

(IR)

Q:- Discuss the concept of state sovereignty. What are major arguments about non-interference in International law?

X Q:-02) How have the nuclear doctrines of India and Pakistan evolved? What do their current doctrines imply for deterrence stability in South-Asia?

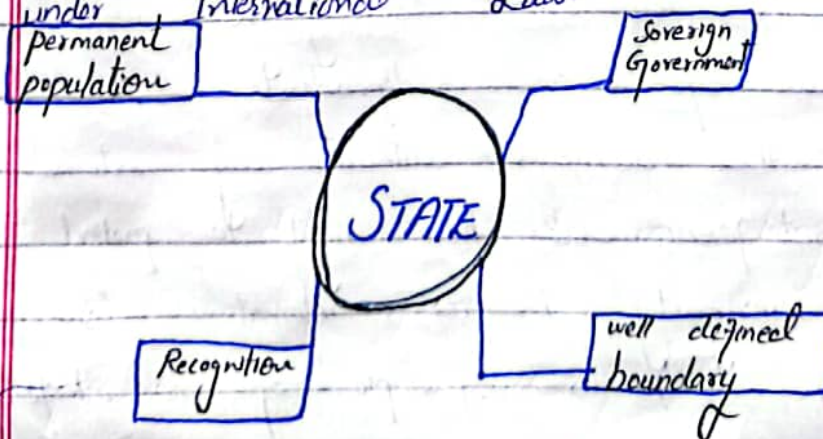
Introduction:

In International relations, all the sovereign states are equal. An entity having four major elements constitutes a state; a well defined boundary, permanent population, sovereign government and recognition by other states. According to Oppenheim: "It is a legal duty of states to recognize other states having the major attributes of statehood. All sovereign states enjoy equal rights and duties under International law. States are independentⁱⁿ internal as well as their external affairs. The term state sovereignty means states are free and independent in making their decisions without any external affairs interference. States have right to protect their sovereignty. However, international law generally favours principle of non-interference

but this condition not apply in all circumstances. Critics argue that International law not prohibits intervention in all circumstances. United Nations Security Council is allowed to interfere in states in order to maintain peace but this power is being misused by major powers to fulfill their interests. Although, articles of UN charter explicitly prohibits interference but there are exceptions to non-interference i.e. humanitarian intervention and intervention and interference to protect illegal interventions, as well as through its International monetary institutions such as IMF.

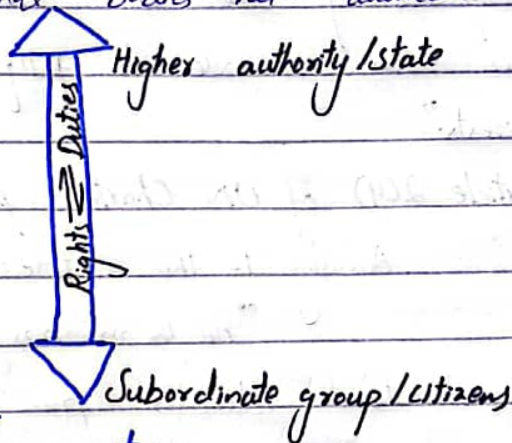
① Defining a State:

A state is a legal entity having well defined territory / boundary, permanent population, a sovereign government and recognition by other states to develop relations. When a state recognised by other states, it get legal rights and duties under International Law.



① Vestible Order Between State and Citizens:-

There exists a vestible order between a sovereign government or a sovereign state and its citizens in the form of social contract, in which the interference of external bodies not allowed.



② State Sovereignty:-

The law making and the law enforcement of a state independently is termed as state sovereignty. In other words, it is concluded that "when a

state has an absolute control over its territory, resources and governance then it is called as a sovereign state." A state has right of sovereign jurisdiction, territorial sovereignty, Municipal law, law of lands etc. The concept of sovereignty implied internal as well as external sovereignty. Internally, a sovereign state has right to make rules and regulations, policies for its citizens without any external interference. Externally, a sovereign state make relations with other states and sign treaties and customs according to its desire.

their internal / domestic affairs and comply states to make policies according to china's.

