therefore, try and manipulate their contractual obligations. There is the temptation to protect oneself from another country’s ill-intent by enacting barriers to trade. Global imbalances and widespread risky behavior create collective and systematic trouble and RTAs are then viewed as nothing more than an elite system of privileges and clubs.

1.5 THE SUSTAINABILITY ‘CLAUSE’

Sustainability is rapidly emerging as a key issue in the environmental debate because it can transcend all boundaries. The term itself can be linked to the 1987

10. Mattoo and Subramanian, *From Doha to the Next Bretton Woods*, 16.
World Commission on Environment and Development. According to the Commission, sustainability is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”\textsuperscript{11} Caring for natural resources and promoting their sustainable use is an essential response of nations to ensure their own capacity for survival and well being. “If the earth is viewed as a global commons, where the soil, atmosphere, and water are collective goods, developing long-term, cooperative strategies might help prevent the misuse or overuse of the earth’s shared resources.”\textsuperscript{12} Unfortunately for developing countries, poorly managed environmental resources can threaten human security. Adverse human activity itself is also a direct threat to the environment leading to questions such as, can environmental change cause conflict and can environmental change threaten the survival of communities? “Increased flooding could wipe out low-lying areas in countries such as Bangladesh, and worsening drought would devastate countries in sub-Saharan Africa.”\textsuperscript{13} When applied to weak, fragile, and failed states the answer would have to be a resounding “yes.”

Transnational corporations and local industry have also strained the natural resources of many Nation-States. While it may be true that a large number of these

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corporations are now supporting green industrial practices, there still remains a reverse side to the coin. The automobile and oil industries, for example, maintain explicit economic motivations for repudiating green technologies. The unfortunate reality is that green is not yet profitable. As time goes by and more and more consumers are willing to embrace change perhaps we will be able to push manufacturers into developing technologies that are economical, efficient, and environmentally friendly. But, for now, the demand for oil as a commodity and automobiles as a necessity are at high enough levels that when business executives address trade issues world leaders listen. Instead, governments should impose and enforce rules that foreign investors abide by before they can do business locally. “Although numerous multilateral efforts have been undertaken to protect endangered animal and plant species and to minimize land, water, and air pollution, international system critics have argued that greater political centralization of authority is essential to ensure sustainable development, that is, environmentally safe economic growth.”  

depend on them. And this sort of corruption is one reason why poverty in those countries has soared in recent decades.”¹⁵ These clauses, in essence, give transnational corporations free reign in foreign markets. Western leaders and NGOs need to initiate an open dialogue to develop long-term strategies, and also include the leadership within Nation-States to institute environmental benchmarks which are applicable at the global level. We should seek to curb further ecological degradation by careless industry and cast a foundation for promoting positive peace by mandating sustainable development practices in target zones.

The proliferation of trade and investment agreements has granted foreign investors with surprisingly broad rights and, as a result, the local governments are losing the power to govern their own infrastructure, people, and resources. As a result of the enormity of foreign investor capital and their territorial expanse they can greatly influence political agendas in developed countries. They can also drive policy in developing Nation-States. This also presumes, however, that the state actor is a sincere nation, and assumes that local leaders would be willing to work with outside government bureaus. Unfortunately, this is not always the case as numerous corrupt political elites have effectively reduced entire nations into a state of poverty. But limits to investments in foreign markets may unwittingly be suggesting policies which might hamper long-term economic development for the impoverished countries. It

also allows political leaders to shirk their responsibility to their own citizens, and hinders long-term sustainable development programs. “Because current nation-state based political systems cannot, or will not, be forced by their citizens to observe ecological limits…a panacea is sought in supra-national form; the planet’s future obligates action that is politically unpalatable.” In order to establish effective policy Nation-States first need education and training on the potentially disastrous side effects of mismanaged environmental regulation. “Third World nations…need to become more aware of the effects of industrialization on the environment and to apply energy conservation policies and environmentally safe technologies as a means of encouraging sustainable economic development.”\(^\text{16}\)

When governments and businesses are failing entire societies, NGOs can intervene to design non-partisan solutions to what are, essentially, global problems. “The extent to which states implement sustainable development strategies domestically is vitally important because domestic practices will…impact the quality of the earth’s atmosphere and oceans as well as the prospect for long-term economic growth.”\(^\text{17}\)

Democratic governments have a moral obligation to ensure that all countries have the same access to clean drinking water, nutritious food, health care, proper sanitation and safe housing. True poverty is the result of a lack of access to natural resources, and sustainable development demands ways of living, working and being that enable all people of the world to lead healthy,

\(^{16}\) Amstutz, *International Ethics*, 199.

\(^{17}\) Ibid., 197.
rewarding, and economically secure lives regardless of territorial boundaries. In terms of the environment, national boundaries should not limit the scope of social cooperation. Recognizing that contemporary globalization is an imperfect process, international organizations are sharing resources and creating practical tools to enable governments to implement long-term sustainability strategies of their own.

Sustainability is at present a social movement between developed countries which has yet to be embraced fully at the international level. If countries can demonstrate their ability to contain climate change they will be required to drastically reduce their greenhouse gas emissions, but the current system of regulations is flawed. As an international community we have squandered every opportunity to transition to clean fuels and institute enforcement mechanisms for countries on the fringe. The least developed countries stand to lose the most as they are especially vulnerable to any environmental imbalances due to resource scarcity and an overtaxed geographic environment. This in turn has threatened the stability of society. Modern civilizations have the capability to manage the environment but, we lack the political will to tackle these issues empirically. Unless strict restraints are enacted humans may eventually exhaust the globe’s natural resources, fill its sinks, and overstep the earth’s capacity to support life. If anything the inability of governments thus far to transcend their political, cultural, and territorial boundaries in order to safeguard the environment is troubling.
1.6 MISCONCEPTIONS ABOUT GLOBALIZATION

In his book *the Lexus and the Olive Tree* renowned globalization proponent, Thomas L. Friedman, theorizes that globalization is a dynamic ongoing process of integration of the markets of the world through the use of new technology. Mr. Friedman speaks glowingly of the increase in efficiency, productivity, and the world-wide standard of living that will be brought about by our new global and technological economy. Developing countries must dismantle trade barriers, privatize state industries, invite foreign companies and change their attitudes about these internationally accepted norms. The part of the world that does not participate will, unfortunately, get left behind. He acknowledges that most of the global population does not live in a technologically advanced world, and that many have no desire to do so. To explain this he speaks of culture. Mr. Friedman argues that open cultures (open to capitalism and consumerism) will blossom in the 21st century, while closed cultures place no value on education for moral or religious precepts, for humane values, or for the development of independent judgment. He claims that we live in a global world in which the main economic engine is software and that we are connected by a global fiber-optic network that has made us all next-door neighbors. The global world is not dominated by Europeans and Americans, it is open to people from every country. No two countries that are part of a major global supply chain, like Dell Computer Systems, will ever fight a war against each other as long as they are both part of the same global supply chain.
Friedman makes a very strong case over the course of his work yet, from a moral standpoint it can at times be troubling. The countries that refuse to participate in globalization do not just fall by the wayside and go away. They become a threat to the rest of the world. They are a threat to the global economic system and they are a threat to our security. Lawlessness, corruption, and environmental degradation are not limited to state borders. They are converted into institutional evils. But, as a society we hesitate to acknowledge some of the inherent weaknesses of globalization and their adverse effect on society.

1.7 GLOBALIZATION AND RELIGION

The internet provides the opportunity for closely knit, physically separated groups to form, coordinate and worship together. There is enormous opportunity for unified action across physical boundaries. The internet in conjunction with other world-wide media provides a centralized point for religious dialogue. Interestingly enough, “the internet has become a hub of religious worship for millions of people around the world. Christians, Muslims, Hindus, Jews, Buddhists, Sikhs and people of other faiths turn regularly to Web sites to pray, meditate and gather in virtual houses of worship graphically designed to look like the real thing. Some sites offer rites from baptism to confession to conversion to Judaism.”18 It is a fascinating new concept but, may not absolve the detrimental effects of mass media on pious societies. The

The globalized world is a friend of both information technology and al-Qaeda since both rely on the imaginative use of the Internet and global supply chains, and since both are super-empowered by a flatter playing field that magnifies the importance of individuals and groups.

The destabilization of traditional societal ties and the availability of the internet to create new allegiances provide the opportunity for the easy expansion of religions without ties to a specific nation, society or ethnic group. In this environment religious information cannot be monopolized by religious professionals. Each individual has a chance to be a transmitter, receiver and mediator of religious discourse. New leaders can arise who do not have the formal trappings of authority of the religion making. Terrorist cells have successfully used the internet to recruit and train disenfranchised youth located in impoverished countries. In this model traditional forms of religious structure become less cohesive and new ones open up.

1.8 THE DISPLACEMENT OF PEOPLE AND LOSS OF TRADITIONAL JOBS

Globalization has resulted in the displacement of millions of people worldwide. Estimates by the International Labor Office calculate 80 to 97 million international migrants.¹⁹ Even in countries that have profited from globalization, like India, globalization has marginalized millions. Poverty in India, as elsewhere, has assumed new dimensions, displacing millions of poor farmers and rural laborers, raising the

number of urban unemployed, increasing to 100 million the number of street children and the people displaced by the Structural Adjustment Policies (SAP). These policies were imposed by the IMF to service the debt. They result in a reduction in public spending that cuts back jobs and services, and reduces or eliminates health care, education and social services. At each level of cuts, there is less to defend. It is a slow breakdown of society, a bit at a time.

