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Independence

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THE PRICE AND VALUE OF SOVEREIGNTY IN THE ERA OF GLOBALIZATION

Alina Hrytsenko

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Every state has its own strengths and weaknesses. In theory, each state considers these when designing its national and foreign policy, free from external influence and thus manifesting its independence or sovereignty. Nevertheless, each state is also a member of the international community, so in terms of policy-making it has to consider current world development trends, one of which is globalization. Globalization is accompanied by state interdependence, which unavoidably leads to the erosion of sovereignty. This is particularly evident in large interstate entities such as the European Union. This article presents research into the current challenges and consequences of globalization, transformation and the meaning of political independence / state sovereignty today, and current approaches to safeguarding state sovereignty in the EU.

Introduction

Globalization in its broadest sense can be defined as a deepening worldwide interconnectedness and interdependence. It is a progressive process of convergence, by which connections and exchanges among different countries of different regions all over the world are strengthened. This process is all-pervasive, influencing all the areas of contemporary life – economic, financial, cultural, political, technological, environmental, and so on.

As a complex and dynamic phenomenon, globalization encompasses a great variety of tendencies and trends. On the one hand, there is a trend towards homogeneity, synchronization, integration, unity, and versatility. Under the current world order, the unification of legal frameworks across the globe can be observed and the reinforcement of integration processes in all possible manifestations, as well as

the establishment of transcontinental alliances. These processes have been happening because of the difficulties for a state to develop in an isolationist way. At this point in history, isolated states tend to stagnate. Hence, globalization is necessary for progressive development and the functioning of a state in the international arena.

International cooperation is becoming more institutionalized. A fundamental premise of the international legal system is the primacy of international law over national. Under the conditions of globalization and expanding international cooperation, states are making more and more treaties on a variety of issues and, thus, find themselves bound by a growing number and scope of international commitments. The entire system of international law is becoming more complicated and intricate, supplemented by ever-new conventions, agreements, pacts and other binding documents.

Moreover, the institutionalization results in an increasing number of different sorts of international organizations and “clubs.” Such platforms discuss key international issues and make important decisions. The scale of global problems, such as the proliferation of weapons of mass destruction (WMD), international terrorism, drug trafficking, cybercrime, famine, shortage of fresh water, pandemics, environmental disasters, and much more, turns out to be incomparable with the capabilities of even large, highly developed states to solve them. Obviously, overcoming these challenges is possible only through shared endeavour, that is, by means of supranational regulation.


International organizations are gradually gaining a broader scope of real power and the ability to impose their decisions on sovereign states, often regarding issues not only of foreign but also of domestic policy. Such organizations normally have a core, consisting of the richest, most developed countries, and it is their position that is most significant in the decision-making process. By extension, some states are facing a stronger impact from external factors regarding national policy-making.

As a result, unwillingness to suffer the negative effects and consequences of globalization, and to become dependent on the standpoint of alliances has led to the spread of new alternative trends: localization, heterogeneity, differentiation, diversity, and particularism. Such tendencies are emerging primarily as an attempt to counteract the damaging effects of globalization on national sovereignty.

The Transformation of Classical “Sovereignty”

The spread of globalization is transforming the traditional notion of sovereignty as the external independence and internal supremacy of the state. Two legal features that characterize sovereignty remain

unchanged and indisputable – territorial supremacy and the independence of the state in the international arena. They are inextricably interlinked and mutually predetermine each other. Territorial supremacy reflects the real fact that the state is sovereign within its territory, since there is no higher authority over the state.



International organizations are gradually gaining a broader scope of real power and the ability to impose their decisions on sovereign states, often regarding issues not only of foreign but also of domestic policy

The concept of “sovereignty” in modern legal terminology has such characteristics as the existence of its own institutions of government, the *supreme power* to carry out its will independently, the exercise of power with no external influence or pressure, the ability of the state to participate equally and fully in international organizations, unions, pacts, treaties, and so on. However, these classical features are already outdated. Globalization has led to the emergence of a single economic and political space, which, in turn, affects the foundations of the nation state.

