

**THE CONCEPT OF SOVEREIGNTY AND NON-INTERFERENCE:
A COMPLEX CONCEPT THAT UNDERMINES
THE UNITED STATES - RUSSIA RELATIONS**

Abstract. The principle of sovereignty, that is of supreme authority within a territory, is a pivotal principle of modern international law and political science. In contemporary times its definition, application and respect have been changing across historical and political contexts and has also been heavily contested at any given time and space. This work looks at its various conceptions, a critical explanation of its political and international relations and an analysis of its current regime under international relations; and, on the other, a discussion of its contentious relationship to human rights and democracy and an assessment of some of the specific difficulties it raises for international relations particularly that of the United States and Russia. It concluded that the modern principle of sovereign equality itself needs to be revisited in light of a complex approach to political equality and the heterogeneity of the subjects thereof.

Keywords: sovereignty and non-interference, state, equality, United States, Russia, supreme authority

Introduction

In contemporary times, political scientists and scholars have differed on the interpretation of states behavior. One of such issues in contention is state sovereignty and non-interference, which dates back thousands of years. Scholars of political science and international law have argued that recent sovereignty predates the 1648 Peace of Westphalia. Typically defined as the exclusive entitlement of state authorities to govern a bounded territory and the recognition of this right by other actors. The formation of the United Nations in 1945 to promote peace and cooperation among states; the collapse of the Soviet Union in 1991; and globalization created more sovereign states and in effect eroded state sovereignty. In contemporary times, state actions such as the fervent call for economic nationalism and an embrace of protectionism, political chauvinism, isolationism, reassertion of strict border controls, reversal of previous international commitments, and an expansive range of discriminatory measures against outsiders' nationalism and boycott of international trade has caused many to pause and think. Leaders of countries such as Russia, the United States and Great Britain are becoming more hostile and calling for countries to respect their internal laws and policies.

In Africa, the principle of sovereignty by its mere definition was strongly echoed by the late President of Ghana, John Evans Atta Mills. He used the term, "Dzi Wu Fie Asem" when he was asked about the 2010 election issues in Ivory Coast and Economic Committee of West Africa States (ECOWAS), decision to send troops to Ivory Coast to oust Laurent Gbagbo and install Alassane Dramani Ouattara as president. Most researchers believe that States are reasserting the traditional

state sovereignty [1]. Most recently, the term was used by Donald Trump in his campaign, where he calls for “America First”. In Great Britain it featured immensely in their campaign to withdraw from the European Union. In Europe, leaders of Hungary and Poland have restricted European Union policies on migrants [2]. Governments around the world are becoming more hostile and building stronger barriers against international/external actions.

This work pays more attention to the notion of state sovereignty and non-interference, particularly in relations between the United States and Russia. It argues that the concepts of sovereignty and non-interference in international law and relations continue to downplay relations between the United States and Russia. Thus, it seeks to examine the concepts of sovereignty and non-interference; the problems associated with arriving at the true meaning of sovereignty factoring in the protection of human rights over the protection of state and finally to evaluate the extent of respect for sovereignty and non-interference principles. This would add on to the knowledge of the concept of sovereignty and throw more light on its application.

United States-Russia Relations

Relations between the United States and Russia were formally established in 1809. Although relations broke down due to internal and external happenings, on December 25, 1991, the United States recognized the Russian Federation as the successor to the Soviet Union and established diplomatic relations on December 31, 1991. The essence of establishing diplomatic relations between countries is typically to ensure that affairs between them are conducted peacefully (Berridge,2014) [3]. These affairs may range from the promotion of political, economic, cultural, or scientific relations. The United States and Russia have partnered on many occasions to bring relief and support to many countries facing abject poverty and conflicts. The U.S.-Soviet Alliance of 1941–1945 was a great alliance that secured the defeat of the Nazi Germany. The two countries have been able to use their mutual interest in the reduction of nuclear stockpiles and in February 2021, the two countries extended a crucial nuclear arms control treaty until 2026. Also, their cooperation has foiled many terrorist attacks and the growth of terrorist groups. While these partnerships have led to many successful outcomes, in contemporary times their relations have had a nosedive and continue unabated. Issues such as the accusation of Russia’s interference in the 2016 US presidential elections; the use of military force in Ukraine and the annexation of Crimea; the deployment of nuclear missiles in Europe; the NATO expansion controversy, the Skripals dilemma and the suspension of the Intermediate Range Nuclear Forces Treaty (INF) by both parties has further widens future relations. Realizing the existing challenges in United States-Russia relations, which normally arises from misunderstanding and lack of trust from both sides, this work notes that one area that continues to widen relations between the two countries is the misunderstanding in the application of state sovereignty and non-interference. Oftentimes, Vladimir Putin has been urging the United Nations and other countries, particularly the United States, to acknowledge the principle of state sovereignty and non-interference, which is rooted in international law. According to many scholars in the west, especially those in the United States, Russia’s understanding of sovereignty is one that secures the unaccountability of the elites for numerous violations of human rights in the country and the ability to question all its foreign obligations and treaties. To ascertain their position, they cited the passage of

