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Redefinition of Sovereignty in Modern International Law

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Abstract

As the most important element in formation of a government, sovereignty has drawn the attention of politicians, jurists, social and even economic theorists. Sovereignty helps the government to be independent, get legal personality and monopoly of violence. Sovereignty principles have been mentioned in article 2(4) of United Nations Charter that forbids the use of force or threat of forcing as well as article 2(7) that prohibits any kind of intervention in internal affairs of governments. Kofi Annan, the former UN Secretary-General had mentioned the responsibility of supporting human rights in the report of "Third Millennium". Meanwhile, sovereignty emerged as a responsibility. Many doctrines consider any kind of intervention including legitimate and legal as leading to violation of host government sovereignty. By the entry into new areas of international law, the relevant problems to humanitarian intervention and severe economic dependency of governments to each other, many people deny the existence of sovereignty as an objective component in international equations in near future. As the concept of the nation-state is clarified and its modern characteristics are introduced in this paper, this institution will be compared with its sample in the past and finally through some arguments, it will be concluded that not only governments' sovereignty won't be weakened or eliminated in contemporary and future world but also it will be more prominent and this is the duty of international law to redefine this concept in modern world.

Keywords

Traditional Nation-State, Nation-State, Sovereignty, Identity, Nation-State-Nationalism

1. Introduction

Sighting wide humanitarian interventions and severe dependency of govern-

ments economically and extensive migrations, many scholars in international relations and law developed this theory that sovereignties are basically declining. One of appropriate examples in this case is famous Japanese author, Kenichie Ohmae. He has invented the concept of "economy without borders" in his book namely "the end of nation-states". Main thesis of this group is that in global economy which is heading to more cohesion and integration, other actors have been replaced with nation as the main actor and in addition to global scale, this problem can be either seen in our local and even personal lives.

Market growth and development as well as economic dependency and economic regionalism have shaken traditional power of nation-state and during future two or three decades, "state-cities" will be replaced with nation-states to the great extent. Ohmae believes that we will probably see hundreds of city states that will be less dependent on previous nation-states that used to be part of them. They will find their identity first through participation in global economy and their separate nature in this participation. As an instance, big cities such as Hong Kong, Barcelona, New York and London consider their cultural, political and economic identity more influenced by participation in global economy and wider global community as global cities than by nation which they are a part of that (Ohmae, 1995: p. 118).

Moreover, some others also believe that the concept of nation-state is declining due to intervention. They believe that the domain and area of subjects as well as dominant attitudes in political sociology have been changed basically in the era of globalization considering that national government as the unit of political sociological study has been increasingly exposed to the procedures and globalization pressures. By emerging globalization process, wide migrations and new communicational technologies and the formation of global culture, absolute borders of nation-state have been shaken and the phenomenon of de-localization and being local-global have caused the weakening of the nation-state power and domination. Wide migrations and cultural mixture derived from globalizations progresses, technological emergence and informational revolution, the emergence of non-governmental and supra-governmental organizations, creating localization-globalization phenomenon and de-localization and the phenomenon of global human rights have limited traditional absolute sovereignty in the field of defining culture and lifestyles and thinking methods and the requirements of globalization have made challenge for different aspects of dependency and governments sovereignty to the benefit of global culture. The closeness of people around the world to each other under the shadow of globalization has also made common global problems as well. Within this, closeness of people and their global problems to each other have led to relative elimination of nations-states in these interactions and linking people of different communities, although nation-state they depend on has caused further weakening of the national government entire domination in today world (Jalalpur et al., 2015).

There have been many papers and theses due to elimination of sovereignty under the shadow of globalization that some of them were mentioned above.

Furthermore, almost all the authors of international relations and law have investigated post-Westphalia nation-state in details but the formation of nation-state concept and studying it in history have been less investigated. In modern world, we face some questions including what is the difference between nation-state with nationalism and nation, what is the position of nation-state in modern international system and does the concept of sovereignty have been changed or not?

