Wiki n°7: National and, more importantly, Hegemonic Sovereignty Barriers

The contemporary debate on values underscores the importance of national sovereignty, particularly on implementation mechanisms and ultimate goals pursued by different stakeholders. Sovereignty, for instance, often manifests itself through imprecise compromises intended to promote inclusivity. In the realm of civilian protection, sovereignty is essential for distinguishing between competing jurisdictions (national versus international).

In global environmental governance, for example, states remain the primary actors within the United Nations Framework Convention on Climate Change (UNFCCC) processes. This framework, while conceptually sound, faces practical limitations, particularly through the annual Conferences of the Parties (COPs) and other intergovernmental processes, which struggle to generate concrete and effective action on global environmental challenges.

Furthermore, multilateral trade negotiations have experienced decades of stagnation, largely due to the consensus rule imposed by the World Trade Organization (WTO), which protects state sovereignty. While initially intended to foster balance among nations, this mechanism has become an obstacle to international cooperation, hindering collective solutions to contemporary economic challenges.

At the intergovernmental level, since the establishment of the United Nations, a new constraint has emerged: hegemonic sovereignty. This concept refers to the exceptional powers conferred by the UN Charter upon the permanent members of the Security Council, particularly the most dominant among them (historically, the United States and the Soviet Union/Russia). These powers exceed those granted to other states, reflecting the international legal maxim of "states more sovereign than others" or "states more equal than others."

From a legal standpoint, this translates into the veto power, granting the permanent members greater authority. According to the Charter, they bear greater responsibility for maintaining international peace and security—a responsibility that no UN majority can revoke, even when those obligations are disregarded by the actors entrusted with them.

Moreover, some permanent members have consistently broadened the scope of "international peace and security" to encompass issues such as human rights violations, migration, and climate change, often for political reasons. This has resulted in the "double standards" sometimes observed in the Council's actions. From this perspective, disagreements among the permanent members on certain issues can be viewed as a positive development.

Furthermore, allies and supporters of Security Council members, particularly the most influential ones, tend to enjoy greater sovereignty vis-à-vis certain other states, depending on the complex and ever-shifting dynamics of international relations and their governance.

At the private level, globalization—largely driven by privatization—has been predominantly orchestrated by major powers and multinational corporations[30], with support from international organizations. This process has significantly eroded the sovereignty of states, particularly those in developing regions.

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[30] The exploitation of natural, financial, archaeological, artistic, etc., resources of many Southern countries by these MNCs is such that a number of them generate profits solely in these countries and repatriate them, with financial transfers from the South to the North far exceeding official development assistance and North-South financial flows in general.