

# **Sovereignty, Democracy and Non-state Entities**

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## Introduction

Sovereignty and democracy are two of the most important and fundamental concepts that exist in contemporary political science, but their relationship to one another has been comparatively under-explored. Within comparative politics, where democracy is a major topic of study, sovereignty is rarely discussed and is most closely addressed indirectly through discussions of the state. In international relations, sovereignty is a major concern but is often explored without reference to the kind of political regime type that might accompany it. While recent debates on globalization have led to analyses of the possibilities for democracy when sovereignty is eroding, there are few studies that explore the broader relationship between sovereignty and democracy as core political concepts, and what their full range of relationships might be. While such a large-scale exploration is beyond the scope of this paper, the aim here is to highlight some aspects of the relationship between these two concepts that have been overlooked, and in particular to identify which aspects of sovereignty might be considered a pre-requisites for democratic rule.

As recent scholarship has highlighted, sovereignty does not exist in practice as an ideal and indivisible form, but has rather changed over time in meaning and across territories in practice. In the current international state system, sovereign states are the principal units of political authority, but many lack core elements of the sovereign ideal, and centres of political authority also exist outside the state system. This empirical variation in sovereignty among political units raises questions about the potential for democracy and democratic development in different political settings – does democracy require a fully sovereign state to exist, or can it flourish in the absence of some key elements of the sovereign ideal? This paper argues that sovereignty should not be viewed as a single pre-requisite for democracy, because sovereignty entails a set of different political elements that each have different implications for political authority and the possibilities of democratic rule. Rather than viewing sovereignty as a single concept, this paper follows recent scholarship that has argued in favour of disaggregating sovereignty, and considering instead its constituent parts. When this is done, it becomes clear that some aspects of sovereignty are crucial for democracy, while others may be of little relevance. In particular, the paper argues that the international recognition of sovereign statehood should not be viewed as a pre-requisite for democracy, as it does not affect the political realities of authority relations at the domestic levels – the forms of accountability and representation that are required by democratic rule can exist with or without legal recognised sovereignty. This suggests that democracy is not a system of government that is necessarily restricted to ‘sovereign states’, but is rather one that can exist in centres of political authority outside the state system. Evidence from currently existing non-state entities supports this position.

However, while recognition may not be a requisite for democratic rule, its absence may be an indicator of more problematic sovereignty-related issues, in particular regarding the absence of domestic autonomy and the presence of external intervention. Some aspects of sovereignty are thus fundamentally important for democracy, and should be viewed as pre-requisites for democratic rule. The following sections explore these arguments further, touching initially on the separate concepts of sovereignty and democracy, before exploring how they may relate to each other in the diversity of political contexts that exist in the current international system.

## Conventional Understandings of Sovereignty and Democracy

Conventional treatments of the concepts of sovereignty and democracy often fail take the other into account. Democracy has been explored most extensively in the comparative politics literature, and has generally been discussed in relation to established states in the international system - sovereignty has been taken as given rather than incorporated into the analysis. There is a widespread but tacit assumption that sovereign statehood is a necessary condition for democracy, and there is thus limited work that explores the nature of or potential for democratic government outside the existing state structure.

Similarly, treatments of sovereignty in the international relations literature have tended not to dwell on the nature of the domestic regime structures in sovereign entities, and are more concerned with the meaning of sovereignty itself and its implications for international rather than domestic politics. Sovereignty is not generally assumed to entail a particular type of political regime at the domestic level, and thus for many, there is no inherent relationship between sovereignty and democracy. States can be fully democratic or be fully authoritarian, and still retain their sovereign status regardless. According to AA Stein, for example, the relationship between sovereign and democracy is unproblematic, even unquestioned – there is no reason to believe that sovereign states are hostile to democracy, or that democracy is hostile to sovereign territorial government.<sup>1</sup>

The most extensive discussions of the relationship between sovereignty and democracy within international relations can be found in recent debates on globalization. Where initial disagreements over the benefits of globalisation centred on the issue of economic gain, subsequent arguments have turned to the issues of sovereignty and democracy.<sup>2</sup> One of the key features of globalisation is said to be an erosion of state sovereignty through the removal of decision-making powers to regional and international levels, with the result that a democratic deficit arises within the state. Globalization results not only in reduced power and sovereignty, but also in reduced representation and accountability. Consequently, there is said to be a fundamental tension between globalization, sovereignty and democracy.<sup>3</sup>