The question of the integrity and firmness of national sovereignty has always been acute for such a specific association as the European Union.

Sovereign vs Supranational in the EU

In recent years, both at the level of the European Commission and of individual European states, active discussions have been underway about the status and prospects of various aspects of European and national security with which the issues of European identity and “Europeanism” are closely intertwined.

There are two opposite tendencies within the EU. On the one hand, after the adoption of a series of treaties establishing the legal and political foundations of the EU over the past 25 years, centripetal tendencies within the Union have intensified, noticeable especially in the strengthening of pan-European political institutions and the transfer of more and more powers to them from member states.

Today, almost all the leading pro-European parties – the European People’s Party (EPP), the Party of European Socialists (PES), The Alliance of Liberals and Democrats for Europe Party (ALDE), and the European Green Party (EGP) – which today have an absolute majority in the European Parliament (70% of seats), to a greater or lesser extent support the idea of strengthening the European sovereignty put forward by French President Emmanuel Macron some time ago. In their latest documents, these parties focus on underpinning the powers of the leading pan-European political institutions, primarily the European Parliament, elected by all EU citizens. They also advocate for reinforcing truly European values and a common European identity.

On the other hand, clear Eurosceptic tendencies have emerged – the quintessence of which was Brexit –, together with the growth of authoritarianism and anti-immigration attitudes in some countries, for which national, rather than European, sovereignty is an unambiguous priority today.

According to President Macron, securing the sovereignty of a united Europe is a response to the challenges the EU faces today: an intensification of authoritarian tendencies

in some EU countries, especially Hungary and Poland, a strengthening of the positions of Eurosceptics in Germany, Italy, Poland, Finland, and so on, Brexit, Russian animosity, and the war in Syria.¹

In France, over the past few decades, there has been constant heated debate between “sovereignists,” the supporters of the preservation of sovereignty, and “Europeanists,” the adherents of a “united Europe.” Today, the question of the content of French sovereignty has once again become one of the key issues in the country’s political battles. This is where Macron’s radical views collide with the views of the centre-right republicans and the National Rally. Still, despite the insistent appeals of the French leader to establish a European army as a complement to NATO, France is retaining and even strengthening its forces for autonomous action in defence and security. Such a task is set in the Defence and National Security Strategic Review published in October 2017.²



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In Italy, the centrist parties that have traditionally ruled the country for many decades ceded power to the populists in 2018 – to the Eurosceptical Liga and the Five

1 Speech by Emmanuel Macron, President of the Republic of France at the European Parliament, 17 April 2018, [https://www.elysee.fr/en/emmanuel-macron/2018/04/17/speech-by-emmanuel-macron-president-of-the-republic-at-european-parliament access: 09 April 2021].

2 Defence and National Security Strategic Review 2017 [https://www.defense.gouv.fr/layout/set/popup/content/download/520198/8733095/version/2/file/DEFENCE+AND+NATIONAL+SECURITY+STRATEGIC+REVIEW+2017.pdf access 10 April 2021].

Star Movement, which are considered to be “sovransists,” that is, protectors of national sovereignty. Italian “sovranism” prioritizes current problems in the country’s economic and political development, deepening economic inequality, and the maintenance of national sovereignty in the face of international migration. In short, priority is given to: the economic sovereignty of EU states, with the main requirement being to restore controls over those processes that have long gone beyond the national state; control over borders; and the preservation of national identity in the face of a large influx of migrants. Most of Italy’s constituents do not perceive the EU as a guarantor of economic development and prosperity that ensures social peace and security for the country’s citizens. Giuseppe Conte’s government insisted on a more sovereign domestic and foreign policy, while the current government of Mario Draghi is returning to a more pro-European position.

