

From Right to Responsibility, the Definition of Sovereignty is Changing

The idea that governments have a responsibility to protect their citizens is gaining momentum and may change the way sovereignty has been perceived for centuries. But, argues Amitai Etzioni, this worthy idea faces several road blocks in its path to becoming a globally accepted reality.

A new idea concerning the global community will hearten the friends of the United Nations; it already has made its way from intellectual and academic circles to those of heads of states, and it has been warmly shared by UN Secretary-General Kofi Annan. Indeed, it is referred to in the outcome document of the 2005 World Summit.

The idea calls for a radical change in the way sovereignty has been perceived since the signing of the Treaty of Westphalia in 1648. Instead of viewing nations as independent agents, immune to interference in their internal affairs, the new definition of sovereignty treats it as conditional: a nation can maintain its sovereignty only if it meets its responsibilities to its citizens and the international community.

Thus, a government that does not protect its people from ethnic cleansing, of the kind that occurred in Kosovo and Rwanda, or from mass starvation as found in Niger, would be considered a government that has forfeited its right to avoid intervention. The UN would be fully entitled to intervene in the internal affairs of that nation, a major departure from the *UN Charter*, which declares, "Nothing contained in the present *Charter* shall authorize the United Nations to intervene in matters which are essentially within the jurisdiction of any state."

The idea that sovereignty should be treated henceforth as a responsibility rather than a right has been advanced not by some maverick pundit but by Annan's commissioned High-level Panel on Threats, Challenges and Change. Furthermore, the new approach reflects an accumulation of profound changes in transnational moral precepts that started when, in response to the Holocaust,



world leaders signed a convention in 1948 that legalized intervention to stop genocide. The grounds for intervention were further expanded when public opinion supported NATO's interference in Serbia's internal affairs to stop ethnic cleansing in Kosovo and when moral outrage followed the UN's failures to stop the genocide in Rwanda and most recently, in Sudan.

As a result, humanitarian interventions have become quite common, even when the genocide standard has not been met (e.g., Haiti, Liberia and the Congo). However, they have lacked an overarching legal doctrine that would justify them. Hence the current interest in sovereignty as responsibility.

Whether the UN General Assembly will now support this new definition of sovereignty depends largely on whether three questions can be answered. First, how low should the threshold for intervention be set? Some diplomats, such as

Francis Deng, a former representative of the secretary-general, favor intervention whenever states fail to ensure the security and "general welfare" of their citizens. Critics fear that such vague criteria could be used to justify intervention in practically all nations, at any given time. Second, who will decide that the time has come to interfere and provide the needed troops? The Security Council is well known for its unrepresentative composition and veto-carrying members, which leads it to favor humanitarian intervention in some countries, but not in others that act equally irresponsibly. Finally, a 2004 proposal in *Foreign Affairs* by Lee Feinstein and Anne-Marie Slaughter adds building or acquiring weapons of mass destruction to the list of irresponsible state behaviors. This would create a whole new set of conditions that justify intervention—a position that has been rejected by numerous nations.

Unless these heavy matters are resolved, the idea of treating sovereignty as a responsibility rather than a near absolute right is likely to languish. This would be highly regrettable as the basic idea that nations ought to be good citizens of the international community and not just free agents is one whose time has come. The difficulties in working out the smaller print of the sovereignty as responsibility precept are precisely those that must be resolved if "international community" is to turn from a vague catch phrase into a new global principle. ■

—Dr. Etzioni, the author of *From Empire to Community* (Palgrave Macmillan, 2004) among other titles, is a professor of international relations at George Washington University.