Yet these debates over globalization represent discussions about only one aspect of the relationship between sovereignty and democracy, namely the impact of greater global interdependence on existing democratic states. Yet there are other aspects of the sovereignty/democracy relationship that these debates do not touch on, but that nonetheless merit greater attention. In particular, this paper seeks to explore the relationship between sovereignty and democracy in the context of forms of 'problematic sovereignty' that have so far been under-explored, especially regarding non-state entities.<sup>4</sup> This article suggests that even aside from considerations of globalization, there are some important tensions between sovereignty and democracy, and that many existing political authority arrangements in the international system pose challenges for democratic rule.

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<sup>1</sup> AA Stein, 'The Great Trilemma: Are Globalization, Democracy, and Sovereignty Compatible?', unpublished manuscript, 2002.

<sup>2</sup> Jagdash Bhagwati, 'Globalisation, Sovereignty and Democracy' in Axel Hadenius, *Democracy's Victory and Crisis*, (Cambridge University Press, 1997).

<sup>3</sup> See Stein, 'The Great Dilemma'. For other coverage of these issues, see David Held, and Anthony McGrew, *The Global Transformations Reader: An Introduction to the Globalization Debate* (Polity Press, 2003).

<sup>4</sup> Stephen Krasner (ed.), *Problematic Sovereignty: Contested Rules and Political Possibilities* (New York: Columbia University Press, 2001).

Part of the reason for the lack of current appreciation of these tensions is that sovereignty and democracy tend to be discussed in relation to their ideal types, as if they were at all times fully formed and realised. Yet neither democracy nor sovereignty can be taken as givens, and neither is an absolute condition that can be easily brought into existence. Rather, both democracy and sovereignty are manifested in practice in multiple forms, few of which perfectly meet the ideal types that are outlined when these concepts are discussed and defined in the abstract. Democracy, for example, is a form of government that requires such high standards of political behaviour that most states in the world can be faulted in some way for not achieving them. Hence Robert Dahl's well-known argument that democracy should not even be used to describe existing political systems, and rather 'polyarchy' should be utilised to refer to states that regularly hold elections and allow for high levels of political participation and contestation.<sup>5</sup> This point is also reinforced by the recent literature that examines 'hybrid regimes', and that has moved away from some of the more optimistic elements of the literature on democratization and focuses instead on accounting for the existing political systems that combine elements of democracy and authoritarian rule, rather than viewing them purely as way-stations on the road to democracy.<sup>6</sup>

Similarly, recent scholars have shown how divergent political practices and shifting international norms have served to raise a question over the classical perspective on sovereignty. While it may remain possible to conceptualise sovereignty in absolute terms, either as a condition that can only be present or absent, shifting international practices relating to sovereignty, as well as the diverse range of political arrangements that exist in the international system and that supplement traditional sovereign states, suggest that sovereignty may be better understood by as a contingent and divisible concept rather than a fixed and inviolable one.

The following section therefore examines the concept of sovereignty itself, and explores how understandings of sovereignty have shifted in recent years, and also how sovereignty as political practice varies extensively in the current international system. It is this variation that suggests important questions regarding the prospects for democracy in different political settings.

### **Shifting Perspectives on Sovereignty**

The treatment of sovereignty within International Relations scholarship has shifted significantly over recent decades, moving away from an earlier, classical perspective that treated sovereignty as an indivisible and fixed element of the international state system towards a plurality of contemporary approaches, some of which have sought to problematise sovereignty and identify its changing nature and multiple attributes.

A classic definition of sovereignty comes from Hinsley, who defines sovereignty as 'the idea that there is a final and absolute political authority in the political community...and no final and absolute authority exists elsewhere'.<sup>7</sup> This idea of final authority is often further associated with the notions of internal and external sovereignty. Internal sovereignty refers to authority of the state at the domestic level,

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<sup>5</sup> Robert Dahl, *Polyarchy: Participation and Opposition*, (Yale University Press, 1971).