But these questions of paper will be also answered that if sovereignty will be eliminated in modern world and new global system completely or vice versa it will show off stronger than before.

2. Sovereignty, Developing the Concept and Transformation

There are few subjects in international law and international relations as important as the concept of sovereignty. In international law encyclopedia, Steinberger considers sovereignty as the most prominent and challenging concept in the history, doctrine and doctrine procedure and international law procedure. Laterchakht considers sovereignty having agitation quality without significant specific content and this is while according to Brownly, sovereignty is considered as doctrine of nations' constitute. Through discussing the subject of complicated sovereignty, some of scholars have presented different samples of sovereignty. As Kirzner argues, sovereignty doesn't have a unified meaning but a different definition framework can be proposed for it that includes:

- Legal sovereignty: legal sovereignty is based on some rules that acknowledge a sovereignty for land of a government in an international scale.
- Interdependent sovereignty: this definition has intertwined with the idea of globalization about sovereignty declining. If by globalization, it is meant that governments cannot control the flow of capital, migration and ideas anymore, this definition of sovereignty will be very close to it. According to Kirzner, the governments have never been able to control their borders completely and they aren't dominant beyond borders and the thing which is streaming among them.
- Internal sovereignty: this is a standard definition that either refers to internal structures or how these structures affect.
- Westphalian sovereignty: this definition is so that governments have the full right and final authority to determine and lead internal structures and based on this internal affairs of other countries shouldn't be intervened.

In the theory of Jean Bodin, sovereignty is absolute power and king is also omnipotent that is a person who has dominating power. Therefore, this theory is more used and documented for proving the concept of sovereignty which means absolute authority. In spite of this, Jean Bodin neither wanted government and king's absolute power in unlimited scale nor authoritarian power. Bodin predicted a conceptual framework for nationalizing power that was needed for territorial integrity and he didn't mean power concentration unlimitedly and without borders because it was accepted that king's authority and sovereignty

should be limited to "divine law" or "natural law". In seventeenth century, Hobbes who was one of extreme proponents of the sovereignty theory, get a head of Bodin in believing that sovereignty shouldn't be limited. He used to believe that no one and nothing can limit the governor because the governor has absolute and competed power, all government actions are in his hands and no one can complain against him. Although sovereignty is that very absolute power according to Bodin and Hobbes, the theory which used to seem rational considering political and social situations of that time, following fundamental changes in the structure of the international community, the theory of equality of states principle transcended. The first person who stated this principle clearly was Amrik Dovatel, he believed that same as people who live in free and independent natural status and they are equal, governments have also equal rights toward each other.

Till before the intensification of sovereignty change or so-called globalization within past decades, global policies used to be mainly organized based on Westphalia system. This custom was loaned from Westphalia peace agreement that contained old official declaration about main principles that used to dominate global affairs till three centuries later. Many political theorists consider Westphalia peace as the first step of official action in establishing a country system and concerned sovereignty. National sovereignty is recognized right of an actor called "nation-state" by foreign actors for applying authority over the people living within the boundaries of certain land. This sovereignty has internal and external aspects whose samples and concrete and modern visualization is a document named constitute. In fact, the relationships between one government with other one is a horizontal relationship not vertical that is no government accept the order of the other government. The most striking characteristic of sovereignty is that a government is able to enter a war and be free and independent in its foreign policy execution. According to realists, the features of international system based on this are anarchy, without central dominating reference, self-help and competition for power; accidentally both striking characteristics of sovereignty that are either the power of entering a war or free actions of foreign policy, have been in challenge today. Therefore, it can be said that, after the end of cold war and creating new conditions in global scene that former bipolar system has been eliminated and there is no other new system, new problems have been created for governments' sovereignty.

In fact, a kind of vacuum has been created in international system; so all countries and powers are trying to be able to strengthen their interests in international scene and these very ups and downs have been effective on the concept and meaning of sovereignty and the limit of that. Generally, the concept of sovereignty has passed many stages. After absolute sovereignty of governments on their nation and land, the developments of international relations made some gradual changes over time related to the range and limit of sovereignty. After these changes in international relations, national sovereignty was changed especially after recognizing the threats, competitions and resistances in various eco-

nomic, social or cultural fields (Foroughinia, 2012: p. 153).

