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**The concept of 'sovereignty'  
in the European Union  
and Central Asia**

This article examines the different understanding of the concept «sovereignty» by regions of the world politics' processes – the European Union and the Central Asian region. First, the authors reveal the historical evolution of the concept «sovereignty», which has changed concordantly to the political processes of the time period. Second, the authors consider the gradual change and the circumstances of that change of the approach to the concept «sovereignty» in Europe. Then the authors try to display the main perception of the concept «sovereignty» in Central Asia in general. The article emphasizes the significance of the consideration of this concept, especially in a globalized world, when the components of a state sovereignty face unprecedented challenges.

**Key words:** state, sovereignty, European Union, Central Asia, world politics.

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**Еуропа қауымдастығы мен  
Орталық Азиядағы «егемендік»  
түсінігі**

Мақалада әлемдік саяси процестің екі аймағындағы «егемендік» ұғымының түрлі түсінігі қарастырылады. Біріншіден авторлар сол кездегі саяси процестерге сәйкес өзгеріп отыратын «егемендік» ұғымының дамуының тарихи үдерісін ашып көрсетіп отыр. Екіншіден авторлар Еуропадағы егемендік ұғымының өзгеруі мен оны өзгерткен жағдаяттарға талдау жасайды. Үшіншіден авторлар Орталық Азиядағы «егемендік» ұғымының түсінігін жалпы сипаттар шегінде ашып көрсетуге тырысты. Мақалада осы ұғымның түсінігінің маңызы бар екендігі туралы әсіресе жаһандану әлемінде мемлекеттің егемендігінің компоненттері кездейсоқ қарсылықтарға тап болатын кезеңмен шиеленісуіне айрықша көңіл аударылады.

**Түйін сөздер:** мемлекет, егемендік, Еуропалық Одақ, Орталық Азия, әлемдік саясат.

Таукебаева Э.С., Алтаева К.Ж.

**Понятие «суверенитет»  
в Европейском Союзе и  
Центральной Азии**

В данной статье рассматривается различное понимание понятия «суверенитет» двумя регионами мировых политических процессов. Во-первых, авторы раскрывают исторический процесс развития понятия «суверенитет», которое видоизменялось в соответствии с политическими процессами того периода. Во-вторых, авторы рассматривают постепенное изменение и обстоятельства, повлекшие за собой изменение подхода к понятию «суверенитет» в Европе. И, в-третьих, авторы постарались в общих чертах отразить основное представление о «суверенитете» в Центральной Азии. В статье подчеркивается значимость рассмотрения данного понятия, особенно в глобализирующемся мире, когда компоненты государственного суверенитета сталкиваются с непредвиденными вызовами.

**Ключевые слова:** государство, суверенитет, Европейский Союз, Центральная Азия, мировая политика.

## THE CONCEPT OF 'SOVEREIGNTY' IN THE EUROPEAN UNION AND CENTRAL ASIA

The problem of state sovereignty constantly attracts attention of political and public figures, lawyers and jurists. The study of state sovereignty has not only theoretical meaning, but it gets a direct state-political challenge in the epoch of globalization. In the modern conditions, the concept «sovereignty» should be reconsidered in connection with the altering processes, which take place in different regions of the world, first of all due to integration and globalization.

The Stanford Encyclopedia of Philosophy states that «sovereignty, though its meanings have varied across history, also has a core meaning, *supreme authority within a territory*» [1]. The appearance of this interdisciplinary political and legal category was caused by the necessity of strengthening of state origins, the formation of a centralized statehood.

The idea of sovereignty has centuries-old history, it was considered even in the Ancient Greece. According to the definition of the French jurist Jean Bodin (XVI century), who was the first to formulate the notion «sovereignty» as main and essential attribute of a state, «sovereignty is that absolute and perpetual power vested in a commonwealth which in Latin is termed *majestas*...» [2]. Jean Bodin considered sovereignty as the concentrated expression of the sovereign ruler's will, i.e. the initial concept of «sovereignty» was connected with divine right of monarchs [2]. A monarch had an unlimited power and could exercise his will within the country and represent it beyond its borders, i.e. to define its domestic and foreign policy. The concept «sovereignty» reflected the aspiration of governors to get rid of feudal customs and church hierarchy's domination. After the end of the thirty years religious war in Europe the modern system of interstate relations has been fixed in the Peace Treaty of Westphalia in 1648 year. This system is based on reciprocal recognition of legal equality and independence of each state, but «Westphalia did not create a sovereign states system *ex nihilo*, for components of the system had been accumulating for centuries up to the settlement; afterwards, some medieval anomalies persisted. In two broad respects, though, in both legal prerogatives and practical powers, the system of sovereign states triumphed... In ensuing decades, no European state would fight to affect the religious governance of another state, this in stark contrast to the previous 130 years, when wars of religion sundered Europe. As the sovereign states system

became more generalized in ensuing decades, this proscription of intervention would become more generalized, too, evolving into a foundational norm of the international system» [1].