<sup>6</sup> See for example, Steven Levitsky and Lucan A. Way, 'The Rise of Competitive Authoritarianism' *Journal of Democracy*. Vol.13, No.2, 2002, pp. 51-65

<sup>7</sup> Francis H. Hinsley, *Sovereignty*, (Cambridge: Cambridge University Press, second edition, 1986), p.26.

and suggests that there is no higher authority at the domestic level than the state itself, and that state authorities thus have exclusive jurisdiction within the territory of the state. External sovereignty refers to relations at the international level, and in particular to the absence of any higher authority than the sovereign state on the international stage, which implies in turn the independence of states from outside intervention. The classical perspective on sovereignty is also intrinsically linked to the idea of the sovereign *state*, and assumes that sovereignty is a fixed and exogenous attribute of states, so that a state is either sovereign, or it is not a state.<sup>8</sup> This classical perspective on sovereignty remains influential in contemporary international relations, and can be found in some of the most dominant theoretical approaches in IR, especially neorealism and neoliberalism. These theoretical perspectives tend to take sovereign statehood as a given, and incorporate it as an analytical assumption into their theoretical priors.<sup>9</sup>

However, in recent years, there has been a move away from this perspective in some quarters. David Lake points to two shifts in recent treatments of sovereignty, those relating to constructivist treatments of sovereignty, and those relating to issues of ‘problematic sovereignty’. For constructivists, classical conceptions of sovereignty are problematic in the manner in which they treat sovereignty as a given, as a fixed element of the international system. Instead, constructivists see sovereignty as endogenous rather exogenous to the international system, and argue that it is a social fact that is constructed and reproduced over time by the practices of states themselves. Consequently, sovereignty is not a fixed element of international politics, but can change due to the changing behaviour or expectations of states. Constructivist approaches highlight how the meaning of sovereignty has changed over time, and that states have acted differently according to the varying prevailing conceptions of sovereignty that have existed.<sup>10</sup>

More importantly for this paper, the second shift from the classical approach has been a move away from the conception of sovereignty as an indivisible element of international politics, and a greater recognition of the deviations from the conventional political arrangement of the sovereign state. This move is perhaps most closely associated with the work of Stephen Krasner, who has shown how sovereignty has multiple elements rather than existing as an inviolable whole, and how some of its most important constituent parts are often compromised in the practice of international politics. In particular, Krasner distinguishes between four different elements of sovereignty, those of:

- international legal sovereignty, which refers to the mutual recognition of independent statehood by other states in the international system
- domestic sovereignty, which refers to the structure and effectiveness of state institutions
- Westphalian sovereignty, which refers to the absence of external influence and penetration in domestic affairs – essentially the freedom from foreign intervention

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<sup>8</sup> David A.Lake, ‘Reflection, Evaluation, Integration: The New Sovereignty in International Relations’, *International Studies Review*, Volume 5, Issue 3, September 2003, pp.303-323.

<sup>9</sup> Stephen Krasner, *Sovereignty: Organised Hypocrisy* (Princeton University Press, 1999), p.44

<sup>10</sup> Thomas Biersteker and Cynthia Weber (eds.), *State Sovereignty as Social Construct* (Cambridge: Cambridge University Press, 1996), Introduction.

- interdependence sovereignty, which refers to the capacity of state authorities to regulate cross-border flows, for example in terms of financial capital or human traffic.

Krasner's most significant contribution has been to demonstrate that these elements do not necessarily go together, and that the historical record clearly shows that states have routinely violated elements of each other's sovereignty, especially Westphalian sovereignty. Krasner is not alone, however, in seeking to 'unpack' sovereignty and highlight how different levels of sovereignty can lead to different types of political authority, and others have also taken a similar approach.<sup>11</sup> These contributions have not only highlighted the violation of sovereignty norms and practices between states, but also the existence of many types of political arrangements that do not conform to conventional ideas of sovereign statehood. Such alternative arrangements include:

- so-called de facto states – which are unrecognised political entities that aspire to political independence and have some form of political regime in place (for example the Palestinian Authority and Somaliland).<sup>12</sup>
- quasi-states – which are recognised states that lack fundamental aspects of state capacity, such as the ability to protect human rights and provide socio-economic welfare.<sup>13</sup>
- There are also some other alternative arrangements that can be seen in many ways as efforts by the international community to overcome the problems associated with quasi-states. These include trusteeship or international administration, which entails international authorities assuming extensive levels of executive authority at the domestic level for a transitional period, for example as is currently taking place in both Bosnia and Kosovo.<sup>14</sup>
- A more recent suggestion has been put forward by Stephen Krasner himself, and is that of shared sovereignty, which essentially entails recognised states contracting out elements of their authority to international actors in order to achieve better governance.<sup>15</sup>

