

## **Doctrine Of 'Reasonable Sovereignty' In Special Reference with Russia And Ukraine Conflict**

**<sup>1</sup>Mohammad Yunnus, <sup>2</sup>Dr. Amritpal Kaur, <sup>3</sup>Dr. Somanchi Hari Krishna**

### **Abstract:**

The origin, historical development, concept and nature of sovereignty is questionable, impractical and unreasonable. The fastest growing global challenges and resources has influenced and changed the conventional, fictional, absolute concept of sovereignty. The nature of human being and the exclusive nature of state can never connect, allow or exercise the populist idea of absoluteness and sovereignty. For the own interest and natural demands the absolute sovereignty can never be worked in practice. International law formally, reasonably, and efficiently draw the final conclusion that absolute sovereignty does not work theoretically and practically in state and individual both. Concept of sovereignty has been misusing and misinterpreting in Russia and Ukraine conflict to legalize and recognize own faults and interest. Sovereignty should not be threat for others, not to be reckless horses. It has to be reasonable, regulated, and respectful to others. Sovereignty is not only individual state concept, it is collective and global concept, it should be justified. Sovereignty is principles, not rules; a moral than legal. There needs international legal framework to define and regulate 'reasonable sovereignty' that how far and in what cases or ways it can be exercised.

**Keywords:** Sovereignty, Reasonability, War and Conflict, Russia and Ukraine Conflict, Global, Concept

### **ISSUES**

The two important issues and one main concern the world has observed in the Ukraine and Russia conflict which relevant to all- 1) Ukraine is a sovereign state, sovereignty means absolute external and internal control over its territory or absolute right to decide own issues. Ukraine can decide whether join NATO or not, it has absolute right to decide. 2) On the other hand, NATO is an American alliance, Ukraine was the part of Soviet Union and today its boarder neighbor where historically Russia- America has hostile relation. Ukraine join in American alliance NATO means they enter into Russian stomach and it causes serious security threat for Russia. So, a neighboring country cannot do anything unnecessary and unreasonable which can cause serious security threat for other neighbor. In one side 'absoluteness and sovereignty' and another side 'serious security threat', without considering any issues can the sovereignty exercise with its absoluteness or it has to be reasonable globally, and security threat for other is more necessary and practical?

It is a question that is it so necessary to join NATO for Ukraine than serious security threat for Russia? Sovereignty may ask who are you to questioning on me, I can do anything. Is there any reasonable ground or necessity for Ukraine which can justify the Russian security threats? Sovereignty may say it is not my concern, I absolute. If there is any necessity then in comparison which one is more reasonable, justifiable and practical, and who decide the matters? If there is any future points so in comparison between time and incident whose issues are more justifiable? Or in the name of sovereignty or absoluteness can a state do anything without concern for neighboring state even it is extreme security threat? Should there be a reasonability or consider the neighbor issues? Should the sovereignty be regulated or reasonable, not someone's sovereignty threat for others? Is the absoluteness relevant or

practical in globalised and power based world? And where under international law all the states surrendered own deliberately, there how absoluteness exist?<sup>1</sup>

In practice, does the theoretical absolute sovereignty exist between states or is that ever possible in real specially in modern era where challenges and resources are so connected and globalised? Is that the absolute sovereignty is phantasy or impractical? Is sovereignty should be regulated, justified and reasonable? If there is no regulation or standard or reasonability over sovereignty, it becomes reckless horses, no one concern for none and takes destructive move that develops an anarchist world and death, and destruction ultimate. For human existence, for development, for civilization; a regulation, reasonability, balance standard should be there in sovereignty. In the name of absoluteness anything should not be happen which seriously unreal and whimsy in case of state and individual both.

The nature of individual or human being is interdependent, in case of state interdependency is more than individual. Naturally, it is impossible to exist absoluteness, but reasonable, justified and balanced way is the basis of individual or state both. It does not mean there is no individuality or sovereignty or personality, anyone on any case can interfere, it is not. Someone under law does not mean law fixes CCTV in someone's bedroom or unnecessarily interfere personal issues, a standard of privacy or personality or respect is there. In state also a respect, limit, a reasonable standard always there. Nothing should be above regulation, regulation does not mean limit or control or bind but respect, resonate, and rightly frame. In practice, sovereignty reasonable or justified informally and scatteredly, it should be formally and theoretically or conceptually and academically or psychologically to change into regulation, reasonable, justifiable as one of the founding pillar of the state which pillar of the planet. It resolves most of the disputes of the world.