Government sovereignty became very important from 17th century and by signing Westphalia peace treaty 1648 that had been made to end thirty years' war in Europe (Sens & Stoott, 2005: p. 48). Mentioned treaty defines sovereignty as exclusive and absolute power of the government inside geographical borders and controlling their territory (Potter, 2004: p. 10). According to Westphalian principles, national sovereignty is a right because of that leaders have the right of exclusive control in their internal affairs and also they have unlimited authority in the management of their land and people and are permitted to make decision without foreign intervention. In fact, the signers of this treaty believed that authority will keep the peace sovereignty (Sens & Stoott, 2005: p. 48). This belief that sovereignty won't let intervention in internal affairs of countries and it is the best method for maintaining peace had drawn the attention of global community for many centuries.

In Westphalia framework, sovereignty has two internal and external aspects. External aspect of sovereignty is independency that is governments have the authority of controlling their borders and keep it safe from the risk of assault. In external sovereignty a kind of main authority dominates the relationships among governments that is defined and specified by international law. Therefore, "non-intervention" will lead to maintain external aspect of sovereignty. Internal aspect of sovereignty defines the right of governments in determining political and economic system that is clarified according to the constitution of each country. Internal aspect of sovereignty shows government competence on people, land and the sources of the country and this is effective control which is indicator of sovereignty legitimacy according to Westphalia treaty. The United Nation also inherited the definition of sovereignty principles from Westphalia treaty and acknowledges it. According to article 2(1) of the charter, this organization has been created based on the principle of sovereign equality of all member countries. In this charter, the principle of non-intervention is complementary for sovereignty and protects countries' territorial integrity and domestic jurisdiction and explicitly emphasizes UN intervention prohibition in affairs that are basically within the internal area and territorial jurisdiction of a government (U.N. Charter, art 2, para V). Article 2(4) of charter also emphasizes on the principle of "non-use of force" and bans use of force against "territorial or political integrity".

Maintaining the sovereignty was accepted by governments especially those which were seeking independency and freedom from colonialism and they strengthened the principle of "non-use of force" as a part of their fights with colonialism and during cold war, relying on sovereignty, these countries tried to maintain their identity and independency against threats and pressures of powerful international actors. The principle of "non-use of force" has been as defensive shield against the threat from the colonial powers for these countries. The words of Bouteflika the president of Algeria as the head of African Unity organization in 1999 in General Assembly based on that "sovereignty is as our

ultimate defense against an unjust world rules" are noticeable (Tharror & Daws, 2001: p. 25).

Traditional philosophy of "sovereignty is a right" that has been created since Westphalia treaty in 1648, is that internal affairs of a country are only related to that very country and other ones cannot intervene unless they are risky and threatening for them or they violate another treaty or an intervention is needed according to a political union. This problem was pictured by United States foreign minister Robert Lansing, when he avoided making a decision about an action against the leaders of Germany, Austria and Turkey at the end of First World War that is known today as "Crime against humanity", he said "the nature of sovereignty is in lack of responsibility". Reflecting this idea on that time, he stated that governments should be safe from prosecution and the US can only judge about violations that are against American people or lands (Power, 2003).

Considering the points mentioned above, the concept of sovereignty based on responsibility can be more easily explained. In this definition, government has conceptually an internal aspect based on its relationship with its citizens and another one for administrating the relationships between them and other governments. These two criteria are as follows:

- Internal sovereignty refers to the concept of government's responsibilities which means the existence of government depends on proposing political benefits to its citizens. Internal sovereignty isn't absolute and exists according to some degrees. The concept which is today defined as "disable government" consider a government that cannot or doesn't want to investigate all its responsibilities in this case.
- Foreign sovereignty includes two components:

a) Legal identification of country's independency by global community which means a country is free and equal with other ones in international scale.

b) Practical foreign independency which means there shouldn't be any foreign control inside the lands of that government (Potter, 2004: p. 9).