It is happening much more quickly, even catastrophically, in the marginalized countries. More people are being driven beyond marginalization to exclusion, excluded from any meaningful participation in the economic and social benefits of society. Rather, they are relegated to an existence of absolute misery and privation, even as the global capacity to produce goods continues to grow. Migration uproots and displaces people. Families are sometimes separated. There is tremendous physical, emotional, psychological and spiritual disruption that accompanies being displaced, in being torn away from the family and from the cultural, community, religious, social and physical environment in which a person’s identity is rooted. The effect can be devastating even when the migration is voluntary, for purposes of achieving a better economic status for the family. For example, many Filipinos migrate to make more money; they remain connected with their families and continue to support them and


improve the economic conditions of the family back home. However, families are indefinitely separated. Children are alienated. More than 50% of Philippine migrants are women, who have become the “dollar mommies” with little personal closeness to their offspring. The husband-wife relationship deteriorates as well due to long separation. Women migrants particularly experience isolation, especially when the language is totally foreign. They are forced to live in a foreign culture that has low regard for them. Abuse in many forms is common in these situations.\textsuperscript{22} With inflation driving up the price of food at the same time that unemployment rates increase and government social programs are cut, more and more people have no option but to leave their communities of origin in search of work and food. These economic factors fuel migration.\textsuperscript{23} Illegal immigration has moved to the forefront of many an international agenda. It is also beyond the scope of this thesis.

1.9 GLOBAL ODDITIES

It does not take an expert to recognize that maybe this could have all been avoided, or at least checked to some degree, if the international system had not been left to wither on the vine; a global market mostly devoid of outside governmental regulation. The major international banking institutions have been hobbled by


mounting debt, overdrawn credit, faulty loans, and overindulgent executives. Trade
deficits, war, the proliferation of corporate mergers and acquisitions, corrupt financial
executives, overdrawn business and consumer credit, tanking retirement accounts,
skyrocketing unemployment rates, home foreclosures, and mass bankruptcy filings;
coupled with an unhealthy environment, resource scarcity, rising food prices,
overpopulation, terrorism, proxy wars, educational shortfalls, poverty, and the
continued spread of nocuous diseases have set us back years.

Our decades-long honeymoon with globalization and the desperate economic
ride to which we have succumbed has left economists reeling; hung over and searching
for ways to stem hemorrhaging credit and cash flows. The G-20 needs to prevent or
manage economic contagions that are deep and far-reaching. These summits should
continue to work to address the economic blight with further attempts at buoying
international markets so that they can demonstrate resiliency to turmoil but, despite
these measures even the wealthiest of countries will soon be forced to go on an
economic crash diet as demand wanes for foreign exports and consumer price indexes
decline. This will coerce elected officials and ruling elite into alleviating constituent
dissatisfaction by counteracting shortfalls on the home front. “Applied to the case of
trade liberalization, self-help is difficult for governments that are under heavy domestic
pressure, as the temptation to reap immediate gains through defection (offering
protection to domestic constituencies) may simply be too big.” Instead of profit and
equality, we have instead witnessed a suppression of wages and heightened segregation.

The financial situation has affected scores of the world’s most wealthy countries and despite retroactive measures to curtail the slide the credit crisis and looming global recession has pushed many world leaders to ponder exactly what went wrong. What is often overlooked is that in this system there isn’t a place for traditional Westphalian sovereign philosophy. With the world’s affairs hanging delicately in the balance sovereignty can no longer remain a sanctuary, and/or a basis for rejecting diplomacy; nor should states be granted the luxury of fringe participation.\textsuperscript{24} International cooperation is essential to a healthier global economy.

The G-20 can work toward an effective solution to the financial crisis and thwart fear without allowing globalization to drastically alter course. Perhaps a new type of system is in order. A global international development regime that delivers technical and management assistance in agribusiness systems, individual entrepreneurship, political transparency, financial stewardship, community development and civic action in order to promote broad-based economic growth and a more vibrant and participatory global society.

\textsuperscript{24} Two additional points can be made here. The bigger a country economically the easier it is to experiment with trade, but smaller and more secluded states command far less maneuverability. This ultimately hinders their market flexibility.
CHAPTER TWO: THE RISE OF CONFLICT AND HUMAN SECURITY IN INTERNATIONAL AFFAIRS

2.1 THE PROLIFERATION OF THE POST-MODERN NATION-STATE IN THE 20TH CENTURY

According to the United Nations website, there are a total of 192 member states.\(^1\) This number includes nearly every recognized independent state in the world. Participation in the UN commits those states to uphold international law and security, economic development and social progress, human rights, world peace, and regional cooperation. One of the primary reasons for the explosion of Nation-States is the massive decolonization during the post-World War II period – one of the many changes which have taken place in the international system.\(^2\)

Despite a newly globalized international community, many of the more ethnically constituted Nation-States have struggled to adapt to global norms, and the recent stability of most Third World states has been a product of authoritarian rule.\(^3\) Over time the fragmentation of statism has led to the multiplication of new states. A significant number of these states are classified as least developed or developing and are located in relatively isolated geographic regions. As the economic turbulence of this early 21st Century has demonstrated, globalization has not created a fair and

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balanced world economic system as we had anticipated, and is one of many external influences that has led to an increase in conflict between competing ethnic groups; each attempting to wrestle control of the state away from the other. The claims of ethnicity, religion, tribe and race within states are conquering the external forces of globalization. As a result countries have fractured; divided on tribal, political, and economic lines. Can multi-ethnic Nation-States survive, or is their fragmentation inevitable? What exactly is the nature of the relationship between ethnic identity, territory, and nationalism? It may become apparent that nationalism is a symptom of, and not the cure for, economic, political, and territorial conflict within Nation-States.

2.2 THE NATURE OF ETHNIC IDENTITY AND HISTORICAL LINKAGES TO THE TERRITORIAL HOMELAND

Ethnic identity describes the relationship(s) that exist between individuals and groups with whom the individual believes he or she has shared lineage. These relationships can be based on any number of defining principles. Ethnicity is an important cultural identifier for people the world over. The histories of ethnic groups may be either real or presumed, but the individuals themselves recognize that their groups’ characteristics are distinct from those of outsiders. Memories are strong; especially when retold through stories from one generation to the next. There are a number of historical accounts of slaves passing ethnic culture to their offspring via religion, dance, song, and art – sometimes at the expense of their own lives. Signature
events of the tale may change through the retelling, but the principle ideology does not. Therefore, the real power of ethnic identity lies in the hearts and minds of the people.

Ethnicity and territorial identity are potent realities in our fragile world, yet governing bodies have all but ignored them. Perhaps this is understandably so. The main problem lies in defining what a nation is, and what it means to its inhabitants. A nation can be described as a politically organized body of people united under a single government, but it can also be depicted as a regional grouping of people with distinct ethnic identities living within the confines of an imaginary border. If borders are easily compromised and government allegiances are transient then it is difficult to determine if the loyalties of the people lie with ruling body of the Nation-State, or with a particular ethnic group.

As a species, humans are primarily characterized as territorial beings, and when attempting to define territory a process emerges whereby the group collectively recognizes a pattern of boundaries with identifiable geographic landmarks. Or, in other words the ethnic homeland. Historically speaking, the territory itself was administrated by an agreed upon system of governance, or rules, unique to each group. The process was also heavily influenced by both internal and external drivers, such as changes in leadership and the structure of governance; environmental happenstance; conflict and conquest. Early human colonizers fought for rights to the land and access to all of the natural resources which were essential to maintaining the group’s survival. The geographic boundaries themselves were open to realignment if the society was of a
sedentary or nomadic nature, and when population increases depleted the supply of local resources. Under these circumstances it became paramount for the group to branch out and acquire additional territory. If the boundaries were broached by external forces, the groups had the option to defend, retaliate against the invading armies, suffer the trauma of defeat, or redraw the geographic boundaries. A curious aspect of human territoriality is how we sometimes assign human territorial concepts to certain non-human entities and not others. For instance, many humans will acknowledge the spirit of a mountain, or a glen, or an ancient structure and show respect for that spirit by asking permission to cross into what is perceived as its territory. Yet, those same humans will blithely trespass the territorial boundaries of the birds, animals, insects and plants that live in the area. The logic is something like asking the spirit of a city for permission to enter and then freely roaming through anyone's home that you care to. The point is not that we should ask every entity's permission to cross boundaries, especially if they don't think in the same terms that we do. The point is to show how arbitrary our territorial ideas are.

2.3 THE WEAKENING OF NATIONALISM WITHIN STATE BORDERS

If nationalism is the glue that binds groups living within a given territory then there are signs that this adherent is weakening with age. The right to territory is a primary tenet of nationalistic ideology. For ethnic groups the Nation-State derives

4. For example, the territorial homeland is redefined if a group elects or, are forced, to flee into another geographic area in order to protect their ethnic survival. (i.e. refugees)
political legitimacy from its status as homeland of that ethnic group, from its protective function against colonization, persecution or racism, and from its claim to facilitate the shared cultural and social life, which may not have been possible under the ethnic group's previous status as an ethnic minority. When the state fails to promote the interests of the people and protect their well being it quickly loses all credibility. Where nationalism is concerned, international theory has established the conception that the borders of the state should be congruent with the borders of the nation. However, this theory leans toward the problematic. According to Graham Fuller, “virtually all borders are artificial – few were ever scientifically drawn. They reflect arbitrary circumstances – the historical events or accidents that created them.”\(^5\) The preconditions of ethnic identity and territory have created a powerful shared mythology for citizens of the modern Nation-State, and multi-cultural societies continue to fragment despite the hard pull of nationalism. I propose that this is because nationalism is largely a product of European nations - forged centuries ago in order to modernize economic and socio-political systems within historically diverse geographic areas. “Nations or nation-states as we now understand them developed out of some very specific circumstances in Western Europe in the early modern period. The spread of the idea of the sovereign, all-purpose nation-state to the extent that it is the basic unit

of politics…has given the impression of moving from strength to strength.” This theory may lend credence as to why nationalism and geography are so inextricably linked, and why ethnonationalism has demonstrated such a remarkable knack for transplanting traditional state-centered nationalism.

2.4 STATE-BUILDING OR STATE FRACTURING?

State-building continues to remain a problem for world leaders. As localized ethnic groups take arms in almighty rebellion, the international community has struggled to respond. This is especially true in regions of the world where nationalism is politically rendered from the top down and influenced heavily by authoritarian leaders and juntas. The mythic homeland remains, essentially, more important for national identity than the artificially created boundaries of the Nation-State. “Nationalism has a chameleon quality. In the 19th Century in the West it was the motive power of nation-building, the very soul of the Nation-State. In the first half of the 20th Century, it mutated into virulent forms, corrupted by the excesses of volk romanticism and visions of empire… {it} surged again as a nation-building force in the post World War II period…in the non-Western World upon the withdrawal of the colonial powers…{in} the post Cold War era, nationalism again changed colors, becoming a force of nation splitting.”