In modern or globalised era, the state dependency much increased, the challenges and resources both globalised and much more interconnected. Once upon a time, in a limited cases state maintain relations with others in few issues as courtesy like diplomacy, and issues in regulation of war, state surrendered minimum sovereignty for fewer interests and framed principles on that specific matters. But by the time and globalization the sovereignty or absoluteness has to be surrendered as 'own necessity' as the time; the most complicated and major challenges and resources are globalised i.e. climate change, terrorism, technology etc. It is dire necessity of state today that to face the most crucial challenges and to access into most developed or upgraded resources a state has to be surrendered, compromised and under regulation.<sup>2</sup>

The absoluteness or sovereignty may kill the state otherwise, state broke, weak and death under absoluteness of sovereignty. It is impossible to exist state today with concept of absoluteness of sovereignty. Neither it can tackle challenges nor can get access into global resources. A state may absolute but it may not exist. Naturally, it is supervisory impossibility to be absolute a state, in the modern age tough to maintain minimum absoluteness. It is time to diplomacy, negotiation, globalization, collaboration, collective existence. And state

<sup>1</sup>Britannica, The Editors of Encyclopaedia. "sovereignty". *Encyclopedia Britannica*, Nov 18, 2020. <https://www.britannica.com/topic/sovereignty/Sovereignty-and-international-law>. Accessed 15 June 2022.

<sup>2</sup> *Ibid.*

understands it, state takes the way from the last century informally and scatteredly that is massive development of international law and organization in every sector, every arena where willfully all the states submit and surrender its absoluteness of sovereignty. Specially, after the United Nations and major development of international law in every sense and sector the theoretical, fictional, impractical absoluteness of sovereignty is formally, legally, reasonably compromised, surrendered, changed solely. In compulsive or amicable both manner sovereignty regulated completely under international law in various way. The conventional criticism of international law is completely irrelevant after 50's, international law deals and framed most of the issues and regulated in international sense in all the way. So, in this age of crucial development of international law, the absoluteness of sovereignty though not in real but in academia, in documents, in statutes or concept still it uses as absolute.<sup>3</sup> On that point, different points or arguments also placing today that a sovereign state has right to decide as absolute control over its external and internal issues. In a moral sense, as a principle may consider it absolute on respect and courtesy, belief and ideology. But in legal sense, practical view, deciding points, it is not to be in points or arguments or place. There is a serious gap in between theory and practice, ideas and real, formal and informal, unaddressed but works, undeclared but regulated in scattered way, it deals as culture to custom almost but not law.

As consequences, in Russia- Ukraine conflict, the issue newly arise that sovereign state and meaning of sovereignty as 'absoluteness'. Ukraine is sovereign state, has absolute right to take decision but Russia as close neighbor and its historic hostile allies concern, it is serious security threats; so should Ukraine consider Russian issues or has Russia right to take any action as 'absolute right' to protect its sovereignty or security? Or there needs to be a regulation or standard to regulate and define the issues of sovereignty that needs to be reasonable, not absolute? To measure the necessity or threats in case of sovereign issues to compare, to judge this has some category, standard, process of dialogue? Whose claim or necessity is more reasonable for today or tomorrow, Russia or Ukraine? Is Ukraine has necessity to join NATO even it amounts serious threats for its neighboring country i.e. parent country at once? Or unnecessary but in the name of 'absoluteness' can any state be reckless horses? Is absoluteness kills reasonability and is absoluteness reasonable in state issues? Should sovereignty be concern or respectful to others sovereignty? Should 'principle of good neighbor' maintain equitably with sovereignty? If in the name of absoluteness state can take any decision even unreasonable, unnecessary, so to what extent it can exercise, is that Russian war legalize also in the name of absoluteness of sovereignty?