### **Problematic Sovereignty and Democracy**

The line of scholarship outlined above has identified extensive variations in sovereignty arrangements that exist in the current international system, and has also highlighted the implications of this variation for some critical aspects of domestic and international politics.<sup>16</sup> Yet to date, there has been limited attention to the implications

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<sup>11</sup> Lakes, 'Reflection, Evaluation, Integration: The New Sovereignty in International Relations'; James A. Caporaso, 'Changes in the Westphalian Order: Territory, Public Authority and Sovereignty', *International Studies Quarterly*, Vol.2, No.2, 2000, pp.1-28; Robert O. Keohane 'Political Authority After Intervention: Gradations in Sovereignty' in J.L. Holmgren and Robert O. Keohane *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge University Press, 2003).

<sup>12</sup> Simon Pegg, *International Society and the De Facto State* (Aldershot: Ashgate 1998).

<sup>13</sup> Robert Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge University Press, 1990).

<sup>14</sup> See Richard Caplan, *International Governance of War-Torn Territories* (Oxford University Press, 2005).

<sup>15</sup> Stephen D. Krasner, 'Sharing Sovereignty: New Institutions for Collapsed and Failing States', *International Security* Vol.29, No.2, 2004, 85-120.

<sup>16</sup> For wider discussions of the implications of these insights about sovereignty, see Lake, 'Reflection, Evaluation, Integration: The New Sovereignty in International Relations', and

that these varieties of political arrangements have for the nature of domestic political regimes, and for the potential for democratic rule in particular.<sup>17</sup> However, this is an important issue, and an examination of these relationships is important for three primary reasons.

First, democracy and sovereignty are foundational concepts in contemporary political science, and there has been only limited focused analysis of their relationship (which has primarily been restricted to the globalisation debate). It is thus necessary to move beyond some of the current tacit assumptions about their co-existence and explore all aspects of their relationship.

Second, democracy is seen as intrinsically important within much of the international community, contributing not only to freedom and human rights at the domestic level, but also potentially to peace among states at the international level. But these benefits are generally envisaged as emerging from democracy in the context of sovereign statehood, and it is thus necessary to explore whether democracy is possible in alternative political arrangements, and if it is, whether similar domestic and international benefits accrue from unconventional political settings.

A third related point is that while democracy is promoted as the ideal form of government by the most powerful elements of the international community, international actors are at the same time engaging in forms of international intervention that would seem to directly undermine democratic norms and practices, for example in relation to the international administration of territory. It is thus necessary to explore the full implications of current international practices and policies, and examine the potential for conflict and contradiction that may exist between them.

Before proceeding to examine how different sovereignty arrangements might affect the prospects for democracy, however, it is first important to examine the nature of democracy itself. Like sovereignty, democracy is in many ways an essentially contested concept, but one recent four-part definition touches on its most significant attributes. According to Way and Levitsky, democracy requires four political attributes, those of:

- free and fair competitive elections
- full adult suffrage
- a full range of political freedoms
- and most importantly for this paper, government autonomy from outside influence.<sup>18</sup>

These procedural aspects of democracy pave the way for the achievement of a set of values that are also central to democracy, especially those of liberty, accountability, and representation.

Working with this four-part definition of democracy, it becomes possible to explore how different sovereignty arrangements might be more or less suited to providing a foundation for democratic rule. Some arguments about these issues already exist in the comparative politics literature, although instead of discussions

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Biersteker, 'State, Sovereignty and Territory', in Walter Carlsnaes, Thomas Risse, and Beth A. Simmons (eds), *The Handbook of International Relations*, (London: Sage, 2002).

<sup>17</sup> The exception, as noted, is the debate on sovereignty and democracy in the globalization literature. However, this paper is concerned with the under-explored aspects of problematic sovereignty, so will not focus on this debate in-depth.

<sup>18</sup> Levitsky and Way, 'Competitive Authoritarianism'.

about sovereignty, it is statehood and 'stateness' that are usually referenced. Others can be developed separately by examining each of Krasner's four elements of sovereignty with particular reference to democracy and the possibilities for democratic rule.