Former UN Secretary General, Kofi Annan emphasizes change of sovereignty nature while he says: sovereignty means responsibility not power (Potter, 2004: p. 9).

2.1. Sovereignty and International Organizations

Describing sovereignty as a basically challenging concept has an important and real face in global scale that is related to international organizations. The concept of sovereignty that has been inherently unstable and always the subject of complains and changes has led this concept not to have a main and united definition. This has two meanings: first is that this case necessarily means that sovereignty concept can be challenged in different areas and this case also includes international organizations that apply grant authorities of governments. Second is that, the definitions of sovereignty concept which have been developed by governments have no priority to those proposed by international organizations. As a subject of law issues, inside a government, the decision of particular part of gov-

ernment in applying its governmental authorities although they are accurate and original, may be protested by other internal references and in conditions that governments have given their authorities to international organizations, this case can be protested by other organizations and institutes.

Protesting against sovereignty in an international organization has some intrinsic causes that are either by governments or organizations; meanwhile organization is applying governmental authorities, the governments and their representatives protest against proposed concepts of sovereignty by other countries. But these complaints and their consequences in international community will inevitably affect internal concepts of sovereignty as well. As a government is seen protesting against applying sovereignty authorities by an international organization, that government shouldn't be considered as a single unit which protests to provide its particular interests. Complaints against sovereignty that has been always streaming in internal era among different branches of government as well as cases that an organization has got the power of making decisions because of its authority are important. Protests against sovereignty that always occur inside nations-states are very similar to the protests that nowadays occur inside international organizations. All of them relate to the main problem of sovereignty: what are government's monopoly authorities? How and by whom these specific authorities are executed?

This is mainly because different parts of governments try to contribute in challenging sovereignty inside international organizations that are applying governmental authorities. Moreover, the rate and limit that different parts of government protest against sovereignty problem inside is almost reliable index to determine the rate of their protests against applying sovereignty authorities by an organization. Emphasizing on challenging nature of sovereignty won't discredit realistic explanations. Vice versa in the procedure of protesting against sovereignty concepts internationally, the governments having stronger sovereignty than other ones are very likely to be able to advance their achievement about some special values. Good sample in this case is proposed definition by the US about value of "economic self-autonomy" in the first public agreement on tariffs and trade and then in global organization of business (Asgari, 2011: p. 23-25).

2.2. Sovereignty as Responsibility, Modern Meaning of Sovereignty in Modern International Law

Since 1990s defending human rights and obligating governments to meet them were focused in international discussions. By ending the cold war, some changes were created in international relations; first is that international conflicts and wars extensively turned to inside violations that were mainly with human disasters. Ethnic conflicts in Yugoslavia, Somali and Liberian conflict brought an intellectual and moral concern for the international community and led to public agreement on obligating governments to defend human rights seriously so the idea of global community's duty in defending oppressed people got streng-

thened.

Second is that, after collapsing Soviet Union, Security Council recognized inside conflicts and violations as a threat against international peace and security and considered national peace related to international peace. Therefore, Security Council felt responsible for events such as gross and systematic violations of human rights and humanitarian disasters in the realm of governments and considered human difficulty and disaster inside the borders as a threat or breach of international peace and security and tried to make political measures and do military actions in the framework of seventh chapter of UN charter and acknowledged intervention because of preventing massacre in countries that are involved in wide violations. So the norm of humanitarian intervention emerged and absolute sovereignty wasn't given credit anymore and it was considered as a responsibility (Wheeler, 2003: p. 172-180).