Visegrád Four: Sovereign National Over Common European

The protection of national sovereignty has a special dimension in the countries of Central Europe – Hungary, Poland, the Czech Republic, and Slovakia (Visegrád Four). They gave up a significant part of it in joining the European Union and NATO. Since then, the leaders of these countries have been saying that Brussels’ policy does not concur with the views of their citizens regarding their role in the development of Europe. Hungarian Prime Minister Viktor Orbán was the first to declare his disagreement with prioritising the common European

over the sovereign national. Having won parliamentary elections in 2010, he moved towards the restoration of Hungarian national sovereignty within the European Union and launched a number of very radical reforms that were criticized by the European community.

Some political analysts say that Orbán and the *Fidesz* party have built a “mafia state,” where all powers belong to a group associated with the party and personally with Orbán.³ In 2019, Freedom House downgraded its assessment of the level of democracy in Hungary, defining the country as only “partially free.”⁴ Over the past decade, *Fidesz* has used its parliamentary majority to impose restrictions and control over the opposition, the media, religious groups, academia, NGOs, the courts, asylum seekers, and the private sector; the Freedom House report says. Dutch MP Judith Sargentini presented a draft report in 2018, in which she accused Hungary of violating core European values⁵. Sargentini expressed concern about the legislative process in Hungary and drew attention to such issues as the independence of the judicial system, corruption, freedom of speech, data confidentiality, freedom of religion, the minorities (Jews and the Romani), and the rights of migrants and refugees.

Migrants and refugees became an acute irritant in Hungary’s relations with the European Commission after the migration crisis that broke out in the EU in 2015 led to a “crisis of solidarity.” Refugees were transiting through Hungarian territory to Germany. For many, Orbán’s proposal to

3 B. Magyar, *Postcommunist Mafia State: the Case of Hungary*, Central European University Press: Budapest 2016: pp. 40-41.

4 Freedom in the World 2019 Scores [<https://freedomhouse.org/report/freedom-world/2019/scores> access: 20 April 2021].

5 Draft Report on a proposal calling on the Council to determine, pursuant to Article 7(1) of the Treaty on European Union, the existence of a clear risk of a serious breach by Hungary of the values on which the Union is founded. [<https://www.europarl.europa.eu/resources/library/media/20180411RES01553/20180411RES01553.pdf> access: 26 April 2021].

build an 'iron curtain' – literally a 4-meter high and 175-km long fence along the Hungarian-Serbian border to prevent refugees from crossing illegally – created a sensation.

Orbán's radical actions can be explained by two motives. First was political competition: the 2014 elections demonstrated the growing popularity of the right-wing radical *Jobbik* party as an alternative to *Fidesz*. A tough migration policy allowed the ruling coalition to return to unquestioning electoral leadership. Orbán used the crisis to mobilize the public and shift the focus away from domestic issues to an external enemy – refugees. Secondly, Orbán himself was brought up in the patriarchal traditions of the Hungarian rural bourgeoisie as a Calvinist and adheres to conservative – sometimes radically so – views, which is reflected in his policies, despite his liberal political start in 1990s.

In defending their state sovereignty, Hungary, Poland, the Czech Republic, and Slovakia spoke with one voice against attempts in Brussels to impose quotas to accommodate refugees from Africa and the Middle East on their territory. At the Visegrád Group summit held in Bratislava on 19 June 2015, the leaders claimed to have developed a more systematic and geographically comprehensive approach to migration.⁶ Later, Polish Prime Minister Mateusz Morawiecki claimed that the European Commission's decisions on refugee policy "affect sovereignty."⁷

In December 2015, Slovakia filed a lawsuit against the EU Council in the European Court of Justice in Luxembourg because

of its disagreement with the mandatory redistribution scheme. Eurosceptic attitudes are quite widespread in Slovakia: the then-ruling left-wing populist political party, Direction-Social Democracy, which former PM Robert Fico belongs to, followed a "soft nationalism" ideology and opposed EU migration policy and the "islamization" of Europe, directly associating the influx of refugees with an increase of the level of terrorist threat on the continent. Euroscepticism persists to this day, as evidenced by the victory in the 2020 elections of the centre-right, conservative, populist party "Ordinary People and Independent Personalities," to which the current Prime Minister, Eduard Heger, belongs.