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for territory and identity intensifies, especially in today’s economically challenged environment, then perhaps the groups with distinct territorially based identities should have the right to separate territorial and political independence and challenge world leaders to become aware of such identities - instead of forcing competing ethnic groups to live ‘under one roof.’ What we may come to discover is that states will continue to fracture into smaller and more ethnically aligned entities – discrediting several hundred years of social contract theory from which the Western state model was constructed.

2.5 THE STATE OF NATURE – A WESTERN VIEW

Social contract theory formed a central pillar in the historically important notion that legitimate state authority must be derived from the consent of the governed. It seeks to describe why people would give up their rights as individuals and entrust power to an all-encompassing central authority. Thomas Hobbes and Jean-Jacques Rousseau are two of the most famous philosophers associated with creating the theoretical underpinnings of democracy. According to Hobbes, security was at the heart of the creation of the state. He postulated that the social contract was made to institute a state that would provide for the "peace and defense" of the people, and the contract would become void if the government no longer protected its citizens. 8 In such a case man would automatically return to a state of nature until the creation of a

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new social contract. Taking Hobbes’ theory a step further, Jean-Jacques Rousseau in his great work, *The Social Contract*, describes a good government as one that possesses a legitimate constitution, one whose purpose is to uphold and protect the laws which were created by the people in order to protect their sovereignty. “Nations, like men, are teachable only in their youth…once customs are established and prejudices rooted, reform is a dangerous and fruitless enterprise…there are certain violent epochs or revolutions in states which have the same effect on peoples that personal crises may have on individuals...”

Rousseau does include one passage in *The Social Contract* in reference to international relations. “This does not mean that the whole body cannot incur obligations to other nations, so long as those obligations do not infringe the contract; for in relation to foreign powers, the body politic is a simple entity, an individual…since the body politic, or sovereign, owes its being to the sanctity of the contract alone, it cannot commit itself, even in treaties with foreign powers, to anything that would derogate from the original act of association; it could not, for example, alienate a part of itself or submit to another sovereign.”

Is it then safe to assume that Rousseau is not against international treaties, and would in fact be in favor of them as long as they are legitimate entities with rational and just laws?

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10. Ibid., 63.
In some instances this would seem to be the case, but only if very specific conditions are met.\textsuperscript{11}

2.6 THE STATE OF NATURE – AN ISLAMIC VIEW

Storied Islamic historian, Ibn Khaldun focused many of his treatises on social sciences in Islamic communities. He lived in Tunis (1332-1406) in what is today a part of North Africa. In arguably his most famous work, \textit{An Introduction to History}, he seeks to explain a dichotomy of relationships at work in society, and chronicle both the rise and fall of dynastic rule. Following a period of widespread turmoil over Islamic identity, Ibn Khaldun crafted his great treatise as an attempt to chart political change after analyzing the centuries of conflict between competing forms of rule in the Muslim world.\textsuperscript{12}

According to Ibn Khaldun, the drive to obtain royal authority is natural to all humans. Religion works in tandem as it acts as a restraining influence and turns savagery into right guidance. Nature, as a universal force, is harsh. People instinctively band together to form protection from these powerful forces and to maintain order within the group. They are strong because they possess impenetrable solidarity and commitment to the community. Ibn Khaldun calls this asabiyya or, group feeling. A very liberal translation of this term is nationalism. This group feeling

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\textsuperscript{11} Only if a collective bargaining agreement with \textit{entity B} does not interfere with the rights and sovereignty of \textit{country A}.
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is in itself part of the natural state. The aggressive nature of tribal groups, and the hardships endured on the desert plains place great strains on the ability to survive. Some tribes are doomed from the start, but others eventually prevail. Tribes that are successful, creating and sustaining their livelihood, grow stronger. Communities become villages; villages become towns; towns become great cities. In turn group feeling is magnified; nourished through the sheer mental and physical capacities of its members.

When royal authority has been obtained there comes a brief time of peace wherein the civilized masses enjoy the spoils of their empire. But it is foolish to think that empire will last. The growth of all empires is followed by long periods of decay. This is part of the natural order and is unavoidable. There is rule and then there is knowledgeable rule. An educated ruler commits himself to God and is a true devotee to the ways of Islam. A royal authority is not to be deified. Only God is the true master of the heavens. Deities are celestial beings and rulers are of the earth, bound by earthly lust and weakened by the temptation and greed from living a lavish existence. According to Ibn Khaldun, the rise and fall of empire takes a mere four generations. Over the course of this period man becomes weak, his body and mind are corrupted, and group feeling gives way to the preoccupation with self. Once the empire enters into a phase of decline it then becomes susceptible to overthrow by other rising factions. The different groups will battle it out, but the faction with the strongest group feeling will always prevail. But, if the dynasty suffers from an oppressive ruler then
these injustices will ruin civilization. When leadership fails to reinforce the goals of society it is doomed to failure. A ruler only achieves greatness with the help of his people. Citizens are societies’ true saviors, but in order for them to be saviors they must first become rightly aligned with God.

After analyzing the change which had come about through centuries of conflict in the Islamic world his treatise was meant to educate those who sought to find truth. Ultimately he attempts to prove how true enlightenment can only be reached if one can acknowledge the mistakes of the past. History is subject to universal constants, but Islam will always prevail despite continued unrest in Islamic society.

2.7 THE STATE OF NATURE - A CLASH OF VALUES

The road to modernity has greatly challenged the core system of values and identity for the Islamic community. “In countries where democracy is not deeply rooted, nationalism is emerging as the new organizing principle for authoritarian rule, with somber implications for international peace.”13 This may explain in part why we continue to see an increase in diplomatic tensions and violence in the Middle East. The imposition of Western secular values and democratic ideology on profoundly religious peoples is problematic. Western values do not generally align with the fundamental principles of Islamic Law (sharia). Just as there are many different types of Christian faiths, the Islamic community has an equal number; if not more. What we have then is

a clash of values between both ethnicity and religion. Nationalism, by nature, can tend to have extremist tendencies, but can also be perceived as a threat when nationalistic symbolism is enforced by ‘non-believers.’ In the Middle East, for example, former imperial powers cut new Nation-States out of a broader social fabric of Arabs who had never thought about themselves as so many nations…”

The spread of globalization is also inadvertently the spread of different cultures, and is therefore not seen as a positive advance to the Muslim world. It is viewed instead as an unnecessary and unwanted evil.

If the multi-ethnic Nation-State model is an important component of the international system, then why not assume that any substantial minority group would have the right to challenge those groups that seek to alienate and defile them? Mr. Hobbes and Ibn Khaldun do agree on one important position – that it is part of the natural order. If the Nation-States were created based on theory, than persecuted minority groups within are arguably just in their decision to seek freedom from those that would terrorize them. This raises an interesting point. If nations are imaginary entities constructed from geographic boundaries, and territorial sovereignty is the primary source of tension between power and ethnic identity, then national identity is itself a false construct. It is entirely dependent on territory, because territory confirms the concrete evidence of a nation’s existence. It is inconceivable to think that the same Western principles of state-building would be effective for the more ethnically diverse

of unions. It is like trying to paint a picture without ever washing the brush between colors.

2.8 ISLAMIC EXTREMISM

During the 1960s and 1970s the teachings of a handful of Muslim religious intellectuals changed the direction of Islam for many from a quiet, withdrawn scholastic immersion in the fine details of law to an activist struggle to capture secular power for religious ends. And it was during this period that Muslim leaders were trying to create modern, secular, Westernized Nation-States: Nasser in Egypt, Bhutto in Pakistan; Sukarno in Indonesia; Boumedienne in Algeria. Sayyid Qutb, in Egypt, reacted against the modeling of the Egyptian government on Western principles. Another influential intellectual writer and activist was the Pakistani publicist Mawlana Mawdud. He was extremely influential in calling for the creation of an Islamic state governed directly by God with a literal application of Koranic law.\(^{15}\) A later intellectual exponent of violence in the name of Islam was the Egyptian writer Abd al Salam Faraj, who set forth a religious interpretation of Jihad as confrontation and blood. He claimed that violent confrontation was a duty and that the reward for fulfilling the duty was a place in heaven. These writers and activists were major forces in the new militant Islamic movements of the late 20\(^{th}\) early 21\(^{st}\) century.

For many centuries the Muslim world - Damascus, Baghdad, Grenada, Istanbul, and Isfahan - was the preeminent civilization in the world. Muslims have lost a cultural primacy that was once theirs. They are enraged and humiliated and blame the West, history, infidels, and modernity, as well as at themselves for having allowed matters to come to such a pass. Added to the historical sense of humiliation among many in the Muslim world is the disruption, economic dominance, omnipresence of consumer values, and cultural and national destabilization that accompany globalization. The family, traditional religious organizations and national loyalties are all weakened. And so it is not surprising that other forms of identification arise, especially among the displaced, young, uprooted men.

According to Osama Bin Laden in a taped transcript, the “West is incapable of recognizing the rights of others. It will not be able to respect others’ beliefs or feelings. The West still believes in ethnic supremacy and looks down on other nations. They categorize human beings into white masters and colored slaves. This is why they established institutions and enacted laws to maintain their supremacy by creating the United Nations and the veto power.”16 The so-called western values are rejected as evil and replaced by another set of values that defines its followers’ identity and demands total allegiance. And the adoption of an identity built around a single concept or structure which requires the rejection of all others as evil can be a bloody business.

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“For ‘identity’ is what gets the blood boiling, what makes people do unspeakable things to their neighbors. It is the fuel used by agitators to set whole countries on fire. When the world is reduced to a battle between ‘us and them,’ Germans and Jews, Hindus and Muslims…only mass murder will do, for ‘we’ can only survive if ‘they’ are slaughtered.”  