The necessity of defending civilians was first mentioned in the report of 1998 by UN Secretary-General about the Africa where supporting was named as "Unavoidable humanitarian requirements". Canada put the problem of defending in the agenda of Security Council and this led to issuing two key resolutions of Security Council about the necessity of maintaining peace operation (Resolution 1265 in September 1999 and Resolution 1296 in April 2000). Security Council showed her interest due to react armed conflicts that have targeted civilians and make barrier for humanitarian helps for the first time in resolution 1265. Most of UN and other organizations operations to maintain the peace namely "supporting civilians have been exposed imminent physical violence" were used to be done since 1999. Apart from UN resolutions about defending civilians in armed conflicts, another change that has been created in this field includes creating the UN Office for the coordination of humanitarian affairs. Defending innocent civilians was the basis of recent attempts in operationalizing "supporting responsibility" that was obviously seen in Darfur case. Important disagreements will occur when this support is considered militarily. Not only about the range of support measures but also there is little agreement about who and how this support to do or in another word what the legal goals of supporting are and who can decide based on what. These different aspects created multiple interpretations about the concept of supporting. Military leaders, UN agents and non-governmental organizations have different interpretation of it.

Some of legal researchers believe that the doctrine of "supporting responsibility" have high goals but sometimes can have reverse results for example asking for intervention to help the groups under governmental violence can lead non-governmental activists consider riot as an always victorious option: if the government avoid retaliation, the riot will win; if the government retaliate, it will face the intervention of global community that won't have any results unless riot (Jabbari & Hazervazifeh Gharebagh, 2010: p. 220-221).

Through presenting their ideas, some of legal authors have helped this belief to be strengthened. Michael Reisman writes that sovereignty concept has been changed in present era and indicates people sovereignty rather government and

only people sovereignty is respected in international rights (Reisman, 1990: p. 869). Judge Rchaga former head of international Court of Justice has also considered the principle of self-determination as a public principle that can act as the criterion for evaluating the legitimacy of dominant governments on countries (Seifi, 1995: p. 253). Therefore, it can be concluded that after the cold war, because international community has taken very active role in monitoring and caring human rights and main principles of international law and the basis of such activities is made in Security Council, in situations that include a fundamental breach of human rights, a direct and close relationship has been formed between breach of self-determination right and fundamental breach of human right and not only national sovereignty pave the way for legitimate and organized international intervention, but also such interventions is as establishing national sovereignty and applying the right to self-determination.

3. The Transition from the Government and Reaching the Nation-State Concept

To perceive the changes that are created in nations today as well as legal nature of nation-state and its future changes, attention to historical evolutionary discussion of nation-state is important. The most important noticeable point in this field is that the history of nation-state is very shorter than people and even scholars' imaginations. Nation-state is a relatively new historical arrangement and dates back mainly to the late 18th century and formation of Europe and societies such as America, Australia and New Zealand where the Europeans lived there. Nation-state was first formed in this part of the world and then was generalized. So nation-state is different from government as nation is different from nationalism because government, nation and nationalism have always existed unlike nation-state. Anthony Smith has convincingly showed that many nation-states have ethnic history. Ethnic histories basically refer to very old times while nation-states are relatively recent. There might be some roots in history but they don't have very long history (Smith, 2004: p. 131). And this point is very determining and important because it has been claimed here that in spite of many people who look at modernity and modern civilization referring economic changes and industrial revolution and the emergence of industrial revolution from late 18th century, nation-state is also a part of modernity same as modern economic industrial production. This point has been paid attention by few social scholars but however it is very important for perceiving what has occurred for the world especially in two recent decades. Nation-state is basically different from the shapes of government that used to form international community before 18th century. Even a part of those shapes lasted till 20th century. Traditional governments can be systematically compared with nation-state. If the spirit of this comparison is figured out, we have passed longer way to understand the nature of nation-state as a structural political arrangement. Five points are better to be mentioned about the comparison of these two:

First is that traditional governments had been inherently "segmental". By tra-

ditional governments, pre-modern forms of government are meant (and not the opposite of modern government concept) like ancient China that lasted till early 20th century as well or ancient Rome and traditional civilization of Europe in the feudal era. Traditional governments were unexceptionally in pieces. Karl Marx used to simulate traditional governments to "sack of potatoes" and he was right. It means that in traditional governments, there wasn't concentrated political power (Delong, 2009: p. 5). Political central power even in the latest traditional governments such as China can never be compared with central political power in nation-states. Lack of communication and political-economic integrity caused obtaining noticeable power in daily routine of people who lived in those governments become difficult for central political system. The people of these governments weren't in fact civilians because they didn't have active role that nation-state civilians have in government. The emergence of nation-state dates back to the time of stabilization of a centralized political power (Spark Notes Editors, States and nations on Spark Note, 2016). We are used to new mode so that we cannot understand to what extent it is unique historically. Ignoring this point has made many permanent discussions.

