

Concept of Sovereignty

Meaning of sovereignty

Sovereignty is regarded as an essential element of the state. The term 'sovereignty'

is derived from the Latin word *superanus* meaning supreme. Thus sovereignty

denotes supremacy or supreme power of the state. In what sense is the state

regarded supreme or superior to other associations?

At the outset, it may be noted that sovereignty is primarily a legal concept. It

denotes supremacy of the state primarily in the legal sphere. J.W. Garner, in his

Introduction to Political Science (1910), had defined sovereignty as that 'characteristic of the state in virtue of which it cannot be legally bound except by

its own will or limited by any other power than itself All classical definitions of

sovereignty focus on supremacy of the state in the legal sense. All objections

about sovereignty arise when this concept is shifted from the legal and juristic

domain to other spheres such as moral, political, and sociological.

The basic idea is that the sovereign—be it a monarch, chief executive or an assembly—is able to declare law, issue commands and take political decisions

(i.e. determining public goals and their priorities) which are binding on all individuals and associations within his jurisdiction. He commands physical force

to punish those who ignore or disobey his orders or decisions. The sovereign

issues laws, commands and decisions at his own will, not with the approval or

consent of any other individual or association. Sovereignty, in its pure form, is

more befitting a monarch than an assembly or constitutional set-up but it has to

be applied to various systems so long as it is accepted as a universal characteristic

of the state. Moreover, supreme legal authority of the state can best be established

through the concept of sovereignty itself.

In fact, sovereignty arms the state with supreme legal authority in both internal

and external spheres. Internally, it establishes supremacy of the state over all individuals and associations; externally it upholds independence of the state

from the control or interference of any other state in the conduct of its international relations. Theoretically, each sovereign state is equal to every other in international law, regardless of its population, area or economic wealth. The United Nations Charter states that the United Nations 'is based on the principle of the sovereign equality of all its Members' and recognizes a sphere of 'domestic jurisdiction' which is to be reserved to each member state.

Since the concept of sovereignty attributes supreme power to the will of the sovereign, it is by nature an absolute, unlimited and perpetual power.

This may, however, not be interpreted as an arbitrary power. The absolute power implied by sovereignty is not intended to be exercised without reason

or without invoking one's conscience or sense of justice or without regard to prevalent customs, social values, ideals or necessity of the common interest or public interest. Due regard to all these factors has to be given, otherwise the legitimacy and authority of the sovereign power will be rapidly eroded and sovereignty may eventually be lost. The idea behind the absolute nature of sovereignty is that, legally speaking, the sovereign is not obliged to consult or seek the approval of any other individual or group whether a particular decision, command or law is right or wrong. He is empowered to decide all such issues at his own will and discretion, and his decisions will be binding on all unless he himself chooses to revoke them.