The message is clear in that that the “other” does not share in a common humanity with “us.”

2.9 IMPLICATIONS OF WEAK STATES FOR CONFLICT MANAGEMENT

Rebel groups, insurgents, and other non-state entities have all compromised the state system in the 21st Century. The end of empire has created a rift throughout many ethnically charged regions. “Some signs of weakness relate directly to particular types of nations. The nations which were the centre of empires have been weakened by the end of empire, or perhaps their weakness hastened the end of empire.”  

This has created vast challenges for the West. Many of the old monarchial ruling bodies have been replaced by representative parliamentary and democratic systems of government. “A large number of the most powerful states no longer want to fight or conquer…Imperialism in the traditional sense is dead, at least among the Western powers.”

But the lack of control has opened the door to a proliferation of non-state


actors (i.e. localized militia, privatized military, and drug lords) that are working to undermine the state system itself.

Whereas the last decade of the 20th Century was defined by globalization, the first decade of the 21st Century has witnessed a shift toward ethnonationalism and regional competition between rival states. Diplomatic communication between states is on the decline and this is not limited to Western-Islamic relations. Historic ethnic rivalries have been refreshed and old hatreds have been renewed; buttressed by a new complex of weak and failing states. These states, such as Belarus, Libya, and North Korea, serve as a catalyst to non-state terrorist networks. They provide locations for critical face-to-face meetings and training that create the lifelong bonds of trust necessary for the smooth operation of covert networks. They are also excellent conduits for transnational crime (drug and human trafficking primarily) that fund ongoing operations. For these reasons they are a threat to international human security.

Weak States contain ethnic, religious, linguistic, or other tensions that limit or decrease its ability to deliver political goods. These conflicts are on the edge of exploding into open violence. GDP per capita has fallen or is falling. Corruption is common and the rule of law is weakly applied. Despots rule. There are three primary indicators for weak states that are on the verge of failure.

- Security: The lack of physical control over territory. The lack of monopoly over the legitimate use of force. Illegitimate use of force over the general population.
• Welfare: The inability to collect taxes and provide the necessary public services. Economic crisis and dependence.

• Representation: Elitist politics without public participation. The erosion of legitimate authority to make collective decisions. Institutionalized corruption and discrimination. The erosion of mechanisms to manage political disputes. Involuntary dislocation of populations. When tribal law becomes provincial law and then national law.

According to a 2008 report released by the Brookings Institute, nearly 60 countries -- over a quarter of all U.N. members -- are unable to meet the basic requirements of statehood. Most of the world's weakest states are in Africa, but the problem affects countries from Haiti to Yemen, Burma and Nepal.\(^\text{20}\) It is much less expensive to stop a state from failing than to reconstruct it after it has failed or collapsed. Western policy is almost exclusively focused on failed states within strategic regions, at the expense of weak states on the brink of failure. For example: the money spent on Iraq and Afghanistan is two orders of magnitude more than the US spends on help for weak states. Those efforts aimed at weak states have been mostly ceded to financial institutions (banks and funds) that either focus their efforts on either profit (returns from loans) or export expansion (for western producers, particularly agriculture). The fundamental problem with weak states is that they inevitably invite conflict. The vacuum that insufficient leadership and inadequate services create within these countries is immense. Weak states facilitate the organization of armed conflict when they lack all three of these key elements of strong states. Turning weak states

into effective states is not a simple task, but when states lose control it is innocent people who pay the ultimate price.

Most instances of conflict stem from elements of state failure. The phenomenon of weak states is one contextual factor of armed conflict among others. Military rule has strengthened, despotic leaders continue to defy international law, developing economies are suffering, and resources have become scarce. Weak states lose credibility with the people. They are unrepresentative of individuals and treat people more like hostages than citizens. As people suffer from economic hardship, political corruption, and the pressures of globalization the ability of the ruling political establishment to maintain allegiances quickly evaporates. A dramatic shift occurs wherein the people transfer full authority from the state to their ethnic group. The nation then becomes defined in terms of ethnicity. Conflict is inevitable in states where a multitude of ethnic groups are competing for control under a corrupt political authority.

Many post-colonial Nation-States were created without the consent of minority groups. After World War II, power was meted out to ethnic majority group leaders that demonstrated their willingness to comply with the wishes of the Allied forces. Political authorities would remain in power as long as they were able to maintain strength of presence in the region – often at the expense of the state’s own citizens. Persecution and neglect were ultimately the result of the corruption and greed of nefarious government officials. This problem intensified during the Cold War when the United
States and the Soviet Union leveraged rebellious factions within weak states to distribute money and arms across borders. Under President Reagan, US foreign policy shifted from containment to rollback. Proxy wars were carried out in militarily unfriendly zones. One advantage of proxy war is that it can be conducted away from public scrutiny; however, it is not easily financed from public funds. If anything, proxy wars have undermined the foundation of democracy as they tend to walk hand-in-hand with the illicit arms and drug trade.

Communal conflict is based on ancient hatreds, and mobilization is based on the need for ethnic minorities to assert their identity. Ethnic mobilization primarily occurs when states are about to collapse. The Croatian War for Independence (1991-1995) is a good example. The war resulted from the rise of vicious nationalism in the 1980s which slowly lead to the dissolution of Yugoslavia. The nationalist fervor in Croatia led to great tension among Croats and Serb ethnic groups, who still held centuries-old prejudices against each other despite living together under communism. The Soviet Union’s collapse brought uncertainty to Yugoslavia in 1990. It encouraged nationalist sentiments in all of its republics. Tension and bickering eventually lead to sporadic fighting in 1991 when Serbia blocked the installation of Stipe Mesic, a Croat scheduled to be the chairman of the rotating presidency in Yugoslavia. This maneuver technically left Yugoslavia without a leader. In June 1991, Croatia struck back declaring its independence from Yugoslavia. Fighting then spread to Bosnia, and
continued until 1995 when the Dayton agreement was signed; bringing about a cessation of hostilities.  

Security is the protection of the territory, people, and institutions of a state from externally oriented threats and well being. What has changed is the increase in internal threats. This changes the way that society effectively, or ineffectively, counters multiple threats from other groups. The late Samuel Huntington will probably be best known for his controversial thesis, *The Clash of Civilizations*, which defined a worldview for many after the fall of the Soviet Union. In it, Huntington set forth the idea that civilizations, as opposed to just nations, would be an important factor in shaping the future of global politics. Huntington theorizes about new sources of global conflict in the post-Cold War world. “In this new world the most pervasive, important, and dangerous conflicts will not be between social classes, rich and poor, or other economically defined groups, but between peoples belonging to different cultural entities.”

He argues that the primary source of conflict in the future will fall along religious and cultural lines. His thesis addressed several different conflicts such as Israel-Palestine, India-Pakistan, Russia-Chechnya, Islam vs. Europe and the West, but it was perhaps most famous for its assertion that Islamic civilization constituted a


coherent and opposing force to the Western world; as demonstrated most effectively by Islamic terrorists on September 11, 2001.

Terrorism is the most existential of threats we face in the post-modern era. It has tested the limits of legality in international cooperation, warfare and human security. Because of the wide range in scope of terrorist activities that perpetrators commit, the fear it instills in us, both rational and irrational, is tangible. The war on terrorism enacted by the Bush administration has had far-reaching implications for U.S. diplomatic relations. The term ‘war on terror’ was a bane for the Bush administration just as the ‘war on drugs’ was during Reagan’s term. It is a problem of semantics. It pits ‘us’ versus ‘them’, and assumes that we can define who ‘they’ are. Acts of religious terrorism are frequently not for strategic goals but to make a symbolic statement. “The spectacular assaults of September 11, 2001, were not only tragic acts of violence; they were also spectacular theater.”23 The acts of suicide bombers – so called martyrs – are both horrible aggressive acts and a message of total commitment and belief. Martyrdom achieves meaning by being witnessed by the media. “It is...a horrendous form of advertising.”24 The internet and television were used successfully by Hezbollah in the 2007 Israeli-Lebanese war. Hezbollah placed rockets in civilian


areas. When the rockets were destroyed, pictures were put on the internet showing the destruction and accusing the Israelis of deliberately targeting civilians. Unfortunately, human beings do not always rationalize and calculate all of the options before they react. Changing the language of the debate, while it can remove a barrier to effective action, does not, of course, change the substantive issues which have to be addressed. What needs to be argued are all of the moral, legal, political, and operational questions about the need, will, authority, and the capacity to react to terrorist activities that are so difficult and divisive in diplomatic relations. If people are prepared to look at all of these issues from new perspectives, it may make finding agreed answers that much easier. Terrorism poses an extreme threat to survival - not just to a way of life, but it also weakens the ability of a state to maintain its internal security. And there is a sign that nationalist uprisings are growing in strength and number. “Nationalist movements have shown much greater resilience and destructive capacity than the small and fissiparous left-wing revolutionary groups. They tend to be significantly bigger, for one thing, and to draw on a larger pool of recruitment; and though their ‘cause’ – freeing or uniting the nation – is not necessarily more practicable than the revolutionary dream of total social transformation, nationalism has dominated modern politics precisely because it connects with a visceral, apparently natural force.”25 Bear in mind that an extremist act takes extreme efforts to counteract it. If the state is weak, failing, or failed, the results can be catastrophic.

The last half of the 20\textsuperscript{th} Century posed many challenges to our traditional notions of security. The end of the Cold War and the fall of Communism have had a lasting impact on regional security. The number of international wars may have declined, but we are now witnessing a slow shift from interstate to intra-state war as a result. The traditional state-centered vision has taken a backseat to more international oversight and engagements when conflict arises, and this has created fragmentation in the international agenda. As a result there has been a rise in ethnic and communal conflict, which has only helped to undermine the security of the sovereign state system.