Second is that, traditional governments don't have a total cultural and language identity. Of course there were some exceptions as well. Cultural identity and nation concept are somehow related to each other. In traditional civilizations, people who used to live in local villages, usually used to talk in different language with dominant government and dominant government used to have very little language and cultural relationship with the population they governed. It has been said that traditional governments had been basically a kind of extortion, intimidation, and bullying device and political leadership located in the center used to do two main works: first is getting taxes from people and second forcing them to participate in the wars. Therefore, traditional governments hadn't been a cultural or language coherent community but nation-states vice versa have always had this goal (of course there are some exceptions such as Switzerland). The concept of nation is related to common culture and mainly common language and this is very important point because many nations that are willing to be states define themselves particularly with these features. The emergence of nation-state since 18th century has been always influenced by educational system, it has been continuously influenced by the emergence of assumed community which Benedict Anderson has mentioned it and its emergence has been simultaneous with the emergence of government system and united educational system. The theorists of nation-state such as "Ernest Gellner" have always emphasized on the role of united educational system in developing nation-state (O'LEARY, 1997: p. 194) but traditional governments weren't so.

Third is that traditional governments never have exclusive right to use violence tools. Therefore, in traditional governments such as China, there had been always conflict between political center and local military commanders for controlling war tools. Local military commanders used to have local power in traditional governments (as it can be somehow seen in today Afghanistan) be-

cause traditional government couldn't get the dominance of military violence tools exclusively. Therefore, the process of limiting military violence at the hands of the central authority has been also determining level in evolving nation-state. This feature can be barely attributed to all countries because in some countries (especially disabled governments) it is exposed threatening. But this exclusive right has been important feature especially for European Western countries and it can be recognized by the emergence of police force. After the emergence of police force, in critical situation, police establish internal security and army establish external security. This dividing usually shows successful monopoly of violence by the government. It has to be considered that this problem has been very unusual over history. In traditional governments, it wasn't even possible to take a journey safely. It is interesting that such a situation has returned in our era and terrorist global networks have made the journeys unsafe again through their developed technology. Today it is asked if they can travel to Paris full safely after the events of November 2015. This is while most of people especially in West have got used to safety and security in journeys. Safe journey is a modern phenomenon and hasn't been in history for a long time.

Fourth is that the Cerographists say that traditional governments had frontier not border. This is also very important. When there is a frontier, there is no exact division on the map but there are scaled areas that central political authority will gradually decrease on them. Around old China, there was a wall. Many people imagine that this wall has been the border of China but it is not true. There had been always conflicts for seizure regions on both sides of the Great Wall of China and local military commanders had control of Wall more than political center. Therefore, inventing border has been unique phenomenon in the history. Border is a line that can be drawn on the map and it is a place where the authority of a government ends and the other one begins. Bordering has been very long and difficult process over history. Borders sometimes were determined by Europeans such as Africa and there were also some consequences. Only it can be said that a government is self-determined when there is a border because political system of nation is based on borders (Wilson, 2012: p. 9).

Fifth and the last one is that traditional governments weren't a system of government inside. It is reminded that most of human history or at least its 6 thousand years have been so and it lasted till 20th century. Traditional governments had been usually dominated on a particular area and used to be surrounded by tributary groups. Tributary groups were ethnic groups that used to pay tribute to empire in the center of the empire and to local lords in Feudal system. On the contrary, nation-states have been always inside a system of government. When you are inside a system of government, you have to reach an agreement about the borders and also be committed to the agreements of other governments. At least since 18th century and even before that in Europe, there has been always a system of government. This system was first appeared in the West and consequently was generalized in most of the world's parts. Growing establishment of nation-states and historical rounding from traditional governments that used to

dominate for a long time to modern nation-states, had some disturbing consequences in different parts of the world that should be understood to be able draw a conclusion through evaluating if nation-state is declining or not.