During the next four centuries the concept «sovereignty» from the sovereignty of sovereign ruler evolved into the sovereignty of a state, sovereignty of people, nation, personality and law itself. Since the XIX century a new form of statehood – a national state – has been formed. At first this form has been spread in all European region and afterwards (especially starting with the process of peoples liberation from colonial rule and formation of national states in the «third world», which in general has been completed in the 60's years of XX century) it has embraced the whole world.

The English specialist A. Smith asserted that the formation of national identity was the basic element of legitimization of social and political orders. The purpose of national ideology is in the formation of solidarity ties between individuals and social classes, in mobilization of common values and cultural traditions. National doctrines generate myths, symbols, which appeal to the rationality of ideology and serve a justification and strengthening of a state. They offer each individual both personal and social identity, which allow him to differentiate himself from the rest world and other cultures. All governments contribute to their spread to some extent, because they are interested in consolidation of national features, which legitimize state sovereignty [3].

The concept «national state sovereignty» has two basic aspects – internal and external. On the one hand there is a freedom of a state to choose its own way of social and economical development, political regime, government form and mechanism, on the other hand there is a factor of states' non-interference in internal affairs of each other, their equality and independence. However, the concept of «sovereignty» of national states may result in ambiguous consequences in international relations. Each state has two basic external functions, which are contradictory to some extent. The first function is the cooperation with other states in political, economical, social, military, cultural and other spheres and provision of a state's participation in international organizations. The fulfillment of this function can lead to the situation, when a state can abandon some proximate benefits in favor of peace strengthening and solidarity in interstate relations. The second function is a national defensive function, i.e. provision of security, sovereignty and territorial integrity. But an aspiration to a self-security, which is peculiar to all sovereign national states in the condition of

«sovereignties' pluralism», can generate a «security dilemma», which is generally understood that enhancement of one state's security may be considered as an insecurity of the other state and cause the corresponding reactions from its side, starting from arms race till «preventive war». This fact raises the question of inequality of states, though legally by the norms of international law they are equal. But states of the whole world differ in their territory, population, age, natural resources, economic potential, social stability, political authority, arms etc. There are super powers, great powers, middle powers, small states and microstates. Depending on their level of influence and capabilities to spread that influence they are able or not to preserve their independence, territorial integrity and defend their sovereignty by their own forces. This means that in the modern world a territorial political organization can be sovereign only formally, but not actually. Even a membership in different international organizations, including the UN, supposes an alienation of the part of a formal sovereignty and consequently reduction of actual sovereign claims. The world tendencies, concerning the concept sovereignty, differ in Europe and Central Asia; let's refer to the basic distinctions.

The Second World War was turning point for the Europeans in many aspects, including their perception of the concept «sovereignty». The World War was dreadful in its consequences and had changed the views and consciousness of many people, not only Europeans. But the Europeans were the major affected party after the World War II as the central region of the continental Europe suffered from it most of all. The peoples of Europe could no longer make individual decisions not taking into consideration the situation with different approaches and visions of better European future. The superpowers, the USA in the countries of Western Europe and the USSR in the countries of Eastern and Central Europe, tried to impose their will and therefore limit the sovereignty of the abovementioned countries. Two European countries, the Great Britain and France considered themselves as countries-winners. Despite of their huge losses, the ambitions of these two countries after the Second World War were still high. They insisted on preserving the pre-war approach to the decision-making process, the so called national decision-making process, where each state was responsible only for itself.

