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Sovereignty, Syria and Slicing Through the Double Think

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Human rights are universal, but they are yet to be universalised. Transparent sovereignty is the answer.

Whilst being a legalistic term that tends to evoke groans, apprehensive of impending, inevitable boredom, the word ‘sovereignty’ is central to any debate on whether humanitarian intervention in the internal affairs of a State is appropriate or justifiable.

I am no legal scholar and certainly not one to take opinions from on legal matters, however, one has to ask: ‘if international law does not serve civilians in their respective countries then what is it for?’

The Cold War understanding of the term and the definition most used nowadays for sovereignty is that of opaque sovereignty. This essentially states that a State is free to administrate its internal affairs without intervention, so long as it does not pose any negative effect on the affairs of another State. This understanding of the term ‘sovereignty’, however, completely ignores the human and moral elements of international relations. It is commonly accepted nowadays that human beings, by simple virtue of being human beings, have certain, inalienable rights, amongst which are the right to life, the right to food and shelter and the right to freedom of assembly and religion.

Many advocates of opaque sovereignty seem to be capable of brilliant feats of intellectual acrobatics, akin to what George Orwell called ‘double think’ in 1984, where people were able to hold two conflicting, incompatible ideas as true in their mind simultaneously by keeping the lie they are told one step ahead of the truth in their minds. These advocates, on the surface at least, accept that humans have inalienable rights, but equally that governments have an inalienable right to govern as they see fit. Unless one subjects one’s own mind to copious amounts of double think, it is clear that these two concepts are not compatible. Where a government chooses to violate its citizens’ rights either one must accept that human rights are not quite as concrete as our rhetoric suggests, or that government must be subject to intervention in its affairs in support of human rights.

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Shockingly, many supporters of opaque sovereignty at present are those rushing to defend Bashar al Assad: Hamas; Iran and George Galloway. These three, amongst others, espouse the line that intervention in the Syrian conflict in the name of human rights is ‘interference’ in Syria’s internal affairs over which it should have absolute dominion and discretion.

Thankfully, however, the current trend is toward a model of translucent sovereignty, which is the idea that there is an internationally legitimised body or bodies endowed with the power to authorise intervention in the affairs of another state, where that state is considered to either be in breach of certain obligations, or else it is posing a threat to other states or at risk of collapsing as a state due to extraconstitutional pressures. Whilst this sounds very agreeable in theory as a midpoint between tolerance of atrocities and wanton unilateralism, it too is currently a flawed model. This is because the United Nations Security Council (UNSC) is paralysed by permanent members Russia and China, who are wont to veto many humanitarian interventions in their own interests.

As such, the only model of sovereignty that can truly maintain and even propagate human rights universally is that of transparent sovereignty. Under such a doctrine, all countries would be expected to observe certain broad principles, such as allowing freedom of religion or not turning their armed forces on the citizenry. Any country in breach of these broad principles could then be subject to either unilateral or multilateral intervention in order to enforce them. There are many documents which could be used as the benchmark for human rights, the UN Declaration on Human Rights and the European Convention on Human Rights being the two most prominent such documents.

In addition to being a responsibility on behalf of all states to treat their citizens in line with global human rights obligations, this is also a responsibility incumbent upon the international community to ensure that all members of it adhere to these rules. This is the doctrine of ‘the responsibility to protect’ promulgated by Kofi Annan and others. It is a proactive responsibility of all members of the international community to protect all citizens of the world from human rights violations.

As the age of transparent sovereignty dawns, dictators and tyrants will no longer be able to violate their citizens’ rights and hide behind the veil of sovereignty and, equally, the international community will no longer be able to wring their hands and pretend there is nothing they can do about a humanitarian crisis for fear of violating a State’s sovereignty.

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