When it is about absoluteness there is no large or small state, anyone can be reckless and capricious which amounts only destruction. Was there any way that can avoid war, proxy war, a way between only disputing states? Should there be some specific regulation or standard of international law regarding sovereignty issues or concept and helps disputing state to resolve without war? Was there a way of dialogue and agreed on peaceful means but in a balanced way? Why US- Russia sat on dialogue, how US party to the issue, why in this

---

<sup>3</sup> Britannica, The Editors of Encyclopaedia. "sovereignty". *Encyclopedia Britannica*, Nov 18, 2020. <https://www.britannica.com/topic/sovereignty>. Accessed 15 June 2022.

modern age proxy war continuous and human becomes refugee and killed? Is the issue that much complicated that it has to be in war, there was no peaceful way or we created this?

If say one side Ukraine should consider Russian security threats and it is serious, another side Russia should develop its security system that not to get interfered or fear others. It cannot stop everyone or directs others, it is not practical, better to be strong yourself, check own; though they can claim that you cannot advice me to struggle binding me upon on jail, should have minimum way or space.

Though it is historic issues, its root in deep, complicated but for own interest 'principle of good neighbor' and 'reasonable sovereignty' should be recognized in an actual way. The proxy war has to be stopped first and foremost. Then regulation, a standard shall be set by international law regarding sovereignty concern and it helps to sit disputing state and resolve the issues relating to sovereignty or security.

No one absolute, no one powerful, no one can be won alone, no peace can be there alone. Everyone has to be respected and consider the concern of others in a bonafied manner. International law regulates the relations, relations resolve the issues, not power or force or absoluteness. Nothing is above human lives, not sovereignty. Sovereignty should never be reckless horse, a war element, an extreme ideology. Sovereignty should be regulated, resonate, respected and justified.

*The another part is,*

In the modern age or age of enlightenment, the most devastating and destructive war and conflict arose and killed and massacred to the human civilization in the name of 'sovereignty' or 'security' which may secular form of preceding war tools.<sup>4</sup> This term or concept shows the most destructive scenario of the world in the history. In the name of absoluteness of sovereignty or security threats countless people have been killed, for state killing state millions of founder of the state, owner of the state, to protect the world or country killing or destroying the worlds founder and foundation.

In the name of sovereignty or security most of the devastating war and crisis arise, the main element of the world or country ignored all the time, it only fight for illusionary extreme liquid (ideology or idea), not for actual and peace, and human, for an invisible illusion killed countless visible humans.

Sovereignty or security are the most important concern, when it turns into chauvinism or jingoism then it cross the limit and affect the humanity. Nothing above human irrespective of place or identity, the ultimate identity is human. If anything happen with sovereignty or security, the only option is not the war and conflict or attack, it ultimate kills the value and respect for the sovereignty. One of the misused and legalizing means of terrorism of today by state is absoluteness of sovereignty and security threats, does not matter that necessary or not, just use it and license to kill. In majority case study observed, the sovereignty or

---

<sup>4</sup> Ekaterina Kuznetsova, Observer, *International Affairs: A Russian Journal*, Limit Sovereignty if the State Abuses It, Volume no. 05/2004. [https://ciaotest.cc.columbia.edu/olj/iarj/iarj\\_04\\_05/iarj\\_04\\_05a.html](https://ciaotest.cc.columbia.edu/olj/iarj/iarj_04_05/iarj_04_05a.html). Accessed 15 June 2022.

security issues are always misused and not go in depth of the crisis but war and massacred.<sup>5</sup> If any state respect own sovereignty, the state should equally respect others sovereignty also, in the name of own sovereignty attack on others is unjustified, barbarism, modern barbarism.

In the modern age, repeatedly sovereignty and security became the core war element, the last or latest destruction also in the same name i.e. Russia- Ukraine war. For own security a state cannot attack and interfere of others sovereignty unreasonably and unnecessarily, not only one but constantly the threats of attack increases to others and for own security Russia declare war against world, it is unjustified and unreasonable. It should be measured how far it can be justified and what kind of security threat actually there exist, exist at all or not. It should be proportionate, not exceed the limit. In the same way, in the name of sovereignty or absoluteness without considering others concern just moved unreasonably, unnecessarily any state like Ukraine to NATO is also equally unjustified, unreasonable, and unnecessary. There needs a balance, a line, a reasonable standard, midway.