2.10 A RETURN TO ETHNIC HATRED AND VIOLENCE IN THE 21\textsuperscript{ST} CENTURY

Iraq is attempting to overcome thirty years of Saddam Hussein’s military rule. The war on terror continues relentlessly along the Pakistan and Afghan border, but the Taliban ride across the landmine-ridden Afghani countryside, raised AK-47s in hand as if in salute to a war already won. The control of Gaza is still the subject of debate as the Israeli military and Hamas continue to lash out against one another. In Syria, the government has increased the number of troops it has deployed along its border with Lebanon. India and Pakistan accuse one another of violating terms of the 50 year cease-fire in the territory of Kashmir.\textsuperscript{26} The exchange of fire has only resulted in the deconstruction of diplomatic confidence-building measures between the two countries.

In Africa, overwhelmed UN forces are desperately trying to prevent a return to full-scale war in the Congo, but the DRC is the heir to a rich sources of diamonds. These “blood diamonds” have been used to finance insurgent activities of corrupt warlords.²⁷ After a disputed election in Kenya, the Kikuyu were subjected to ethnic cleansing and massacres by the Luo people. In Zimbabwe, white farmers are being dispossessed due to their ancestry. In the Gulf of Aden, pirates operating from the coastal villages bordering Somalia are hijacking supertankers and extorting vast amounts of money from transnational companies. These well-armed pirates are overwhelming what little local authority exists in a country that has been without a functioning central government since 1991. Despite the launch of "one of the largest anti-piracy flotillas in modern history," UN Secretary-General Ban Ki-moon says that what he terms the "clan-organized taking of vessels off the coast of Somalia" will only cease when order is restored to that country.²⁸ And in Rwanda, post-conflict reconstruction continues, but the scars are everlasting.

In 2007, Tamil rebels staged airstrikes on Sri Lankan Air Force bases – using simple-fuse bombs and two-seater pleasure aircraft; but the rebellion against the ruling Sinhalese appears lost for now.²⁹ China continues to thwart the Uyghur people who

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demand their own nation. The 2008 Summer Olympics exposed to the world community that the problems between Beijing and Tibet linger. The Communist government was quick to downplay pro-Tibet demonstrators during the torch relay, but ultimately lost the propaganda battle as activists dogged speeches in Greece, London, and San Francisco.  

In Europe, populist anti-immigrant parties, alarmed at a loss of national identities, are striving toward respectability and power. The Vlaams Belang, seeking independence for Flanders, is the biggest party in the Belgian parliament. The Peoples Party and Freedom Party are now Austria's second and third most popular. The Swiss People's Party of Christoph Blocher is the largest in Bern. In France, the National Front humiliated the government in early 2009, winning over half the vote in a suburb of Marseilles. Belfast, Jerusalem, Brussels, Montreal, Sarajevo and Nicosia are among the most oft-mentioned examples of ethnically divided cities, situated in a wider context of ethnonational conflict (to varying degrees of intensity). In Vladimir Putin's time, Russians crushed Chechens, confronted Estonians over Russian military graves and war memorials, collided with Ukrainians over the Crimea and bloodied up the Georgians. There are other cities where ethnic and cross-community tensions are significant, but which have not occupied sufficient academic interest. Violence has had

a lasting effect in the North Caucus. Freedom House has put Chechnya in the “Worst of the Worst” list of most oppressive societies in the world.31

2.11 SEARCHING FOR ALTERNATE SOLUTIONS

The Nation-State is increasingly viewed as an inadequate entity for government. Outsider attempts at reproducing representative democracy in the Third World have by-and-large proven to be an ineffective method of state-building. This is due to the diverse ethnic makeup of Nation-States, despotic leadership in weak and failing states, and the misrepresentation of the minority classes located within state borders. European states grew as part of a process over centuries, but imposed state-building without local ownership and participation is likely to lead to more fracturing of weak states.

We can only hope that the desire and the will of the people to succeed in these failing Nation-States will determine the kind of government they will get. Representative governments need to fully respond to the various needs of their multi-ethnic population. Leaders need to be held accountable; government needs to be transparent; and elections of political heads of state need to be open and free. As the developed nations continue to integrate, both regionally and economically, they must leave room for negotiation with their developing counterparts. Democratization; not fragmentation, should be the ultimate policy goal. If they cannot overcome the external

pressures from globalization, and the internal dominance of ethnonationalism, then traditional Western-style state sovereignty will not continue to function. “One must not allow current presumptions to blind us to new possibilities. National citizens have become so habituated to thinking of political authority as deriving from one single sovereign national centre that they can easily jump to the conclusion that some one institution will eventually supplant the nation-state as the sovereign.”32 The absence of the state does not mean the absence of security, stability and economic activity, and sub-state governments are often the best of bad options. It may indeed require a different way of thinking about international cooperation by helping autocratic leaders to turn away from statist ideology as the only way to handle ethnic divisions within the borders of Nation-States, and help competing ethnic groups work toward cohabitation for the common good of the people.

CHAPTER THREE: A DIPLOMATIC ALTERNATIVE TO ARMED CONFLICT

3.1 THE PEACE AT WESTPHALIA AND THE ORIGINS OF THE SOVEREIGN STATE SYSTEM

The birth of the modern sovereign state system is attributed to the Peace at Westphalia, which brought about the end of the Thirty Years’ War. The fall of the Hapsburg Empire unequivocally altered the balance of power in Europe and the subsequent Treaty signed at Westphalia in 1648 further weakened Papal authority. The conflict was a result of religious fundamentalism and was formed in attempts to thwart rising corruption in the Roman Catholic Church. These were brought about originally by Protestant reformer Martin Luther, and would inevitably lead to the fracturing of all Christendom. “In a 1537 article on the papacy, Luther states the case plainly. He fully associates Pope Leo X with Antichrist as the leader of a false religion saying: All the pope's bulls and books, in which he roars like a lion, are available. As his short article builds to a climax, Luther states the case more directly. Because the pope places himself above Christ in his claims to authority, he sets himself up as a false god, as Antichrist is prophesied to do in the book of Revelation: This is a powerful demonstration that the pope is the real Antichrist who has raised himself over and set himself against Christ, for the pope will not permit Christians to be saved except by his own power.”

1 Martin Luther, The Smalcald Articles: Martin Luther's Basic Theological Writings, ed. and trans. Timothy F. Lull (Minneapolis, MN: Augsburg Fortress Press, 1989), 513.
of the church from his home base in Geneva, Switzerland. Calvin’s influence, or Calvinism, spread through Europe like wildfire. As more Protestant reformists became involved in the struggle a series of wars broke out all over Europe. Factions of Catholic supporters united in an attempt to protect and restore faith in Roman Catholic ideology.

“The Treaty of Westphalia itself was not the only agreement concluded at the peace negotiations held in the town of Muenster in 1648. In addition, the Treaty of Muenster, recognizing the independence of the United Provinces of the Netherlands and ceding territory to France, and the Treaty of Osnabruck, granting Sweden its spoils of victory, also came out of what is more properly called the Settlement of Westphalia. Many of the precepts ascribed to Westphalia, such as state sovereignty and enforcement and regulation of international law, come from these two treaties rather than the Treaty of Westphalia itself.”² The treaty is important because for the first time states were granted supreme jurisdiction over their own sovereignty. State sovereignty can be separated into three primary tenets:

• The principle of sovereign states and rights of political self determination.

• The principle of equality between states.

• The non-interventionist principle; meaning that one state does not (should not) have the right to interfere in the affairs of another state.

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“While the Treaty of Westphalia is considered the Magna Carta of the state system, its historical purpose was to keep the Empire functioning politically.”

However that Empire has long since disappeared, and collectively states have transitioned into a more global society. Many of the old monarchial ruling bodies have been replaced by representative parliamentary and democratic systems of government. Territorial sovereignty still exists today, but states in Europe no longer command complete hegemony over the world as they once did. The fates of nations are now shaped and reformed by supranational organizations, transnational businesses and regional coalitions. “Multinational corporations and globalism in general appear to be on the brink of superseding the state as the basis of international affairs and social scientists are diligently endeavoring to make sense of the transition.”

In 1977 international political theorist Hedley Bull classified this swing in international policy as neomediaevalism; whereby individual rights are eroding the system and undermining our traditional notions of state sovereignty.

Scholars generally reference this new phase in political history as the post-Westphalian system; a system that recognizes the primacy of individuals over the Nation-State. Robert Keohane states, “Sovereignty no longer enables states to exert effective supremacy over what occurs within their


territories: decisions are made by firms on a global basis, and other states' policies have major impacts within one's own boundaries...What sovereignty does confer on states under conditions of complex interdependence is legal authority that can either be exercised to the detriment of other states' interests or be bargained away in return for influence over others' polices and therefore greater gains from exchange. Rather than connoting the exercise of supremacy within a given territory, sovereignty provides the state with a legal grip on an aspect of a transnational process. “6 Some questions arise as we seek to redefine traditional notions of rights and sovereignty within this new era. What needs to be addressed are these new roles for individuals and the emphasis on ethnic identity, economics, and politics, and how they fit into the prescribed definition of sovereignty. Individuals now command more power than ever before.

3.2 THE ORIGINS OF INDIVIDUAL SOVEREIGNTY AND THE POWER OF DIRECT DEMOCRACY

Aristotle and his philosophical interpretation of the rights of individuals are best noted in his great work, The Politics. In it he depicts the state as an organic entity supported by a natural community of individuals. Collectively these individuals share common linkages – be it language, culture, and/or environment. The evolution of the state is in direct proportion to the changing ethnic demographic of the group(s) that resides within. Supreme power is not only originally constructed by, but remains

permanently in the hands of the people. Sovereignty is attributed to the whole body, and as such, cannot be alienated to any of the limbs or members. The people retain the upmost power and are always superior to the administration, or government. The people are immortal whereas the governing bodies are mortal; therefore the people alone have permanent power. According to Aristotle, there must be a supreme power existing in the state, and this power may be in the hands of one, or a few, or of many. 7 This theory can literally be translated into direct democracy. In a direct democracy, all power is purely derived and is ruled over by the collective will of the people. The source of all governmental power therefore rests with the citizens, and not with any particular group, business, or military organization.