The first aspect of sovereignty to address is that of 'legal sovereignty', the recognition of sovereignty by other states within the international system. In many ways, recognition is tacitly viewed within political science scholarship as a requirement for democratic rule, and some are quite clear on this point. Linz and Stepan, for example, clearly argue that official statehood is a 'prerequisite to democracy', and that the challenges of achieving democracy cannot be overcome 'unless the territorial entity is recognized as a sovereign state'.<sup>19</sup> Although rarely acknowledged explicitly, to some extent this view is taken for granted in the literature and is reinforced by the almost uniform scholarly attention to democratization processes in recognized states only. Yet as will be discussed further below, this view is problematic, as it leaves unstated what exactly it is that recognition actually contributes to democratic rule itself. It is the contention of this paper that recognition of statehood is primarily declaratory, and has no actual impact on the nature of political government at the domestic level.

The second dimension of sovereignty is that of domestic sovereignty, referring to a state's ability to determine its own political system and structures. This is profoundly more important for the prospects of democratic rule than international recognition, as it is essential for democracy that the state has the resources and presence within a territory to maintain authority over, and protect, the political community. In this context, the importance of domestic sovereignty relates to the ability, and willingness, of the state to uphold and enforce political rights and the rule of law throughout a territory. The notion of domestic sovereignty is close to that of state capacity, which in the comparative politics literature has been identified as a critical element of democratic rule.<sup>20</sup> The presence and authority of the state present particular political constraints and opportunities for democracy that vary from context to context, affecting as they do the extent to which democratic rights and freedoms can be both enforced and protected throughout the territory.<sup>21</sup>

The third aspect of sovereignty is Westphalian sovereignty, which relates to the idea of freedom from external interference in domestic structures and decision-making. Westphalian sovereignty is inextricably linked to the norm of non-intervention, which suggests that states must respect each other's internal politics and respect each other's right to determine their own domestic affairs. As such, Westphalian sovereignty has clear importance for the prospects for democratic rule, as domestic autonomy is one of the key attributes of democracy outlined above. If domestic actors do not have final authority within the boundaries of the political system, and decisions and outcomes are determined by external actors, the channels of

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<sup>19</sup> Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (The Johns Hopkins University Press, 1996), p.18.

<sup>20</sup> Guillermo O'Donnell, 'On the State, Democratization, and Some Conceptual Problems: A Latin American view with Glances at Some Postcommunist Countries', in Guillermo O'Donnell, *Counterpoints: Selected Essays on Authoritarianism and Democratization* (Notre Dame, IN: University of Notre Dame Press, 1999), pp.135-137

<sup>21</sup> Francisco E. Gonzalez and Desmond King, 'The State and Democratization: The United States in Comparative Perspective', *British Journal of Political Science*, 34, 2004., p.193.

representation and accountability required for democracy break down. If Westphalian sovereignty is breached, so too is democracy.

The final dimension of sovereignty is that of interdependence sovereignty, which relates to the level of control a state can exercise of over cross-border flows. The extent to which this type of sovereignty has been eroded is a major subject of debate within the globalization literature, which similarly divergent views on the extent to which globalization is thus having a negative impact on the prospects for democracy at the level of the nation state. For some, such as David Held, globalization is creating a series of disjunctures that reduce interdependence sovereignty (as well as domestic sovereignty) and create a democratic deficit at the state level. These disjunctures entail a claim to formal authority over border control by individual states, but an absence of such control in practical terms.<sup>22</sup>

As can be seen, then, each of these dimensions of sovereignty is distinct from the other, and each has particular implications for the nature and prospects of democratic rule. In certain circumstances, where states are well established and where political authority is located firmly with the central government, all the core elements of sovereignty may be present and together will be sufficient to support democratic rule.<sup>23</sup> In cases where some elements of sovereignty are absent, however, democratic politics may be difficult to achieve or maintain through the territory in question.

I thus argue that it is not possible to make broad statements about the relationship between sovereignty and democracy in general terms, because different elements of sovereignty have different implications of the possibilities of democratic government. Rather, it is necessary to disaggregate sovereignty and think about its constituent elements, and examine how each of these is related to regime types in general, and democracy in particular. Once this is done, it becomes clear that different elements of sovereignty have different implications for democratic rule, and that while some aspects of sovereignty should be viewed as pre-requisites for democracy, others have little or no impact on whether democracy can or cannot be achieved. The following section explores these issues further, and examines the possibilities for democracy in some of the alternative political authority arrangements that emerge when not all attributes of sovereignty are present.

