

Q: Write short notes on the following:

(i) Attributes of Sovereignty (10).

Ans (Attributes or Characteristics Of Sovereignty)

There are many elements of a state but the most paramount one is sovereignty. Sovereignty is the absolute and supreme power, this power we call the power of state as state being sovereign.

According to Garner, following are the attributes of sovereignty:

- 1- Absoluteness or illimitability.
- 2- Permanence
- 3- Indivisibility
- 4- Inalienability
- 5- Universality or All-comprehensiveness
- 6- Exclusiveness
- 7- Unity.

1- Absoluteness or illimitability:

The sovereign power is absolute and supreme in external as well as internal arena. It is unlimited. There is no legal limitation. As Jean Bodin said;

said ;  
"Sovereignty is absolute, indivisible,  
permenant and non-transferrable".  
The government may be dissolved  
or formed but sovereignty remains.  
This means that the death or  
dispossession of power from any  
bearer or reorganization of state  
does not destroy sovereignty but  
it is automatically shifts to  
another bearer as center of  
gravity shifts from one point  
of a physical body to another  
as it undergoes any changes.

- 3- **Indivisibility** : The sovereignty is  
indivisible thus can not be  
divided or shared among  
individuals or groups of individuals.  
It lies in a single body. The  
division of the sovereignty is  
actually the destruction of  
**sovereignty**. The concept of  
divided, fragmentated, diminished  
and limited sovereignty is  
the negation of sovereignty.  
As ~~Just~~ Jean Bodin writtes

that;

"Sovereignty is untrammelled and undivided power to make laws."

Here it should also be mentioned that the pluralists have different notion of sovereignty.

4- **Inalienability** : Sovereignty can not be alienated from the state as a person can not transfer his life and soul without self-destruction. These two are

inalienable because sovereignty is that element of the state which makes it 'state', It it distinguishes state from other associations and groups, and if state remains independent, sovereignty also exists.

5- **Universality or All-comprehensiveness**  
Sovereignty extends to individual, groups, areas and associations within given territory. It is all-comprehensiveness. As J.W Burgess accounts that;

"Sovereignty is original, absolute, unlimited and universal power

over the citizens, individuals, subjects and associations of subjects.

The state counters any rival occupation of its territory. Sovereign has the supreme authority over its territory and is free from external or internal pressure.

On the other hand, the exception to the universality of sovereignty is extra-territorial jurisdiction allowed to embassies. However, it should also be mentioned here that the sovereign state grants immunity and extra-territoriality to the officials of these embassies including; ambassadors, envoys, UN officials, Foreign heads of the state etc.

6- **Exclusiveness:** The sovereignty resides only in a single entity as it is exclusive. Only sovereign is the source of power and no one can compete it externally or internally. The state as a single body is competent to the compliance of its community.

7- **Unity** : The sovereignty of state is indivisible and can not be shared thus a single body can authorize the sovereignty. This single body we call 'state' has the authority to do whatever it desires to within its allocated territory. Its will is superior and it is the only source of power within a given territory. No other power superior to it exists in that territory. As **W.F. Willoughby** said that :

"Sovereignty is the supreme will of the state".

**Max Weber** while defining sovereignty, reflects the unity of sovereignty ;

"Legitimate monopoly over the use of force within a given territory".

"The sovereignty is the absolute and perpetual power of commanding in a state and it is supreme power over citizens and subjects, unrestrained by law."

It means that the supreme authority of sovereign is unrestrained by any individual or associations internally as well as externally.

Moreover, J.W Garner defines sovereignty as ;

"Sovereignty is that characteristic of state in virtue of which it can not be legally bound except by its own will or limited by any other power than itself."

Thus he also supports the notion of absoluteness and illimitability of sovereignty.

Permanence : The sovereignty of the state is permanent.

As long as the state maintains its independence, sovereignty lasts. These two are inseparable from each other. As Rousseau