Today there are three types of mixture and combination of nation-state- nationalism. First form is that very "classical nation-state". Classical nation-state has the features which have been mentioned for nation-state against traditional government. Classical nation-state was first established in Europe, America and regions and countries colonized by Europeans. After that it spread out to the other parts of the world and was well stabilized in areas such as Latin America or Mexico with specific borders. But this event didn't occur all over the world. As result, a second type of political arrangement was formed that is usually called as "State-Nation".

State-nations refer to the governments that are formed before formation of nation imagined community or those who hadn't been able to obtain imagined nation community and however are formed. State-nations are formed more in areas that were colonized by Europeans. The borders which used to be determined by Europeans in these countries weren't in accordance with historical public reality and therefore these governments had always the problem of creating a coherent imagined community. Most of state-nations are in Africa because Africa was a continent that was disintegrated consciously by Western authorities in late 19th century and early 20th century. State-nations are more unstable than nation-states because there is no link between land effective authority and involving the inhabitants symbolically. Therefore, the governments try to overlap with different ethnic division. Some of ethnic divisions aren't in accordance with the borders of the land that are determined by colonial authorities (Varshney, 2012: p. 164).

The third group is "nations without states". Nations without states are specifically got prominent in global scale but there had been at least during the last hundred years. Nation without state includes people who believe they belong to a imagined community but they don't own state-nation. The features of that imagined community are those which Benedict Anderson emphasizes on them. In another word: common language, common cultural history and a kind of symbolic and somehow artificial common history. Therefore, the nations without states have nationalism because they are full of national identity; they have also nation because they are kind of imagined community but they don't have government although they wish for it. There are many samples of nations without states that some of them are mentioned. Kurdish nation is one of them that is distributed in some countries of the middle east. There are some beliefs based on that Kurdistan should have an independent state but there isn't any government so many conflicts occur because of that. Of course the existence of nation without state doesn't always lead to severe conflicts. There are many nations that at least some of them are willing to have state. There are various samples of this kind in Europe as well. How will be the destiny of Scotland, Catalonia and Bask? Will Swiss be able to stay integrated?

4. Conclusion

The belief that state-nation is collapsing is wrong. By the way, a book can be written namely "the emergence of the state-nation" instead of "end of the state-nation". Because nation-state has become global for the first time on human history. Many traditional governments existed simultaneously with state-nations over many years. The Soviet Union was the last empire that used to form somehow a set of commonwealth countries. Many communities that used to be parts of Soviet have turned to independent nation-states. Moreover, it can be obviously seen that nation-states have become stronger than past in some parts of the world. The best samples are in some areas of the world that nation-states have never existed there. Nation-states become stronger again in Eastern Europe. In the littoral states of the former Soviet, the situation is the same. So it cannot be said that nation-state sovereignty is declining. Instead it can be claimed that nation-state is getting globalized more than any other times. It has to be also noticed that state-nations and the nations without states also tend to be nation-state. Only in such conditions, nationalist movement can be expected that as the result of them, nation-state can be achieved. All nationalist movement around the world is trying to have nation-state.

It is obvious that the nature of nation-states is changing because of globalizations. The important point is that the effect of globalization on each one of classical nation-states, nations-states or nations without states is different and to the extent which one we are talking about the interpretations is different. Nations without states in global era are more under pressure because in this era, local cultural identities become able to grow but nation-state should adapt itself with a part of decreasing and transiting authorities. Local nationalism and the pressures of nations without states are those problems that nation-state should be compatible with. Nation-state should also adapt with losing economic authority in global economic scale. Nation-states aren't weakening in global scale but it means that their authority type is transforming.