### **Non-state Entities, Democracy, and Sovereignty**

One of the most interesting aspects of contemporary politics that has largely been overlooked in the IR literature is the existence of distinct and often very autonomous political systems outside the international state system. So-called *de facto* states lack international recognition of statehood, but nonetheless entail an organized political leadership that has achieved sufficient capacity to provide governmental services to a given population in a defined territorial area.<sup>24</sup> Some contemporary examples of *de facto* states includes the Palestinian territories (or least the West Bank given the recent split with the Gaza Strip), Northern Cyprus, Somaliland in Somalia and the break-away entity of Abkhazia in Georgia. Most *de facto* states have either declared independence or aspire to independent statehood, and many also profess to have

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<sup>22</sup> David Held, *Models of Democracy*, (Polity, 2006), p.294.

<sup>23</sup> It should be noted, however, that the full range of sovereignty attributes will not be sufficient to bring democracy about, but only to support it if it is established by domestic actors. Democratization requires political agency as well as structures of sovereignty.

<sup>24</sup> Pegg, 'International Society and the De Facto State'.

embarked on a process of democratization.

While de facto states would not appear to be promising environments for democratic government, the analysis above suggests they should not be ruled out purely on the basis of the lack of international recognition of their independent status. Indeed, arguably the most prominent de facto state is Taiwan, which lacks recognition of independent statehood but is nonetheless a stable and consolidated territorially-bound political system. Instructively, Taiwan has also undergone a process of democratic transition and is now also a stable democracy, even despite the lack of recognized statehood.<sup>25</sup> Taiwan's international status remains a point of contention, and China has long threatened to invade if the island declares formal independence. But the lack of official sovereign statehood and international recognition – the lack of international legal sovereignty – have not posed a serious obstacle in itself to democratic transition and consolidation. Legal sovereignty, it would seem, is no prerequisite for democracy.

Another case of democratic practices existing in a de facto state can be found in Somaliland, which is legally part of Somalia but has fought for independence since the early 1960s and declared independence since 1991. It has a stable government, a multi-party system and has held successive rounds of competitive elections. Its nascent political regime is not without problems, but it has made significant strides on the road to democracy.<sup>26</sup>

Yet these cases should not lead to the conclusion that de facto states present an entirely unproblematic environment for democracy, as it is also the case that the absence of legal sovereignty is likely to be an indicator of more severe and challenging sovereignty-related problems. When recognition of statehood is withheld, it is often because the international community has deemed there to be insufficient evidence that an organised state structure exists. The lack of recognition thus often highlights the fact that many de facto states have only weak institutional structures and lack the kind of autonomy and capacity that is necessary to support democratic government – that is, there is an absence of domestic sovereignty

More importantly, de facto states are often lacking in international recognition because their status is highly contested, and their final end state is subject to dispute at the regional or wider international level. In most cases where de facto states have developed, the entity in question is legally part of a larger state from which it is striving to secede. Consequently, the 'host state' will often resist the secessionist efforts of the de facto state and the dispute will pose significant obstacles for democratic development. Conflict can serve as a potent barrier to democratization, making it difficult for politics to be channelled through appropriate institutions rather than pursued through violent means. Furthermore, where host states are sufficiently powerful, they will be in a position to intervene in entity politics in de facto states in ways that undermine local autonomy, and thus violate both Westphalian and domestic sovereignty. When domestic authorities do not have the autonomy to act independently of outside actors, representative politics is all but unattainable.

With de facto states, such breaches of autonomy can also come from other international sources, and especially neighbouring states that share similar cultures, histories or ethnic ties. These neighbouring states often act as sponsors for de facto states, supporting their claims for independence and providing diplomatic assistance.

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<sup>25</sup> Joseph Wong, 'Deepening Democracy in Taiwan', *Pacific Affairs*, Vol. 76, 2003.

<sup>26</sup> International Crisis Group, Africa Report N°66, *Somaliland: Democratisation and Its Discontents*, 28 July 2003.

While this form of involvement can be positive for democratic development, it can also entail a level of financial and even military support that renders de facto state governments little more than puppet regimes that are entirely dependent on outside sponsorship, as is the case with many of the de facto states sponsored by Russia, for example Transnistria in Moldova and Abkhazia in Georgia. In such cases, where governing authorities do not enjoy autonomy from sustained outside intervention, the prospects of democratic transition without a significant shift in power relations are highly limited.