Islam: A Bone of Contention

In recent years, Western European countries have been subject to the mass migration of Muslims from Asia, Africa and the Middle East. A leap in the number of immigrants from Arab countries took place in the aftermath of the Arab Spring. Most migrants fail to assimilate or to "melt" in the "ethnic pot," instead setting up zones of traditional clan society, alien to the individualistic and democratic West.

German Chancellor Angela Merkel, who advocated for a multicultural policy, admitted that "multiculturalism leads to parallel societies and therefore remains a 'life lie' or a sham."⁸ The concept of multiculturalism was initially aimed at socializing members of all nations and nationalities in the European community based on the principles of respect and freedom of conscience. At the same time, this concept assumed minimal intervention by the state in the integration

6 Joint Statement of the Heads of Government of the Visegrad Group Countries [<https://www.visegradgroup.eu/calendar/2015/joint-statement-of-the-access> 30 April 2021].

7 Interview with Poland's Prime Minister [<https://www.spiegel.de/international/europe/interview-with-polish-prime-minister-mateusz-morawiecki-a-1194264.html> access 01 May 2021].

8 Merkel zur Flüchtlingskrise (Merkel on Refugee Crisis) [<https://www.spiegel.de/politik/deutschland/fluechtlinge-angela-merkel-spricht-von-historischer-bewaehrungsprobe-fuer-europa-a-1067685.html>].

processes while maintaining the entire cultural autonomy of immigrants. In fact, the various diasporas were left on their own. As a result, multiculturalism has ended up fragmenting and disintegrating Western society, and generating new crises.

In the view of some Europeans, the large influx of Muslim migrants is destroying the established system of values historically formed on this territory. Supporters of anti-immigration movements believe that Muslim newcomers bring their own system of values: a different vision of the way of life and social relations, a system where there is no place for such concepts as “liberalism” and “tolerance,” that is based on the religious and legal norms of Sharia. For example, Iranian philosopher Seyyed Hossein Nasr refers to “...the basic assumptions of modern Western civilization, nearly all of which are the very antithesis of the Islamic principles he cherishes.”⁹ The Muslim believer sees himself as part of the Ummah and remains faithful to its cultural centre, which disseminates religious and legal judgments on various issues of modern life, including events in world politics. These specificities sometimes make it challenging to adapt to life in a completely different historical and cultural region, resulting in a tendency towards self-segregation. Muslims form enclaves, communicate for the most part only with their fellow believers, in their own language, and feel little need to integrate into European society.

In this regard, the current leadership of Central European states – with Poland and Hungary more active than the rest – continues to insist that it is defending state sovereignty by protecting traditional Christian values as opposed to not only Islamic, but also the progressive values

actively spreading today, including same-sex marriage or the equality of homosexual couples in receiving government subsidies along with traditional families. These leaders focus on the protection of “traditional family values” as well as the national language and culture. A good example is the Basic Law of Hungary, the new Constitution in force since 2012. It recognizes “the role of Christianity in preserving the Hungarian nation” and the state’s responsibility for preserving the “intellectual and spiritual unity” of the nation, and defining a family as marriage between a man and a woman.¹⁰

The population of Central European countries is declining today, not only due to emigration, but also due to demographics, most often falling birth rates. In both Poland and Hungary, strengthening the family and recovering population numbers remain the focus of attention. In our opinion, the problems of ensuring state sovereignty that Central European countries are facing differ from those faced by other European states today. The task before CEE is self-preservation among the well-established nation states of Western Europe. To achieve that, they rely on the revival of national traditions.