Finally, much violence that can be seen all around the world is in relation with the problems of establishment and stabilization of nation-states. Therefore, it can be concluded that (now nation-states are relatively stabilized around the world), main conflicts and wars that will be seen in 21st century aren't the war of a nation-state against another nation-state anymore as it was in 20th century but we may see the problem of a disabled government in the way of dealing other weak government or a kind of occupying nation-states or the areas that disabled governments have by international networks. The case of Afghanistan, Libby and some other parts of the world is the same one. The world faced collapsing the institutions in Failed States such as Libya or Syria. We should not deny the sovereignty in these kinds of states. We should strengthen and rebuild their sovereignty and institutions. To discuss about the conflicts of Westphalia order and Liberal order in Humanitarian Interventions is not in the scope of our study and it requires a complete paper which describes and does a case study on them.

References

Asgari, P. (2011). *International Organizations and Applying Sovereignty Authorities* (2nd ed.). Tehran: Shahre Danesh.

Delong, B. (2009). *Understanding Karl Marx: Hoisted from the Archives from Four Years Ago May Day Weblogging*. University of California at Berkeley and NBER. http://delong.typepad.com/sdj/2013/05/understanding-karl-marx-hoisted-from-the-archives-from-four-years-ago-may-day-weblogging.html

Foroughinia, H. (2012). International Human Rights and Transformation in the Concept of Sovereignty in the Age of Globalization. *The Quarterly of Islamic Human Rights Studies, No. 1,* 147-172.

Jabbari, G. M., & Hazervazife Gharebagh, J. (2011). Evaluation Doctrine of Responsibility to Protect in Sudan Darfur Crisis. *Quarterly of Strategy, the Twentieth Year, No. 58,* 241-217.

Jalalpur, Sh., Payfard, K., & Fallah, M. (2015). The Decline of the State-Nation Concept in the Age of Globalization. *The Quarterly of Political and International Researches, No. 23.*

O'Leary, B. (1997). On the Nature of Nationalism: An Appraisal of Ernest Gellner's Writings on Nationalism. *British Journal of Political Science, 27,* 191-222. https://doi.org/10.1017/S0007123497000112

Ohmae, K. (1995). *The End of the Nation State* (p. 118). New York: The Free Press.

Potter, D. (2004). *State Responsibility, Sovereignty, and Failed States.* Australasian Political Studies Association Conference, University of Adelaide.

Power, S. (2003). *A Problem from Hell: America and the Age of Genocide*. London: Flamingo. https://www.theguardian.com/education/2003/jun/29/highereducation.news

Reisman, W. M. (1990). Sovereignty and Human Rights in Contemporary International Law. *The American Journal of International Law, 84,* 866-876. https://doi.org/10.2307/2202838

Seifi, J. (1995). Development of the Concept of Sovereignty of Government under the Shadow of Principle of Self-Determination of Nations. *Legal Researches Journal, No. 15.*

Sens, A., & Stoott, P. (2005). *Global, Politics: Origins, Currents, Perfections*. Toronto: Nelson.

Smith, A. (2004). Nations and National Identity: A Critical Assessment. *Nations and Nationalism, 10,* 125-141.

Spark Notes Editors (2016). http://www.sparknotes.com/us-government-and-politics/political-science/nations-and-states/section2.rhtml

Tharror, Sh., & Daws, S. (2001). Humanitarian Intervention: Getting Past the Reefs. *World Policy Journal, 18,* 21-30. https://doi.org/10.1215/07402775-2001-3005

Varshney, A. (2012). Discovering the "State-Nation". *Journal of Democracy, 23,* 162-166. https://doi.org/10.1353/jod.2012.0031

Wheeler, N. (2003). *Saving Strangers: Humanitarian Intervention in International Society* (pp. 172-180). Oxford: Oxford University Press Scholarship.

Wilson, T. (2012). Territoriality Matters in the Anthropology of Borders, Cities and Regions. *CAPA, 25,* 199-216.

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