In the de facto state of Abkhazia, for instance, democratic politics are shallow in the extreme. Abkhazia is legally part of Georgia, and has a long history of conflict with Georgian state authorities, with an uneasy peace existing since the early 1990s. Like much of the region, central capacity in Abkhazia is relatively weak, and it is heavily reliant on support from Russia for its stability. It also has a divided political community, and violence is regularly perpetrated against the minority ethnic Georgian population in the entity. Although it has held elections, multi-party competition in Abkhazia is limited and its political regime is closer to a form of authoritarianism than it is to liberal democracy.

Similarly, the Palestinian Authority that was established under the Oslo Accords in 1994 has developed a political regime which has entailed regular elections and alteration in office, but that has fallen far short of full-scale liberal democracy. While some of these problems are due to the authoritarian and violent activities of certain of its domestic political actors, others have do with sovereignty-related problems. The PA not only lacks the kind of capacity and domestic sovereignty required for democratic government, but the extensive role of Israel as a legally occupying power clearly prevents any attainment of Westphalian sovereignty.

The prospects for democracy in de facto states are thus not great. While the absence of legal sovereignty is an intrinsic element of de facto state status, it in itself is not a barrier to democratic development. Yet the lack of international recognition and the existence of political entities outside the state system suggest a set of other problems that themselves pose more significant obstacles to democratization. In particular these relate to low levels of domestic sovereignty and of Westphalian sovereignty – de facto statehood is often associated with limited central capacity and high levels of external intervention and interference. In such contexts, the potential for democracy will be limited, as democratic rule requires that central authorities have the capacity to protect political and civil rights throughout the territory, and also that they can govern free from interference from un-elected bodies, whether they be domestic institutions such as the military, or external actors such as neighbouring state governments. While legal sovereignty is not a pre-requisite of democracy, domestic sovereignty and Westphalian sovereignty are.

These arguments also have relevance for other authority arrangements that differ from conventional sovereign statehood. In quasi-states, for example, the defining feature is the presence of legal and Westphalian sovereignty, but the absence of (or limited extent of) domestic sovereignty. Quasi-states are recognised states that lack domestic capacity and are incapable (or unwilling) to enforce the protection of human rights and provide economic and social welfare. Indeed, in Robert Jackson's discussions of quasi-states, an absence of democracy is almost presented as a defining feature of negative sovereignty. A democratic quasi-state is close to a contradiction in terms.<sup>27</sup>

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<sup>27</sup> Jackson, 'Quasi-states', especially pp147-9, 174.

Yet in recent years, there has been something of a shift away from the regime of negative sovereignty identified by Robert Jackson, in which the international community respects Westphalian sovereignty in developing countries regardless of their internal activities or strength. Recent activities suggest that the international community is now more willing to intervene in the affairs of states (and non-states) to promote political development, peace and human rights protection. In a number of settings, for example in Bosnia, Kosovo and East Timor, international authorities have assumed extensive levels of executive authority at the domestic level with the aim of facilitating conflict resolution and overseeing political, economic and social reconstruction and development. For some, these interventions reflect a shift in the understanding of sovereignty by the international community. For example, rather than being understood as a formal-legal entitlement as suggested by Jackson, according to Dominik Zaum sovereignty is now viewed as entailing obligations of states to their own citizens. Consequently, the right to have sovereignty recognised by the international community requires meeting minimum 'standards of civilisation', including democratic government.<sup>28</sup>

Yet the practice of state-building brings with it significant problems for democracy and democratic development. Most clearly, the practice involves international actors assuming authority that is conventionally held by domestic actors, and thus undermining channels of accountability and representation that are central to democratic rule. Furthermore, even if this outside violation of domestic authority (a breach of both domestic and Westphalian sovereignty) is seen as a justifiable means to the end of an independent and democratic state, the nature of state-building also suggests there may be long term legacies that are unfavourable for democracy. While the presence of powerful international authorities with a mandate to promote democracy can further the project of democratic transition in contexts where it otherwise might have limited prospects (for example by closing off options for non-democratic actors), the prolonged use of executive powers by unelected international actors can sometimes lead to tensions with local counterparts, and also set a precedent of the use of executive office that runs counter to the norms and practices of democracy. With limited channels of representation and accountability linking international administrators to the populations they govern, external actors can undermine their own efforts to promote democracy by pursuing their policies through essentially un-democratic means.<sup>29</sup>