The historical lineage of direct democracy, often referred to as a ‘pure’ democracy, is traceable again to ancient Greece; in particular, the Athenian City-State. As Pericles states in Thucydides’ history of The Peloponnesian War, “Our constitution does not copy the laws of neighboring states; we are rather a pattern to others than imitators ourselves. Its administration favors the many instead of the few; this is why it is called a democracy. If we look to the laws, they afford equal justice to all in their private differences; if to social standing, advancement in public life falls to reputation for capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the

obscurity of his condition.” In this passage Pericles is acknowledging the sovereign right of individuals within democratic political systems. The people command the same basic rights regardless of their welfare or social status. In this system sovereignty lies with all participant, or voting, citizens. Collectively the rule of the people is stronger and carries more authority than any one government. The right to veto is an extremely important and powerful component of this model. In a direct democracy, individuals have dominion to dictate their own choices without interference from an outside governing body. “By way of petition, a number of citizens (be it an absolute number or a proportion of the electorate, of voters in a previous election, or suchlike) can, as a rule at any time, decide that an issue should be submitted to a vote. The outcome of this vote is not merely consultative but binding. What matters here is that the initiative for the vote originates in part of the electorate, not in a political institution - the presidency, the government, the majority or even a minority in parliament.”

3.3 SWITZERLAND’S APPROACH TO CITIZEN LAWMAKING

The reframing of the Constitution of the Swiss Confederation in the late nineteenth century institutionalized a state-wide system of individual sovereignty, and a government ruled over by the collective will. Today, Switzerland is divided into 26

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cantons and 2,730 communes. Each of the cantons commands virtual autonomy on issues ranging from taxing to education. The Swiss employ several of these provisions in their approach to citizen lawmaking to great effect. The Swiss model has become an intriguing model, for some political theorists, as a potential alternative for the governance of multi-ethnic Nation-States teetering on the border of failure. “At least before self-determination groups take a wrecking ball to their countries, it seems reasonable to expect them to try to work out their differences by reforming the existing government to render it more responsive…Switzerland, now held up as a model of a country containing people of different origins, ethnicities, languages and cultures, was possible only after the ethnic groups that fought each other for nearly 1,000 years were able to agree on a common democratic government.”10 There is little doubt about the weight that direct democracy carries in the Swiss system. It matters to politicians and to parliamentarians. It matters to political action groups and to political parties. It matters to businesses and private interest firms. The voice of the people impacts policy choices across the board and the referendums are a critical component of Swiss governance. “…within a truly democratic state patterns of integration can be created that preserve distinct identities without breaking up the encompassing societies.”11

Even though the Swiss model may not be effectively applied to all ethnically torn Nation-States, the success of their federal democratic system emits clues as to how

11. Ibid., 25.
even the most ethnically divided of countries can uphold democratic principles. The primary objective of Swiss foreign policy is to preserve the independence and well-being of the country. To achieve this in the best way possible, Switzerland works to promote peaceful coexistence among peoples, to combat poverty and to promote human rights, democracy and the careful use of natural resources. In addition, it supports the activities of Swiss business abroad.

There are inherent problems with direct democratic governance that are not necessarily existent in a representative democracy. For example, in a representative democracy there are greater measures of calculated risk involved in every voting decision. Government agents and elected representatives are not only responsible for upholding the values of their constituency (lest they be voted out of office), but have to balance their politicking in order to please private business, public interest groups, and uphold the ideals of their own political party. Ultimately a politician must achieve a balance when weighing conflicting opinions. In an ‘ideal’ democratic scenario, elected representatives make informed policy decisions. In a direct democracy the decisions tend to be more emotionally driven and are not necessarily based on political or economic reasoning. Therefore the risks are high when the collective body votes by referendum, because they are not as calculated. “The differentiation of the systems of direct and representative democracy has been a major ingredient for the overall

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12. ‘Ideal’ is a loosely worded term here as results vary widely. One of the major pitfalls is corruption through political bribery as mandated by private interest firms.
integrative role of direct democracy in Swiss politics.” Direct democracy is often at blame for Switzerland’s isolationist tendencies. In 2001, over 76% of the voting population rallied against EU membership. It would seem that there is a general feeling among the Swiss that membership in the European Union would seriously compromise the autonomy of these cantons because Switzerland would be forced to adopt over thirty years of EU law, without maintaining much sovereignty. The power of governance which can be held politically accountable is an important component of democracy in Switzerland, and the secrecy of the European Council disturbs many Swiss voters. Economists generally concur that the cultural short-term grievances of the Swiss people against their European counterparts, and toward the European Union in particular, could lead to long-term failures of the Swiss economic system. This system may also threaten their adaptability to international norms. In an era of complex interdependence and regional trade agreements, Switzerland remains an international political and economic anomaly. For many of these reasons the Swiss model may be a solution for some Nation-States, but is not applicable to all.

3.4 AT THE CUSP OF GLOBALIZATION AND ETHNONATIONALISM

Globalization and ethnonationalism are undercutting the foundation of the Nation-State system in the developing world. In this new area of globalization many states now recognize that they can no longer exclude themselves from world markets.

Global trade and the (re)shaping of foreign agendas have become priority tasks for states attempting to transition from the modern to post-modern stages. Political stability, technology, and a developed infrastructure with an educated workforce are essential ingredients to the success of states. However, in regions of the world, such as Africa and the Middle East, the lines are blurred. Ethnonationalism has helped to change the nature of conflict. Conflict is less external (states at war with each other) and more internal (state at war with itself). The danger is evident in non-Western countries with weak governments unable to withstand the effects of both globalization and ethnonationalism. Increased economic disparity, threats to the culture of indigenous peoples and the traditional family structure, and environmental degradation all pose massive security problems for the post-Westphalian sovereign state model. “A more meaningful maximand is summarized as the maximization of (equal) individual sovereignty. This objective allows for the establishment of political-collective institutions, but implies that these institutions be organized so as to minimize political coercion of the individual…So long as one's agreement to such political action is voluntary, the individual's sovereignty is protected.”14 The unconstrained use of oil and other fossil fuels, not to mention human essentials such as water and food, has dire consequences on geographic stability. In certain contexts it can also be a threat to human security. Does environmental change cause conflict? Does environmental

change threaten the survival of communities? When applied to weak, fragile, and failed states the answer is yes. Adverse human activity itself is a direct threat to the environment. Unless strict restraints are enacted internationally, humans will exhaust the globe’s natural resources, fill its sinks, and overstep the earth’s capacity to support life.

3.5 MANAGING CONFLICT

Threats can emerge from multiple sources. The most pertinent threats to Nation-States being globalization and ethnonationalism. No single country can handle these issues unilaterally. “Multinational corporations and globalism in general appear to be on the brink of superceding the state as the basis of international affairs and social scientists are diligently endeavoring to make sense of the transition.”15 The only viable solution is an international one, but never before has there been such a lack of confidence in the international institutional framework. The system was designed and based on altruism, but states will always fall back on their own interests. Why would you cede power if there is nothing to gain in return? If there isn’t an incentive to channel power into a multinational norm, then countries that have power will override the international system and take another approach. They will either “go it alone” or enter into mutually exclusive bilateral agreements. And despite their best measures the increasing degrees of coercion will not lead people to buy in.

15. Cruz, Policy Point-Counterpoint, 151.
There has been more and more discourse in today’s world about the conditional right of the responsibility of states. Who has responsibility, who commands responsibility, when can responsibility be imposed, when can it be taken away, etc. When an agent is performing a morally significant act it warrants a reaction – either to praise or blame. If a leader is warranted you accord him with responsibility. There are moral responsibilities, collective responsibilities, corporate responsibilities, and responsibilities of the state. Threats emerge when the state stops becoming responsible for its actions. Humanitarian intervention, peace-building, and disarmament are all challenges that stem from conflict.

3.6 HUMANITARIAN INTERVENTION

Traditionally international law has focused on states, but any multinational group will now argue that when faced with a human rights charge that international law is to hold states accountable and not non-state actors; however there isn’t any way to sue a non-state actor. It is fairly easy for states to avoid accountability for human rights violations, but it has become impossible to wage modern war without the humanitarian debate. The sovereign equality of states and human rights of individuals go hand-in-hand, but are based on a notion of a right to intervention in order to protect populations from gross human rights offenses. State sovereignty implies responsibility – meaning that the primary responsibility for the protection of its people lies with the state itself. Where a population is suffering serious harm as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable
to halt or avert it, the principle of non-intervention yields to the international responsibility to protect. Domestic violence in each state can be tried in international law if the state has failed to hold anyone accountable in the case. Any state that organized genocide against its own people can be held accountable in international law.\textsuperscript{16} The Human Rights Commission, as a branch of the UN, reports back to Geneva on Human Rights violations. There are clear expectations on a rebel group that they will respect human rights obligations. If a group looks a bit like a government and could become the government, then they are treated like a government. The Tamil Tigers in Sri Lanka, Hezbollah in Lebanon, and Maoists in Nepal are good examples. In international law, if one government takes over from a pre-existing government within a state then the deed of commitment transfers with it; but the same cannot apply to rebel groups or other non-state actors. Groups of individuals and leaders can be taken to the International Criminal Court, but it is unlikely that any government will surrender one of its officials to the court. It may become a court for rebels and non-state actors alike. The ICC does not have a witness protection system to keep witnesses safe from rebel action. Unfortunately, getting people to commit to agreements and then enforcing them are challenging. The legal impossibility argument suggests that groups who have not signed human rights treaties cannot legally be held to uphold them. It is all but impossible when a state has already fragmented.

\textsuperscript{16} Example: The Nuremburg Trials in Germany following World War II which were held to convict Nazi war criminals.
3.7 PEACE-BUILDING

When we speak of peace there are two main types; negative peace and positive peace. Negative peace is the absence of active and direct violence. In positive peace we attempt to resolve the root causes of violence and war, and seek to build cooperative relationships and accepted mechanisms to resolve conflicts without resorting to violence. Peace-building measures can be enacted prior to an outbreak of conflict, during wartime, or post-conflict; often with varying results. There are several functional tasks associated with peace-building implementation measures:

- Security and military
- Economic and development
- Political and diplomatic
- Justice and reconciliation

Why do we try to build peace at all? In order to save lives; stop the bloodshed; develop countries; spread democracy; spread capitalism; establish political, economic, and security incentives; and because of organizational mandate. Due to all of these reasons the complexities of peace-building are tremendous.