the “foreign agents” and “undesirable organizations” laws limiting international—and especially Western—Non-governmental Organizations (NGOs) capacity in Russia.

Scholars have described this pent-up concern and criticism of Russia by the United States over its application of sovereignty and non-interference as Russia's retort to US actions in Iraq, Libya, Syria, and, most recently, Afghanistan. Second, the notion that major powers are deliberately using the concept of “humanitarian assistance” to destabilize smaller countries and interfere in their politics, amass wealth and introduce a form of governance alien to their origin. However, there are scholars who hold legitimate reasons for humanitarian and military interventions. To understand this fear and notion behind this, there is the need to examine the concepts of sovereignty and non-interference.

The Concept of Sovereignty and Non-Interference:

Several scholars have questioned and provided detailed accounts of sovereignty and the extent of state power. Notable amongst them is Gabriel Almond who noted the importance of sovereignty theory. So important is the theme of early years, Middle Ages, enlightenment and modernity. In the work of Jean Bodin (1529-1596) [4], his doctrine of absolutism as a solution to the problem of instability and disorder is formulated in the concept of state sovereignty associated with the ideology of an absolutist monarchy." Almond, who went on and believed, claiming to have been challenged by researchers of both the right and left in the late 20th century. Otto Gierke in Germany and Leon Duguit strongly questioned the authority and authority of the Central state. Some authors have noted the definition of sovereignty as the connection between a people and their leader, while others define it as the power of a leader in both domestic and external affairs or international politics. From the late 18th century and during the 19th century, the modern notion of sovereignty started diffusing into domestic practice throughout the globe. It is critical to examine international treaties and regional archives that have recognized the notion of sovereignty and have broadened its meaning to shed more light on this concept.

To begin with, most countries refer to the declaration on principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations which was adopted by the General Assembly on 24 October 1970 (resolution 26/25 (XXV)), during a commemorative session to celebrate the twenty-fifth anniversary of the United Nations (A/PV.1883) [5]. This declaration provides that, all states are equal; each state has inherent rights to full sovereignty; each state has the right to freely choose and develop its political, social, economic, and cultural system; each state has an obligation to respect the personalities of other states; each state's territorial integrity and political independence are inviolable; each state is required to fulfill its international obligations in full and in good faith, and to live in peace with others. Under the United Nations Charter, the idea of sovereign equality serves as a foundation for UN member states' collaboration.

Secondly, the final act of the conference on security and cooperation in Europe, which was signed in Helsinki in 1975, stipulates the same obligations and responsibilities as the declaration. It states that participating states will respect each other's sovereign equality and individuality, as well as all of the rights inherent in and encompassed by their sovereignty, including, in particular, every

State's right to juridical equality, territorial integrity, freedom, and political independence. They shall also respect each other's freedom to freely choose and develop their political, social, economic, and cultural systems, as well as their right to decide on their own rules and regulations. All participating States have equal rights and obligations under international law [6]. In light of the above, sovereignty clearly confers jurisdiction over the territory of participating nations, as well as some responsibilities and obligations [7]. The twentieth century has seen a tremendous transition from the classical form of sovereignty into a more sophisticated form that attracted a plethora of new conceptions and paradigms [8]. From advancements in technology to health and transportation, the beginning and the end of the 20th century brought improvements in our way of life and also challenges. Globalization drew the world closer together, making international trade more accessible. It also brought with it nationalism and border control. This continued into the 21st century with the rise of a global economy and Third World consumerism, deepening global concern over terrorism after September 11, 2001, terrorist attacks, rising pockets of conflicts, migration and increased private enterprise. These challenges in effect caused most countries to engage in protectionism practices such as economic nationalism and an embrace of protectionism, isolationism, reassertion of strict border controls etc. [10]. These periods also saw the rise in the call for the protection of rights. Rights as enshrined in the universal declaration of human rights which was drafted by representatives with different legal and cultural backgrounds from all regions of the world. If sovereignty was then the practice of absolute authority over a given territory but within the limits set by international law, which was mostly seen in the 21st century. By virtue of sovereignty, the state has not only rights but also duties under the international law, which limits the potential for abuse of power, both internally and in international relations. In that sense sovereignty has been defined by Reus-Smith to encapsulate the “constitutional” norms of international politics, including shared understandings about the attributes of legitimate statehood and the boundaries of their rightful behavior (Makinda, 1999) [11]. Similarly, states no longer consider the treatment of inhabitants of one state to be solely their affair. International human rights law is based on the premise that every individual's rights are the responsibility of the entire global society.