Foreign Policy Dysfunction

The crisis of solidarity and the struggle to strengthen national sovereignty are also noticeable in foreign policy, where sovereignty and independence are most affected. The EU’s second “pillar” is a common foreign and security policy (CFSP). All members of the European Union are expected to conduct their domestic and foreign policies in compliance with EU legislation. EU member-states diplomats and European External Action Service

9 S.H. Nasr, *Islam and the Plight of Modern Man*, ABC International Group, Inc. 2001: pp.27-28.

10 The Fundamental Law of Hungary [<https://web.archive.org/web/20140221180827/http://www.kormany.hu/download/a/1c/11000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf> access 20 May 2021].

representatives carry out the decision-making process after consulting with others.

One illustration of this tendency, when national interests take priority over common or supranational ones in foreign policy, is relations with Russia. The EU Global Strategy defines Russia, which violated international law by annexing Crimea and stirring a military conflict in eastern Ukraine in 2014, as a “strategic challenge” to the European security system.¹¹ As a result, the EU Council imposed economic sanctions against the country. However, EU countries were not all in agreement with this initiative. Some states, such as Poland and the Baltic countries, saw Russia as an existential threat, while Italy,



The divergence of national interests among EU member-states provides the most fundamental challenge to a common and successful EU foreign policy. Because an individual member can oppose collective action, EU foreign policy is often ineffective in the face of a crisis

for example – most actively through the conservative Eurosceptic Liga party – was more amenable. Eurosceptic countries like the Czech Republic, Slovakia and Hungary, on the other hand, have sometimes favoured normalizing relations with Russia. The crisis of 2014 provoked by the Russian Federation, further intensified discussion within the EU on the need to also strengthen the national sovereignty of member states in order to reduce the influence of the CFSP on national foreign policy-making and implementation.

The divergence of national interests among EU member-states provides the most fundamental challenge to a common and successful EU foreign policy. Because an individual member can oppose collective action, EU foreign policy is often ineffective in the face of a crisis. The rise of Euroscepticism has gone hand-in-hand with greater obstinacy and willingness to block decisions. One of the more promising ideas for making the EU a stronger foreign policy actor is to change the foreign policy decision-making process. European Commission President Jean-Claude Juncker has called for a definitive move to qualified majority voting in CFSP.¹² Unanimity is clearly an obstacle to a more effective EU foreign policy, but abolishing it implies a significant change in the perceived sovereign status of member-states and the Union as a whole. Qualified majority voting would prevent member-states from blocking foreign policy decisions such as by third countries encouraging member-states to break consensus, and would also shield EU foreign policy from the corrosive influence of Eurosceptic governments. This would not lead to a convergence in national interests, but what it would do is incentivize unity where the differences are small. In fact, national interests among the European states ought to be converging.

Frail Economic Sovereignty

The economic sovereignty of EU member states is quite weak. Among other things, it is limited because the members have transferred the right to make key economic decisions to the general governing bodies of the EU. The sovereignty of economically weak states is even more limited. One of the reasons for this is their financial dependence on subsidies received from EU funds, which

11 The European Union’s Global Strategy [https://eeas.europa.eu/sites/default/files/eu_global_strategy_2019.pdf access 08 May 2021].

12 STATE OF THE UNION 2018 [https://ec.europa.eu/info/sites/default/files/soteu2018-speech_en_0.pdf access 01 June 2021].

often forces them to follow disadvantageous guidelines under threat that funding will be cut. The example of Greece is illustrative. Its public debt has grown significantly over the past 10 years, partly because of recommendations imposed by the European Union to limit the development of the country's traditional economic sectors, shipbuilding and agriculture. At the same time, within the European Union, the economic and political sovereignty of economic powerhouses like Germany, France and, previously, Great Britain is significantly higher than the sovereignty of Greece or Central European countries, since the stronger members have stronger voices to defend their interests at the European level. Sovereignty together with the proper economic policy ensure national economic security. The latter means the protection of vital economic interests for a state. In theory, the greater the sovereignty, the more possible it is to act for the benefit of the domestic economy.

When analysing the next rise of particularistic attitudes in the EU, the key question will be what is the determining factor in the growth of particularism.