Generating the political will through public buy-in is a major obstacle for democratic governments. The decision that leaders face to send beloved sons and daughters off into dangerous lands cannot come without the overwhelming support of their constituency. The United States’ decision to send troops to Vietnam cost many government leaders their jobs at the end of their terms. The US faced a similar problem
in the mid 1990s. Perhaps genocide in Rwanda could have been stopped if Western leaders had committed earlier to send fully equipped troops overseas. Instead, ill-equipped UN forces on the ground were unable to contain the violence. In the United States, the public was still reeling from the vision of dead American airmen being dragged brutally through the streets of Somalia just a few years prior. The American public was unwilling to send more troops into another part of Africa that many could not even locate on a map. When the US finally did concede to send troops it was too late.

Another hurdle for politicians is the sovereignty issue itself. To be more specific, when is it right to intervene in the internal affairs of another country? After all, ‘taking sides’ is part of the very nature of diplomatic relations. If states are to legitimize violence then they suggest groups have obligations under international law. Legitimizing the use of force is problematic from a legal standpoint. If a government sends troops to attack innocent civilians it is wrong, but if civilians arm themselves and attack the state than it is ok. In each case you may be able to argue that both are a violation of human rights, even if the guard or police force is armed.

The focus for any peace-building strategy is to first and foremost concentrate on protecting communities and individuals, because there is the perception that civilians are becoming more vulnerable. In modern conflict the majority of people dying have not been shot and killed. Instead they die from disease and starvation. The
vulnerable groups are increasingly trending more toward the elderly and children. This is an unacceptable cost of war.

As humans, we have incurred a terrible record for sustaining peace. Records suggest that we simply are not good at it as there is a chance that a majority of states will return to war in five years. These states also stand a far greater likelihood to leave authoritarian regimes after the peace negotiations process has ended. We have been unable to prevent conflict and apply preventive diplomacy. We have been unable to enforce peace internationally without incurring loads of debt. No one country wants to foot the bill, but we cannot collectively come to an agreement on how to share the expense. The cost of war is great, but the cost to maintain peace has proven to be far greater.

3.8 THE DISARMAMENT DEBATE

Is multilateral disarmament machinery still relevant in the 21st century? All signs point to yes, although there is a considerable amount of debate on this particular subject. Disarmament itself is considered a humanitarian action. The humanitarian impact versus military utility is huge because even wars have limits. The rises in intra-state conflict, asymmetric warfare, and the war on terror have created challenges to disarmament processes. There are traditional and alternative approaches to disarmament and arms control; primarily the ban on use, regulation of use, or no ban or regulation of use.
There is a reason why states seek to regulate, or ban certain types of weapons. The weapons are expensive. Usually they are moved through illicit channels by warlords and other rogue factions. The black market undermines the state system in that it devalues the market for legal goods. This can crush the economy and governance of a state. Another source of conflict arises from the exploitation of conflict goods. It creates contemporary conflicts caused by the simple availability of exploitable goods (such as diamonds in the Congo). Violence, in these cases, arises solely for economic gain.

Some weapons are also inherently abhorrent. They are indiscriminate, cause superfluous injury and unnecessary suffering. They also cause serious damage to the environment. For example, the land mine issue has gained worldwide prominence over the past two decades. Land mines have a long life span and stay in conflict zones long after war has ended. They are difficult to see, expensive to dispose of, and the majority of the victims are innocent civilians. Most armies tend to be responsible users, but they are more widely used by poorly trained militaries. Whereas responsible armies use them to protect strategic defensive emplacements, poorly trained militaries use them in areas of high civilian concentration. The UN and grassroots organizations are working to combat their use because of the unacceptable humanitarian consequences. The language of norms is an important component of human security.

The Conference on Disarmament is the world’s sole multilateral disarmament negotiating forum which has struggled to stay relevant in the 21st Century. The
committee is independent of the UN and membership consists of 65 member states and 34 observer states. The committee meets for 24 weeks per year and has a rotating president every four weeks. Decisions are made by consensus, and every member state has a veto. The committee itself has been at an impasse since 1996. In this time no new treaties have been signed. The member states are torn over negotiations on fissile materials, discussions on outer space, nuclear disarmament, and negative security assurances. On a visit to UN headquarters in Geneva, I had the opportunity to sit in on a session. Our tour group was informed not to expect much as the meeting over time has evolved into a committee of protocols rather than action. Truer words have never been spoken. Over the course of the 45 minute session I made the following notes in my binder:

1) Under ‘old business’ the committee remained deadlocked on several issues.

2) The ambassador from Mexico was recognized for his service to the committee as he was rotating assignments and leaving Geneva.

3) The ambassador from Bulgaria fell out of her chair.

4) Not one member from Afghanistan, Iraq, Syria, or Iran was in attendance.

5) The meeting was adjourned.

As an aging Cold War institution the committee clearly has a major problem maintaining its relevance.

The future of arms control is justifiably necessary in order to protect civilians and improve human security. One vital feature of its success is people power. When
people revolt against certain weapons that is when they begin to disappear. As a result arms control is possible.

3.9 TOWARD SHARED SOVEREIGNTY

The 1933 Montevideo Convention culminated in a statement of rights and duties of states. In order to be considered a state you must have a permanent population, a defined territory, a functional system of government, and the capacity to enter into relations with other states. A state has three primary functions. It should provide for the security (both internal and external) of its people. This includes territorial security – advocate security through sustainable human development. It has to provide a sufficient system of welfare – a legitimate framework for economic activity. There must also be equal representation to provide the grounds for political participation. This helps establish legitimacy for the people. Once a state has security it can engage in other activities. For example, the state needs to collect money from its citizens, in the form of taxes, in order to provide welfare. If the people have fair representation then there is an outlet for non-violent conflict resolution. Fair justice, rule-making, laws, a state run police force, penalties, courts, prisons; these are all fundamental components.

States are constructed through historical processes. One of the lessons that globalization has taught us is that a given pattern of world politics is not fixed in time and may not be permanent. The interests of states are always being created. This is an evolutionary process. Interests form part of our identities as communities, but the ways
in which we study them are different. The evolution of the state in Europe evolved very differently from say, Africa. The geographic specificities in Europe, religion, and differing types of rule were at odds. War made states and states made war. Kings and feudal lords made laws whenever it appealed to their personal interests. Subtle variations in Christianity across territories would cause entire regions to erupt in violence. All were indigenous and competitive factors in the process of state formation. In Africa the state-society link is not very well developed. For example, many of the Nation-States are ethnically divided across age-old lines. The post-colonial states have an identity crisis with Europe which places them firmly at odds with their indigenous heritage. They either maintain favor with Europe or fall out of favor with the rest of the world. The imposed process of state-building has had a measured price of failure, and the limits to social engineering have come with unintended consequences. It may have actually created more weak states.

Weak, failing, and failed states provide very little political goods. They forfeit the distribution of political goods to warlords or other non-state actors. Human security is non-existent in all but the major cities. The economic infrastructure has failed, the health care system is in decline, and the educational system is in shambles. GDP per capita has crumbled, inflation soars, corruption flourishes, and food shortages are frequent. Failed states often have a very rich political elite that willingly takes advantage of the failed system. Just as parents have a right to rear their children without outside interference, governments have a right to run their countries without
outside intrusions to their sovereignty. But if parents fail to rear their children properly an outside agency can, and more importantly, should, intervene. The reality in this situation is that Nation-States may not always develop in the way that we want them to. When Nation-States go wayward who has the responsibility to intercede? Some would argue that it is never ok to do so - that under international law, the responsibility does not lie with the international community. But, one fact is clear and that is corrupt leadership destroys the economic and social infrastructure that allows civil society to succeed. Furthermore, what are left are disproportionate power vacuums that leaders only use to exploit the state further. It is important for states to help each other build viable economic futures by developing a system of incentives. The leaders in armed conflict need to be given a hopeful vision for the future of the state if they are to successfully emerge from conflict and move toward peace. Making a difference means making a change.

Shared sovereignty represents a softer version of international and transitional administration as practiced in Cambodia, Kosovo, Bosnia, and East Timor, but as such offers some potential for leading to a solution to a conflict in which one part or other seems to always renege at the last moment. What are almost always lacking are stable relations between two or more competing ethnic groups within a given Nation-State. Even if the ethnic groups themselves have relatively stable domestic political groups, the governing bodies have a difficult time coming to terms on shared policies. What is missing are agreements at the federal level because of continuing disagreements on key
issues such as sovereignty, territory, food and medical aid, the return of refugees, property compensation, and the reconstruction of cities.

International actors and institutions, dominant states, transnational corporations, and supranational organizations run a regime system of governance which has redefined the way we understand international cooperation. Consequently, some form of transitional federal governance is required. Shared sovereignty would provide one such policy option. “Shared-sovereignty entities are created by a voluntary agreement between recognized national political authorities and an external actor such as another state or a regional or international organization.”\(^\text{17}\) In order for it to succeed it needs the complete buy-in at the local level, careful reflection by the parties, and rigorous study of the structure and history of shared sovereignty as a solution to boundary disputes. Moreover, the supranational organizations could play a vital role as bridges between the ethnic communities and various international bodies.

To have the greatest chance of success, shared-sovereignty requires the groups involved to have carefully negotiated a framework of laws in advance that both anticipates major issues and provides mechanisms to resolve disputes between the joint sovereigns. Mention should also be made of the various cross-border and inter-governmental talking shops set up by the agreement. Central emplacements should exist to address political and infrastructure issues. They need not erode the sovereignty of one ethnic group any more than they limit the sovereignty of another. They also

must not devalue the symbols within territories that make the ethnic groups unique, and each group should be in charge of its own holy places and institutions.