*The concluding part is,*

On the other hand, in the name of reasonable sovereignty and use the term democracy, humanitarian intervention, global security etc. to kill millions of people in different countries by different means of war that later proves wrong and offer apology for millions lives.<sup>6</sup> Either sovereignty used as extreme tool or if it be little bit flexible then also it misuse in different names. Sovereignty using and defining in own way for own interest, it is today a perfect way to legalize all the destruction. Says that sovereignty should compromise or could have some space, then the flexibility of sovereignty misuse in different names for own interest to kill and destroy human. In extreme or in flexible, both the way sovereignty misused and misusing the most in the modern history. In the name of sovereignty or security the most destructive things happened in the human civilization ever though does not matter there sovereignty or security issues exist at all, justified at all or not. But, is it a question when it claim there it was, it is, if there then how far, in what stage or level it is or was? Sovereignty or security is the most dangerous insecurity and threat for today's world and civilization, the concept highly detrimental to the civilization. By the time, the idea and actual sense of sovereignty or security not developed, misused and misinterpret, misconceptualize, misunderstand. The depth understanding, root ideas, are not being inquired or delved, in race and instant way just take and use as it easy to misuse, the result is the crisis go in deep and complications gone tough. The civilization itself alone may move ahead, the knowledge and its stakeholders not but find the wrong and manipulative way of all the system or idea. The misinformation and disinformation dictates today's knowledge world.

As a result, for reality somehow in anyway if little bit maintain the issue in a right way but for the lack of knowledge development in concept or idea, in psychologically it never change

<sup>5</sup> Shaun Tan, Contributor, *China-US Focus*. The Uses and Abuses of Sovereignty, October 09, 2017.

<https://www.chinausfocus.com/foreign-policy/the-uses-and-abuses-of-sovereignty>. Accessed 15 June 2022.

<sup>6</sup> Solana, Javier (November 12, 1998), *Securing Peace in Europe*, North Atlantic Treaty Organization. Retrieved 2008-05-21

and misinterpret to misuse as like in Russia- Ukraine conflict. the idea still in wrong moves, not it develop or change with the time, consequently human sense develop also in that way which contradict with human nature and modern civilization. The conclusion is reality forcing to change but change not coming in a proper way, scientific way.

The modern developments of the sovereignty is seriously affects the civilization that the Jean Bodin's definition and Thomas Hobbes<sup>7</sup> concept where both are contradicts and proves wrong before science but still it exist, it follows, it recognizing.<sup>8</sup> The Bodin's absoluteness or Hobbes negative human nature attribute and to compel human there needs absoluteness are both aggressive and attacking and extreme which contradicts with human nature and states nature under scientific observation. So, who born out of extremism, misinterpretation, and misconception it definitely drives destructive way of the world. The origin and development is not positive to the world, it is wrong, it is obsolete for the modern civilization. The conceptual change is inevitable, real change started but conceptual change hampers it.

Moreover, where misuse the flexibility of sovereignty there Westphalia concept necessitates, that development comes because of unnecessary and unreasonable interferences. Though the origin and developments of sovereignty obsolete today but once the situation was there in some way. Today also misuse of sovereignty in the name of absoluteness of sovereignty, but it is not real or true sovereignty, not civilized, not humanize. Neither it is extreme nor easy or flexible, it is balanced, standard, reasonable. For conceptual wrong and misuse or misconceptions the real sovereignty, reasonable sovereignty never comes out, recognize; it shall be explained in a broader sense, not strict or narrow, specially in today's globalised era. Sovereignty has an own respectable and reasonable place, a recognized position, a balanced and standard level, it never extreme nor normal.