③ Non Interference In International Law:

a) Oppenheim View about Non-Interference:

According to Prof. Oppenheim, "International Law prohibits interference. The interventions ~~are~~ the dictatorial interference of some states into affairs of other states in order to fulfill their national interests."

b) Article 2(4) of UN Charter prohibits interventions:

According to this article:

"All the members shall refrain in their international relations from the threat or use of force against territorial integrity or political independence of any state."

c) Article 2(7) ; a prohibition to UN in context of interference

According to this article:

"Nothing contained in the present charter shall authorize UN to intervene in the matters with which are within domestic jurisdiction of states."

④ Arguments About Non-Interference In International Law:

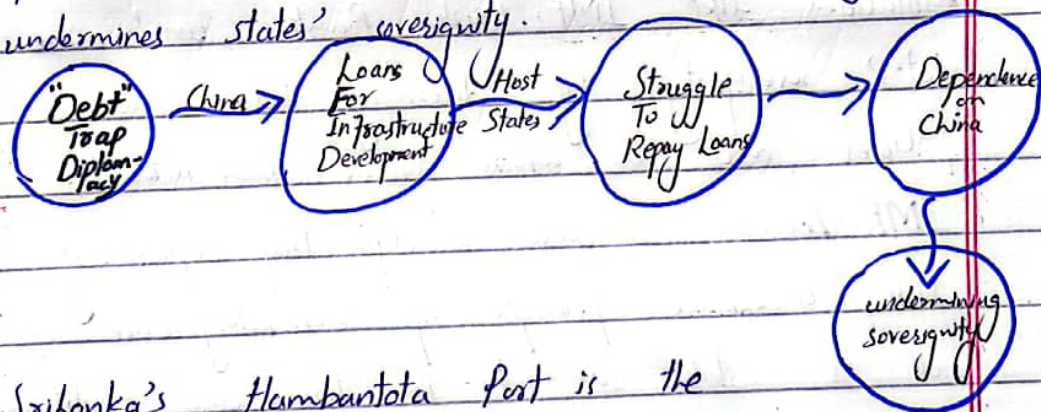
a) Non-Interference ensures state's sovereignty:

When a state acts freely in settling her matters and enforcing laws without any pressure or interference from external factor

it means the state upholds her sovereignty. But if there is any external factor which compels states to act according to its consideration, then the sovereignty cannot be upheld.

i) Case Study: "String of Pearls and Debt Trap Diplomacy of China"

⇒ "Strategy of encirclement" also known as String of Pearls is first used in 2004. In this hypothesis it is argued that China has been building a network of Chinese military bases and commercial facilities across Indian Ocean. This strategy undermines states' sovereignty.



Sri Lanka's Hambantota Port is the best example, where China has taken its port on lease for 99 years in return of loan. This undermines state sovereignty over its strategic asset. Under this strategy, it has been elaborated that after giving loans, China undermines the state's sovereignty by interfering into their internal / domestic affairs and compels states to make policies according to China's.

interests.

ii) • **Ne imperialism undermining principle of non-interference of International Law:-**

According to dependence theory, the concept of neo-imperialism imply when the core states ~~use an~~ interfere in affairs of periphery and developing states through economic, political and cultural influence. Critics argue that, one side UN prohibits states and as well as UN put limitation on itself for interfering in internal matters of other states but on the other side its established institutions like IMF, World Bank undermine states' sovereignty by determining their economic policies and law which favour their interests.

IMF Loans are also a debt trap diplomacy which undermine principle of non-interference as well as state sovereignty. The terms and conditions along with structural adjustment programmes undermine states sovereignty.

b) • **UN - Article 2(4) and Article 2(7) amidst Misuse of UNSC Powers:-**

Although article 2(4) and 2(7) prohibit intervention but Chapter VII of UN charter allow UNSC to take measures against state on humanitarian ground. But, this power is sometime mis-used

by UNSC to serve political interests of veto power
The 2003 invasion of Iraq is a violation of
state's sovereignty. It shows how UNSC misused its
power to serve the interests of core states.

Conclusion:-

In international law states are sovereign and independent in their internal as well as external affairs. No authority can compel a state to align with its instructions under international law, as all states are equal and sovereign in international law. Although, International law generally talks about principle of non-interference but not in all circumstances. There are exceptions which have been argued by the critics.