In 1961 General de Gaulle, founder of the Fifth Republic, «proposed the Fouchet Plan, which introduced the idea of cooperation between governments with absolutely no loss of sovereignty and no su-

pranational institutions. Actually, de Gaulle was opposed to any kind of loss of sovereignty for France. He wanted it to be one of the great powers, and for that, independence was essential. This is why he advertised his conception of a «Europe of nations», in which national governments would closely negotiate, but would never be forced to anything... In doing so, he tilted the scale of the European construction in favor of unionism, as opposed to federalism. Moreover, he damaged the reputation of European institutions by showing national governments how they could be ignored or blocked». [4].

As for the Great Britain, it always proved itself as a state separate from the continent. After the Second World War it can be seen in the speech of Churchill, outstanding political thinker, suggested the creation of the United States of Europe in Zurich on 19 September, 1946. But Germany and France should become a base of this European Family, not the Great Britain, which like the United States of America and the Soviet Russia «must be the friends and sponsors of the new Europe» [5]. This attitude existed or we can say exists till the modern days. The Great Britain was not amongst the founders of the first European Communities. And as Knopf in his work «Identity Constructions and European Integration: Great Britain as reluctant European» says, «Although there was a clear policy change (Britain eventually joined the EC in 1973), English attitudes towards Europe have remained unenthusiastic, quite negative or hostile even after joining» [6, p.2].

These were the reasons, why the process of the unique creation of the supranational level decision-making level, when countries delegated some of their authorities to a higher administrative body, was so complicated. Europe became the trailblazer, which managed to draw the lesson from historical mistakes. The trial and error method has allowed Europe to strengthen the positions of supranational institutions. Gradually the Union, having involved European countries, has begun to expand not only in territory, but in the areas of integration processes too, not only economical, social, agricultural areas, but also political one, concerning defense and security. The Superpowers and block organizations, which immediately after the Second World War, implied their will in Europe and therefore limited the sovereignty of the representing countries in conducting their independent foreign policy, lost their ultimate control.

The European Union is the best example of the vertical delegation of power upward. The European Union managed to overcome the stereotypes of the settled way of governance and to preserve their na-

tional identity regardless the transferring of the selected parts of their sovereignty to international or supranational bodies. Adrián Tokár considers that «if one can speak of sovereignty of the EU, it must be of a different nature than the sovereignty of typical nation-states...» and that «the EU does have sovereignty in a legal sense; it creates legal norms that are superior to legal norms of the member states. The member states do not enjoy legal supremacy in areas entrusted to the EU» [7, p.6]. He speculates on the «infringement of sovereignty, which is important in itself, regardless of the areas it concerns» [7, p.6]. Nevertheless Europe is integrating; the reason of the process's inhibition is the issue of sovereignty, a trial to take into consideration national identity of a state-participant of that process. The decisions in the EU are made slowly, mutual consultations, agreed development of joint activities take a lot of time. But only these procedures can make these decisions strong and longtime.

The sovereignty by its nature is coherent and indivisible. But this legal postulate for many years was denied by federative norms of the former Soviet Union. The First Congress of Soviets legislatively fixed the formation of the USSR on the 30<sup>th</sup> of December 1922 and countries of Central Asia became a part of the USSR as autonomous units of the Russian Soviet Federal Socialist Republic and didn't have a right of exit from the Union [8]. From this point the Central Asian countries didn't possess sovereignty legally. But they were not autonomous regions; they were autonomous republics in the composition of another republic. All of them were national territorial formations, which possessed all political and legal fundamentals for possession of a union statehood. The external sovereignty was even more problematic, it could be realized only in the frames of the Russian Federation, and after 1922 – in the frames of the USSR. The Central Asian republics didn't have a right to have direct international contacts. All international legal acts, which were concluded by the USSR, mechanically became obligatory on the whole territory of the Union.

Moreover, the first Constitution of the USSR declared that only federation possesses sovereignty, and the sovereignty of the union republics was subordinated by the theory of «the limited sovereignty», that led to the detraction of the sovereignty's role in particular, and to the detraction of the law's role in general. For example, Stalin's conception of «potential sovereignty» meant that sovereignty could become only real in case, when a union republic uses its right of secession [8, p.226]. The sovereignty of the USSR and sovereignty of republics actually rep-



resented hierarchic structure of sovereign powers, which in itself was a legal confusion.

After the collapse of the Soviet Union, all five Central Asian republics declared themselves as independent democratic legal states; that fact was fixed in the main document of each country – Constitution. But all of them got their sovereignty during the so called «parade of sovereignty» (1990-1991), when the Soviet Union still existed. The Declarations of state sovereignty were objective result of centuries-old struggle for independence. They could be characterized as a symbol of transformation from de-facto status to de-jure.