So, it is not barbaric era, not the age of war or extremism or absoluteness, not the age of darkness. It is the age of enlightenment, civilized era, age of truth, it devolves truth trough reason, it runs reason, sense, and law. The age of absoluteness proves wrong and obsolete in human civilization, the age of reason, reasonability starts and leads the civilization. The idea of sovereignty still in barbaric and dark age that leads extremism and absoluteness, there today needs change into truth that reasonability, reasonable sovereignty, the age of enlightenment supports. For the peace and security, a world of wisdom and welfare for the humanity, in the age of reason and truth- today the 'reasonable sovereignty' has to be recognized and use rightly. In the age of enlightenment, the sovereignty should resonate- regulate- renovate as the best way. The issue is core pillar of the planet, any wrong can destroy the planet but if it gets the right way it can lead the better world. It is urgent or crucial and demand of time to change the concept and perceptions of sovereignty to turns into nature and reality, embrace humanize concept to ensure humanize world.

<sup>7</sup> Rand, D., Greene, J. & Nowak, M. "Spontaneous giving and calculated greed." *Nature* **489**, 427–430 (2012).

<sup>8</sup> Britannica, The Editors of Encyclopaedia. "sovereignty". *Encyclopedia Britannica*, Nov 18, 2020. <https://www.britannica.com/topic/sovereignty/Sovereignty-and-international-law>. Accessed 15 June 2022.

---

 PRINCIPLES OF 'REASONABLE SOVEREIGNTY'

- 1) **Sovereignty is a global concept**
- 2) **Sovereignty should not be threat for others**
- 3) **Sovereignty should not be a war element, not to be chauvinism or jingoism**
- 4) **It shall consider the neighbor concern exclusively**
- 5) **Principle of good neighbor is the founding pillar of sovereignty**
- 6) **It is neither above all nor above dialogue or law**
- 7) **Neither extreme nor flexible but balanced, standard and reasonable**
- 8) **Sovereignty is principles, moral, and international comity**
- 9) **If any state respect own sovereignty, the state should equally respect others sovereignty also**
- 10) **In case of sovereignty issues 'proxy' has to be stopped, direct disputing parties communication shall be encouraged**
- 11) **Sovereignty or Security issues are not absolute to legalize war or aggression**

## SUMMARY SUGGESTIONS

- For human existence, for development, for civilization; a regulation, reasonability, balance standard should be there in sovereignty. In the name of absoluteness anything should not be happen which seriously unreal and whimsy in case of state and individual both.
- If say one side Ukraine should consider Russian security threats and it is serious, another side Russia should develop its security system that not to get interfered or fear others. It cannot stop everyone or directs others, it is not practical, better to be strong yourself, check own; though they can claim that you cannot advice me to struggle binding me upon on jail, should have minimum way or space.
- Though it is historic issues, its root in deep, complicated but for own interest 'principle of good neighbor' and 'reasonable sovereignty' should be recognized in an actual way. The proxy war has to be stopped first and foremost. Then regulation, a standard shall be set by international law regarding sovereignty concern and it helps to sit disputing state and resolve the issues relating to sovereignty or security.
- No one absolute, no one powerful, no one can be won alone, no peace can be there alone. Everyone has to be respected and consider the concern of others in a bonafied manner. International law regulates the relations, relations resolve the issues, not power or force or absoluteness. Nothing is above human lives, not sovereignty. Sovereignty should never be reckless horse, a war element, an extreme ideology. Sovereignty should be regulated, resonate, respected and justified.
- If any state respect own sovereignty, the state should equally respect others sovereignty also, in the name of own sovereignty attack on others is unjustified, barbarism, modern barbarism.
- In the modern age, repeatedly sovereignty and security became the core war element, the last or latest destruction also in the same name i.e. Russia- Ukraine war. For own security a state cannot attack and interfere of others sovereignty unreasonably and unnecessarily, not only one but constantly the threats of attack increases to others and for own security Russia declare war against world, it is unjustified and unreasonable. It should be measured how far it can be justified and what kind of security threat actually there exist, exist at all or

not. It should be proportionate, not exceed the limit. In the same way, in the name of sovereignty or absoluteness without considering others concern just moved unreasonably, unnecessarily any state like Ukraine to NATO is also equally unjustified, unreasonably, unnecessarily. There needs a balance, a line, a reasonable standard, middle position.

- The conceptual change is inevitable, real change started but conceptual change hampers it.