United States-Russia's Fuss Over Sovereignty

Having realized the definition of sovereignty and its various tenets such as the international promotion of human rights, this article would further attempt to understand the part of the concept of sovereignty negatively affecting United States-Russia relations. On the part of the United States, they understand sovereignty as defined as supreme authority over their territory and the respect for limits set by international law. The United States views Russia as a former super power, using its strength and arsenals to intimidate former soviet states. The United States perceive Russia as an authoritative state with an authoritarian leader who despises democracy and rules with an iron fist. As recounted by the Former Democrat presidential nominee Hillary Clinton, “President Putin is a leader of a white supremacist and xenophobic movement, working to weaken America's traditional alliances and undermine democracy [12]. Secondly, the United States believes that the human rights situation in Russia continues to deteriorate. Rising levels of torture and cruel degrading treatment, freedom of expression, and especially sexual orientation and gender identity and election protests

continue unabated. These human rights abuses are not in conformity with international human rights law. Finally, oppression of political opponents and unfair treatment. The United States believes that Russia is no doubt aware of the obligations and duties that comes with sovereignty, but it chooses what is best for it. Torture and cruel degrading treatment are on the rise, as is freedom of expression, particularly in the areas of sexual orientation and gender identity [13], and election demonstrations. These violations of human rights are in violation of international human rights legislation. Finally, political opponents are oppressed and treated unfairly. Russia, according to the US, is well aware of the obligations and responsibilities that come with state sovereignty, but it chooses what is best for it. The US has underlined that Russia continues to construe the notion of sovereignty in such a way that it protects governments (states) from interfering in its domestic affairs and gives it the power to conduct these human rights violations and political repression. In essence, Russia uses the concept of sovereignty as a tool of oppression and abuse rather than protection.

On the part of Russia, the United States is a former super power policing the world. They believe that the collapse of the cold war created no single power and thus the United States has no authority and control in the internal affairs of sovereign states especially Russia. Russia believes that the concept of sovereignty is the act of refraining from interference into internal affairs, equality of people and mutual respect. They believe that they have put into place domestic measures and legislation compatible with their treaty obligations and duties and thus any entity or state that accuses Russia of interfering with or curtailing the enjoyment of human rights is one that seeks to interfere in its domestic policy. Russia believes that they have adopted constitutions and other laws which formally protect basic human rights. Secondly, the rising challenges of terrorism, migration and nationalism made maintaining the principle of sovereignty incompatible with international law. States were willing to take their own action on issues relating to terrorism and migration. The United States with no support from the United Nations invaded Iraq and Afghanistan to oust the Taliban, whom they said were harboring Osama Bin Laden and other al-Qaeda figures linked to the 9/11 attacks. Attacks in Libya by the North Atlantic Treaty Organization (NATO), human rights abuses in Guantanamo Bay are counter arguments that Russia provides to issues of human right abuses and thus, the strong call for non-interference in the domestic affairs of a state. Russia believes that the United States is a regime changing machinery and if allowed would cause chaos and instability in its domestic affairs. Thus, the passage of domestic laws such as the foreign agent and undesirable organizations law [14] to protect its sovereignty. Russia also believes that it has the right to protect its citizens as defined in international law. Thus, as noted by Sergey V. Lavrov, “the United States is not respecting Moscow’s good faith of eliminating the legacy of the cold war and have instead chosen reckless eastward NATO expansion” [15]. Finally, the issue of the promotion of human rights, particularly in the areas of sexual orientation and gender identity. Russia still wants universally accepted principles of international law to govern international affairs. Russia believes that with the UN Charter as its primary basis, the West has cemented the rules-based world order notion as opposed to universal principles of international law. Russia as a state believes that the factoring of new rights such as gay rights into international human rights law does not commensurate with consented based legal rules and thus its domestic law banning the propaganda of sexual relations

among minors do not contradict with international practice and thus any obligations under the article 2 of the UN Charter and the 1970 declaration on principles of international law concerning friendly relations and co-operation among States and international law.