There is thus a tension within the activities of the international community regarding sovereignty and democracy. On one hand, democracy is promoted as a desirable goal, and sovereign states are encouraged to expand democratic norms and practices. Yet the international community also seeks to promote democracy (along with other goals such as peace and security) through means that compromise the key elements of sovereignty that are necessary for democracy to exist. In the context of statebuilding, Westphalian sovereignty is clearly breached, violating the critical aspect of democracy that requires autonomous domestic authorities.

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<sup>28</sup> Dominik Zaum, *The Sovereignty Paradox: The Norms and Politics of International Statebuilding*, Oxford: Oxford University Press, 2007.

<sup>29</sup> These problems are a common theme of recent writings on international administration and state-building. See for example Richard Caplan, *International Governance of War-Torn Territories* (Oxford University Press, 2005), Chapters 8 and 9; and Simon Chesterman *You, the People: The United Nations, Transitional Administration and State-Building* (Oxford University Press, 2004), Conclusion.

## Conclusion

Sovereignty entails a bundle of political attributes that relate to the status, capacity and autonomy of political authority arrangements. When all such attributes are present, sovereign statehood is the result, and there are no inherent obstacles to democratic development. But the absence of key elements of sovereignty can alter the prospects for democracy in important, and sometimes unexpected, ways.

Democracy requires autonomous governments that have the authority to make binding decisions, and promote and protect human rights and political freedoms throughout the territory. If territorial political entities lack domestic autonomy and are unable to prevent interference from outside agents (if they lack domestic and Westphalian sovereignty), then the prospects for democracy are seriously undermined. Without the ability to enforce decisions throughout the territory, and without the ability to prevent decisions being made by external actors, central authorities will be unable to protect political freedoms or maintain a link with their citizens. Yet if a political entity lacks international recognition, and has failed to achieve membership of the international society of states, this in itself is no bar to democratic government. Domestic and Westphalian sovereignty can exist in the absence of international legal sovereignty, and thus democracy is not tied to official legal statehood. Taiwan is the clearest example of a non-state entity that lacks international legal sovereignty, and nonetheless has established a well-developed democracy. Other *de facto* states have also developed democratic political structures, and in many ways mirror more conventional states that have undergone processes of democratic transition.

However, while international recognition of statehood should not be seen as a pre-requisite for democratic government, the lack of recognition may be an indicator of more damaging state-related problems, especially in relation to state capacity and external intervention. Lack of capacity can result in the uneven protection of democratic rights and freedoms within a territory, and the interventionist policies of neighbouring or host states can undermine claims to representative and accountable government. When *de facto* states lack the capacity for autonomous government, democratic transition may not be possible, and political regimes in these contexts are more likely to exhibit elements of authoritarian rather than democratic rule.

Democracy and sovereignty have no simple relationship. One is not a clear pre-requisite of the other, and neither necessarily go together. Rather, it is only by unbundling the concept of sovereignty that we can identify the particular aspects of their relationship that are most important, as well as those that have little meaning. There is no question that there are elements of sovereignty that are of critical importance for democracy, and that should be viewed as necessary conditions for democratic rule. But it should be equally clear that some aspects of sovereignty, especially regarding legal sovereignty, are of little relevance to the realities of political government and regime type.

These arguments suggest many implications, two of which are worth noting in conclusion. First, democracy should not be seen as the preserve of recognised states, and should be recognised as a system of government that can exist outside the current state system. This contradicts a central assumption of contemporary political science, but is supported by the empirical realities of democratic politics existing in non-state political entities. Second, the conclusions suggest a significant tension in contemporary international political activity and scholarship. On one hand, many in

the international community, and in IR scholarship, recommend democracy as a means to desirable domestic and international goals, especially freedom and peace. On the other than, international states and organisations, and again many IR scholars, recommend forms of intervention (e.g. international administration, shared sovereignty), that breach the very elements of sovereignty that are fundamental requirements for democratic government. Such contradictions should be faced head-on and addressed, rather than brushed under the carpet as they so often currently are through a tacit suggestion that sovereignty and democracy have a close and unproblematic relationship.