The gain of sovereignty was not an easy affair for the Central Asian countries. The keen feeling of national sovereignty became the reason of unwillingness of Central Asian countries to admit the necessity of supranational structure for the development of integration. Though the countries of Central Asia are connected with each other by common historical, cultural, socio-political, economical basis of statehood, they, just having gained the national sovereignty, couldn't renounce it in favor of supranational organization. The starting period (1991-1993) could be characterized as a stage of centrifugal tendencies' acceleration. Despite the fact of the Commonwealth of Independent States (CIS) and its various substructures' formation, the majority of its participants were busy by the strengthening of the national basis of their sovereignty. It was quite natural as the economic specialization made the Central Asian states dependent on production cycles, which had their elements and components in different parts of the former Union. Integration initiatives of that time were probably stipulated by the need to amortize the hits from economic bond breaking. Thus from the beginning there were two main tendencies – disintegration, because of the zealous attitude towards their sovereignty by the Central Asian states, and mutual attraction of states for withstanding the pressure of some natural geographical factors.

The realities of modern time require new approach to the perception of the concept «sovereignty» in Central Asia. The modern development of economics, trade, market, defense, security, education and science demand accurate approach and formation of absolutely new trade-economic and political regional ensembles, greater openness in all indicated spheres; all that cause the necessity of convergence of the sovereignties of the regional states, convergence of sovereignties in definite spheres of politics. This means the delegation of part of sovereignty to supranational bodies, which would coordinate states' actions in definite spheres

of politics. In these conditions the states, which take part in regional integration, don't lose control over the delegating part, because the supranational bodies are staffed by people, who are elected in general elections in national states.

As the European Union's model is a worldwide recognized successful integration formation, where countries managed to form the supranational bodies with almost painless delegation of part of their sovereignties, some scientists, such as Ibrashev Zh., offer it as an example for the future Central Asian integration with the similar to the European Union supranational bodies [9].

But there is another group of scientists, representing the different approach of the model's choice. Kushkumbayev S. in his book «Central Asia on the way of integration: geopolitics, ethnicity, security» claims, that the integration model of the European Union is in full-scale unacceptable for the realities of Central Asia, because the European Union's integration was based on considerable social, cultural and political homogeneity and deep specialization in economic sphere, what is objectively is yet not reached in the Central Asian region. The more preferable model is ASEAN, as the purposes and problems of this formation in the beginning of its integration way are partially similar to those of the Central Asia. The economic depression in the regional context, armed conflicts, no-settlement of inter-ethnic and territorial problems, entry the zone of the competition of world force centers – the majority of these factors are available and increasing in the Central Asian geopolitical space. These conditions predetermined the importance of geopolitical determinants for the regional integration in Central Asia [10, p.143].

Regardless the chosen model Central Asia has to face economic and informational pluralism of globalization. The separate states of the region hardly would manage to achieve stable positions in the structure of world political and economic interactions.

The European and Central Asian regions differ from each other by many aspects: economic, political, social, cultural development etc. The peoples of these regions are representatives of civilizations, which are distinct from each other, so it is quite natural that they have different approaches to understanding of the concept «sovereignty». But both regions faced the objective evolvement of this concept due to the processes of globalization and integration. The European Union has started its integration, based on economic fundamentals, right after the Second World War and became the most advanced

form of it, having managed to integrate in political sphere too and gradually to delegate part of sovereignty to new supranational structures. The similar way of integration is not typical for the whole Asian subcontinent. As for the Central Asia the concept of sovereignty also has been subject to changes. Being the part of the Soviet Union the states of Central Asia had only limited sovereignty. Immediately after the collapse of the Soviet Union the Central Asian space experienced the disintegrated influence, when each state began to conduct the policy of national sovereignty's protectionism. But nevertheless the Central Asia doesn't stop its attempts to

integrate, the process of adaptation and finding its place in the system of international relations is not still completed. Nowadays the main perception to understand should become the fact that international trade, information-technological markets are loaded and every next year an individual state, even a superstate will lose its value as an independent international unit. The independence and sovereignty of each country of Central Asia will be more valuable in case of keeping the principle of cooperative development otherwise the risk to lose more and find them on periphery would be increased.

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