The answer, it would seem, is obvious – the global financial and economic crisis and its negative impact. This crisis, called the Great Recession, has led to the emergence of new contradictions in all countries of united Europe – and the exacerbation of existing ones.

We saw a weakening of collective interests and cooperation at the European level, and the strengthening of nationalism within the European Union, threatening the erosion of the solidarity principle, which is one of the fundamentals of the European integration project. The increasingly visible North-South, rich-poor, core-periphery confrontation within the European Union represents serious risks for cohesion and unity in the European community and its

system of governance, as well as for the development of a European identity.

In economically developed regions, people are more frequently asking themselves whether they should support neighbouring, less prosperous areas at a cost to their own budgets. They want to control their finances and manage natural resources independently.

Economic sovereignty is the key reason for Britain's withdrawal from the European Union. British public opinion on the EU was highly volatile throughout the years the UK was a member. A negative trade balance with the EU, the unfair – from the British point of view – revenue sharing of the general European budget and blocking of Britain's trade relations with other countries around the world fuelled Euroscepticism. The meaning of Brexit lies in the fact that, freed from EU-imposed trade rules, the island state will now independently engage in protectionism in order, on the one hand, to slow down imports, and on the other, to increase exports. In other words, Brexit was motivated mostly by economic considerations, with the simultaneous promotion of national interests and the preservation of foreign policy priorities.

Overcoming Conflicts of Sovereignty

The coronavirus pandemic has seriously exacerbated existing trends. Early on, EU member states realized that, despite their economic strength, they could not provide sufficient medical protection against the virus. In February 2020, the Italian government approached the Emergency Response Coordination Centre for assistance and was refused. Rather than working together to find solutions, key EU countries – France and Germany – banned or restricted the export of medical equipment to other EU countries. This led to increased mistrust among the EU members. And so, this external challenge, which was supposed to unite

Europe, on the contrary, further split it. The pandemic stirred even more nationalism and Euroscepticism, and fostered the spread of particularistic attitudes.

The crises that the EU has to deal with show that conflicts of sovereignty are taking place at various levels, in different domestic situations, and pertaining to different policy areas. These are pushing European states apart, posing the risk of fragmentation over the next two decades. The task for the EU is to find the right path to reform certain policy areas, to improve supranational institutions, and to minimize bureaucracy in the decision-making process to make the Union respond more promptly, supposedly by changing the voting rules. “Old Europe” must show greater communication skills when making decisions and remember that any decision should be consensus-based with absolutely all the members of the European Community.

The classic concept of sovereignty is shifting and evolving, so at the moment the “sovereignty concept” does not have a clear updated definition that would correspond to the era of globalization. If earlier the division of state functions into external and internal was clearly defined, today, the division of functions into exclusively external and exclusively internal is rather difficult to establish. For example, in the context of globalization, even such a purely internal function as community policing acquires an external aspect, such as cooperation through Europol.

At present, all the functions of a state can, without exception, be extended to the level of supranational relations and be carried out outside the sovereignty of the national state. On the other hand, any function limited by the internal state sovereignty cannot currently exist and develop in isolation from the functions of supranational associations of which the state is a member. Globalization generally promotes a change and reduction

in the range and scope of sovereign powers of states. At the same time, it is a two-way process: the factors that objectively reduce the sovereignty of countries are increasing, while most states voluntarily and deliberately limit their sovereignty. By delegating sovereign rights to an authorized organization at the supranational level, a transformation of the nature, capabilities and limits of state power takes place.



At present, all the functions of a state can, without exception, be extended to the level of supranational relations and be carried out outside the sovereignty of the national state

To this day, sovereignty continues to have a very high value, allowing a state to develop in accordance with its unique characteristics and the idea of its role in the region and in the world. However, complete independence turns out to be a burden for the state, for objective reasons. Integration associations, especially such a unique one as the EU, allow small states with small economies and small populations, in exchange for a part of their sovereignty, to develop and prosper many times more effectively within the Union, making the Union itself much stronger as a global actor.

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