Analysis and outcome

From the above, it could be deduced that historical variations of the concept of sovereignty differ in three main respects: the subject of sovereignty (person or function); the nature of sovereignty (absolute or limited); and the source of sovereignty (law-based or not). Clearly the two countries pay respect to the principle of sovereignty and non-interference and claim to abide by the duties and obligations provided in article 2 of the UN Charter, the 1970 declaration and international law. Nevertheless, the nature of sovereignty and the source of sovereignty is under contention. The United States believes it has limited sovereignty in the sense that it opens itself to criticism and upholds human rights regulations as stipulated in international human rights law and therefore domestic laws do not override its international obligations, especially laws on the protection of human rights. That is, it is limited based on self-consent-based legal rules.

Russia on the hand believes that it meets all the obligations provided by the UN Charter and the 1970 declaration. Russia believes in absolute sovereignty which is a more classical form of sovereignty. That is the respect for international law and what it obliges. Any issues and or obligations that fall far from the provisions of international law and the UN Charter is not acceptable and does not constitute part of the concept of sovereignty and non-interference. In the quest to protect their sovereignty, certain domestic laws override any international order or right that does not constitute part of international law and practice. Russia believes that it has in place laws that protect the rights of its people and guarantee them basic economic and social freedoms.

The concept of sovereignty and its application differs in the views of Russia and the United States. Several factors play into the application of sovereignty. Per the definitions above, and the reasons provided for the two countries, it makes it difficult for one to understand in contemporary times, the principle of sovereignty, its application and the extent of its usage. The growing competition of global competitiveness and influence makes the application and understanding of sovereignty more complex and would continue to negatively affect United States- Russia relations.

Conclusion

Sovereignty was designated as the independence and supreme power of the state. Sovereignty is often understood as an absolute concept, which implies that states are completely independent of all other states and are above the rules of international law. However, it is clear that state sovereignty is in the process of evolving from an absolute concept of unlimited freedom and independence to a relative concept where the freedom and independence of states are limited both by the freedom of other states and by international law. At the international level, there has been a significant departure from the classical idea of sovereignty as an absolute and unlimited concept. This evolution is still ongoing. It is imperative to note that as states interdependence and collaboration continue to grow, international law has begun to apply to areas that were previously considered domestic. Issues such as religious freedom and new forms of rights granted to a minority group of people are gradually being factored and states are expected to be bound by objected legal rules to which they

have not consented or cannot derogate even if they want to. Furthermore, the tensions between international human rights and state sovereignty are reminiscent of those between popular sovereignty and human rights in the domestic context. The difference is that one of them is international while the other remains domestic. This actually explains why those tensions ought to be resolved within the domestic context where democracy and human rights are in a mutual relationship. The legitimacy of international law is still open to debate. And so is that of its role in the limitation and constitution of domestic democracy as a result. The concept of sovereignty and its abysmal understanding and application would continue to pose a problem for the international community and especially in relations between the United States and Russia if there is no revision in what constitutes universal rights and rules-based order.

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Концепция суверенитета и невмешательства:

сложная концепция, подрывающая отношения США и России

Аннотация. Принцип суверенитета, то есть верховной власти на территории, является центральным принципом современного международного права и политической науки. В наше время его определение, применение и уважение менялись в зависимости от исторического и политического контекста, а также вызывали серьезные споры в любое время и в любом месте. В этой работе рассматриваются его различные концепции, критическое объяснение его политических и международных отношений и анализ его нынешнего режима в международных отношениях; и, с другой стороны, обсуждение его спорного отношения к правам человека и демократии и оценка некоторых специфических трудностей, которые оно создает для международных отношений, особенно для отношений между Соединенными Штатами и Россией. Он пришел к выводу, что сам современный принцип суверенного равенства нуждается в пересмотре в свете комплексного подхода к политическому равенству и однородности его субъектов.

Ключевые слова: суверенитет и невмешательство, государство, равноправие, США, Россия, верховная власть.