This differing logic of sovereignty can only work in alleviating the potential for conflict if the Nation-States, their officials and communities, accept the logic of regionalization (through globalization) over the logic of ethnonationalism and territorial integrity. What the supranational agencies offer is an indirect form of mediation in which political, military, social, and economic structures could be shifted away from their most exclusionary and securitized forms. The agency could then act as a catalyst for the settlement of ethnic problems without the need for it to become a direct mediator.

3.10 SHARED SOVEREIGNTY IN PRACTICE

Peace negotiations are afflicted by many problems associated with the competing conceptions of territorial sovereignty, ethnic identity and rule. For these reasons alone it is important that all of the actors involved in the dispute are brought into the negotiation process as well as a broad coalition of mediators, both direct and indirect. These actors can include but, are not limited to, supranational organizations, NGOs, foreign delegates, government officials, theocrats, religious leaders, public interest groups, the business community, ranking military, and private citizens. This is not to presume that all voices will be heard but, the art of shared sovereignty mandates that stakeholders feel as if they at least have a vested interest in the negotiation process. Actors must also have clearly defined roles at the negotiating table with
procedural guidelines on what is expected of them. They must be given a workable timetable of deadlines. In order for efforts at shared sovereignty to be successful there needs to be a complete buy-in at the local level, careful reflection of the parties, and rigorous study of the structure and history of shared sovereignty as a solution to boundary disputes. Most importantly, there needs to be a demonstrated willingness to compromise. The practice of negotiation is truly an art form of the highest calibre and not an inherent trait of all those who assume power. That is why mediation is best left to an outside coalition of non-partisan agents.

Experience is the single most important component for any mediation team. Veteran negotiators have witnessed the failure of peace talks. They have seen technical problems lead to stalemates when each side balks at further concessions. Skilled negotiators realize how painful a particular issue can be for both parties when separation arrangements are unworkable and emotions flare. Successful negotiators have been trained to propose compromise in even the most unstable of circumstances by seeking the best alternative to a negotiated agreement (BATNA). The BATNA is not seen as a safety net but a point of leverage. If negotiations are not mediated properly a breakdown in talks will result. This would be a most feared development in conflict zones. There are rarely, if ever, broad leaps toward compromise. Gains are more incremental. If violence were to occur it would set back the negotiation process substantially. Therefore, there is a vital role for the relevant international powers to play. It is in their best interest to do so to avoid further conflict.
There are always powerful discursive and pragmatic forces from the local to the regional level in the negotiation process. These discourses involve globalization’s affect on culture and ethnic identity, territorialism, ethnonationalism, and human (in)security, which all necessitates a much more dynamic role on the part of the international institutions if there is ever to be an institutional framework for peacebuilding; not only within Nation-States but for the broader regional arena. “Amid unpromising conditions and given the flaws of foreign aid and transitional stewardship, shared sovereignty can offer hope for moving countries closer to democracy and decent governance. Shared sovereignty involves the creation of institutions for governing specific issue areas within a state – areas over which external and internal actors voluntarily share authority.”¹⁸ These institutions can be designed to be transitional only, or they may be established in order to provide a lasting presence in the region. It should be noted, however, that there are acute differences between shared sovereignty, transitional governance, and military occupation. If organizations are designed to have a lasting presence they must be peaceful by nature. Forced democracy will only beget more conflict. Efforts at shared sovereignty require a multilateral approach given the unique and diverse compositions of ethnicity within Nation-States. As noted previously, no one case is comparable to the next as each state has its own special history.

¹⁸ Krasner, The Case for Shared Sovereignty, 76.
3.11 ECONOMIC AND ETHNIC COMPROMISE IN SHARED SOVEREIGNTY

Shared sovereignty can be a critical step to help ensure a smooth transition towards deeper economic integration. Stakeholders need to first consider ways of enhancing coordination and the integration of policy and programs at national, regional, and international levels. The main goal should be to promote economic integration and cooperation to ensure that the benefits of integration are mutually shared. Stakeholders then need to secure buy-in from transnational corporations with regional interests, academia, financial institutions, and labor organizations.

Shared sovereignty of economic development programs could provide a much needed spark for countries hampered by underperforming GNPs and GDPS. “Poorly governed countries have difficulty committing themselves to stable monetary policies…a stabler macroeconomic policy would aid sustained growth and promote broad-based wealth creation through productive enterprise and investment, all of which tend to add muscle to democracy’s endurance capacity.”\(^\text{19}\) It could also help developing countries broaden their portfolio of goods and services, and reward them with greater access to the world market. Members of the Caribbean Community, or CARICOM, recently adopted a proposal to oversee shared sovereignty in several agreed upon areas.\(^\text{20}\) However, the group has been criticized in the past for its lack of

\(^{19}\) Ibid, 79.

commitment to regional economic integration…mostly attributed to weak governance.\textsuperscript{21} Despite these perceived weaknesses a stronger regional institution could help shield developing countries in transition, countries like Dominica, from economic shortfalls.

Shared sovereignty could also help to resolve ethnic and religious disputes in regions of the world prone to violence. For many Muslims the rejection of the Western world view has deep roots that precede globalization. The failure of Western nations to help institute religious peace throughout the Middle East, particularly the United States, has generated feelings of distrust throughout the Muslim world; from Syria to Darfur to Indonesia and France. Western leadership has the responsibility to bring about measured peace to the region. Shared sovereignty could help resolve many age old conflicts – from the management of Old Jerusalem to cohabitation of the Gaza Strip. Both territories have been the source of painful and violent cleavages between Muslims, Christians, and Jews for centuries. Diplomacy demands a moral precedent. Bombs cannot pave the way for peace, nor should they be justified. Violence only works to negate cooperation. If Hamas looks, acts and feels like a government then they should be treated as such. Only then can we move forward in the debate.

One organization not to overlook in matters of religious discourse is the World Council of Religious Leaders. As outside mediators delegates could form a mutually supportive coalition in which possessions and responsibilities are shared. They could

work to decipher and provide alternative solutions for cases in which the control of religious symbols, artifacts, monuments, and/or territories are at dispute. According to the mission statement on their website, “It will undertake initiatives that will assist the United Nations and its agencies by providing the spiritual resources of the world's religious traditions in the prevention, resolution and healing of conflicts, and in addressing global social and environmental problems. By promoting the universal human values shared by all religious traditions and by uniting the human community for times of world prayer and meditation, the Council seeks to aid in the development of the inner qualities and external conditions needed for the creation of a more peaceful, just and sustainable world society.”

Helping to mediate resolutions in times of conflict is one of their quintessential functions.

3.12 THE CASE FOR SHARED SOVEREIGNTY

The problem with creative solutions to the governance problems of Nation-States is the differing sides’ attempts at controlling sovereignty themselves, or trying to do away with sovereignty altogether. Westphalian sovereignty, by definition, is exclusive and cannot be shared by more than one power holder at any given time. Similarly, solutions about shared sovereignty all require having two independent political entities, one existing and one in the making, to rule over the same territories and the same residents. This is usually difficult given the ethnic intractability of certain

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issues, the intricacies of territorial borders, and the emotional exclusivity tied to symbols. Unless ethnic groups are able to create a special jurisdiction with their own laws, judges, and police to enforce them, problems are bound to rise on a daily basis, which only a sovereign authority can address effectively. But sovereignty is about jurisdiction. It is the power to make laws and apply them to a group of people who reside within a certain territory.

Sovereignty is an exclusive power, but it is wrong to think that it cannot be shared. It could help to resolve the Turkish and Grecian quandary in Cyprus. It could help sustain the cease-fire between competing factions in Northern and Southern Ireland while reinventing governance in the process. Shared sovereignty could encourage civil society participation in Darfur, eliminate military rule, end the genocide, and curb ethnic hatred. Shared sovereignty could benefit the people of Somalia by enabling them to reclaim their waterways legally, and become a reliable and beneficial partner along one of the busiest trade routes in the world.

The challenge remains in linking separate ethnic communities together in order to pursue effective policies, which might otherwise have been unattainable, without submerging their own identities. Sharing sovereignty is the only way that this can happen.
CONCLUSION

The dissolution of colonialism in the wake of World War II created a major shift in the balance of world relations. This is evident via the emergence of the many new Nation-States at the close of the Twentieth Century. These states have continued to duplicate in number despite visible internal and external strains. Economic disharmony from above and the struggle for self-determination between competing ethnic groups from below have been the principle barriers to growth. Globalization and ethnic nationalism are the dominant catalysts for violence in the developing world, and as such, this has created problems for proponents of the conventional standard of Westphalian state sovereignty.

The developing Nation-States are having to respond to free market demands but are having an even harder time entering into trade agreements. This places them under extreme economic pressure. International leaders should work to restructure international economic policies so that they are long-term and sustainable. The goal being to re-strengthen the global economy by enacting reforms that promote credit and alleviate debt, while attempting to cushion the blow to the developing economies of Nation-States that have been riddled by years of conflict. Sovereignty still remains an important issue during negotiations, however, countries of all sizes must be prepared to transfer some sovereign control to world bodies if the international system is to rebound from economic turmoil. States will always defend their own best interests in regards to trade bargaining but, this can lead to disenfranchisement and inequality
within the world’s poorest societies. For Nation-States that lack stable governments and sound infrastructure the end result is often violence.

The old way of doing business is clearly not working. We must invoke greater participation from institutional players in order to cope with the multiple arrays of new global challenges we currently face. Recognizing these new challenges, industrialized nations should work toward setting a new precedent for promoting sustainable diplomatic relations in the 21st Century. These competing ethnic groups should be coaxed into transmitting some sovereign control to external organizations to help cope with challenges that affect regional security, and seek internal compromise by ceding shared control of the state to a coalition of ethnic nations that reside within. If local actors are so fiercely protective of their claimed ethnic sovereignty that they refuse to accept eminently reasonable peace packages then clearly the time has come for a more innovative approach. This thesis has reexamined sources of conflict and demonstrates the moral ramifications of shared sovereignty as a diplomatic alternative to violence. After all, shared sovereignty may be our only solution to keep some Nation-States from imploding.
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