

SHADES OF SOVEREIGNTY: UNDERSTANDING SOVEREIGNTY IN INTERNATIONAL POLITICS

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Abstract

This paper analyses the concept of Westphalian sovereignty and its practices among states, particularly in the bilateral relationship between Nepal and India. The notion of Westphalian sovereignty, basically a principle of nonintervention in the internal matters of other states, has been a contested concept since the beginning of its inception. Despite numerous international agreements, system-affecting and system-influencing countries have not refrained from meddling into the internal affairs of system-ineffectual states. Taking the issue of alleged Indian interference in Nepal's internal affairs into consideration, this paper examines levels and degrees of correction in accusations and assertions. And if it is correct then how can we understand it better. The first part of the paper discusses the conceptual frame of state sovereignty and its evolution over time. Then, the issue of the exercise of sovereignty is explored and, concurrently, the compromise of state sovereignty is also explained before analysing Nepal-India relations. Next, the Nepal-India relations are analysed.

Keywords: Sovereignty, Political Independence, International Politics, Power Asymmetries, Rule-based International Order

The Concept of Sovereignty

The international community is formed by different independent states that are to be sovereign, making the concept of sovereignty a crucial principle in international politics. Jackson (1999) asserts that “the importance of the doctrine of sovereignty can hardly be overrated.” To understand the concept of sovereignty, we need to explore the idea of a state. The fundamental attribute of any state is its capability to control its people backed by a certain amount of authority (Krasner, 1999, 2001a and 2001b). The intricate relationship between the authority and control while governing a state essentially gives birth to the idea of sovereignty. The control and authority over the body politic are meant to be the sovereign: the “supreme”. Sovereignty is the “final and absolute political authority in the political community, and no final and absolute authority exists elsewhere.” Thus,

sovereignty is not just only about the “physically controlled territory” but the legitimate authority that is practised exclusively within the declared territory (Morgenthau, 1948, Onuf, 1992). Jackson (1999, 2003) further exaggerates by explaining that the concept of sovereignty consists of some of the main principles of political modernity as the concept of political independence.

In the medieval period, the political life in Europe was solely influenced by religion, and all spheres of life may it be political, private or social were not separate entities and were heavily influenced and regulated by the church, and this phenomenon has been termed as "Christendom". Geographically, the states did not have clear borders, and although they were ruled by sovereign entities, many areas faced “overlapping and constantly shifting lordships" (Jackson, 1999). However, by the end of 15th century, the rule of the church was weakening, and modern political theories were gaining significance.

In this background, the initial writing contributing to the modern concept of sovereignty came from the French thinker Jean Bodin, where he concentrated solely on the rule of monarchs and thus according to him sovereignty was "absolute and perpetual" power and authority enjoyed by a ruler. Although the ruler could entrust some responsibilities to other workers of the state, the ultimate decision was of the monarch. Bodin also sets some limitation on the monarch by asserting that the ruler has to follow the rule of God, nature, and nations; making the limitations on the monarch more ethical than political (Merriam, 1900, and Andrew 2011).

While Bodin concentrated on sole leadership, Hobbes focused his theory of sovereignty on the contract between people and the state. Hobbes believed that the true nature of humans is selfish and evil; therefore, people sacrifice their personal sovereignty and create the state, whose sole responsibility is to protect their right, so that they remain protected from one another. Therefore, according to Hobbes (2006), the people of the state altogether make up the true sovereign state rather than an individual leader or a person. Although he asserts that the sovereign created by people is absolute as they give up all their rights in the hands of the sovereign, he does clarify that the only right that people keep with themselves is the right of self-preservation and hence can go against the sovereign in the case of self-defence or if the state fails to fulfil its obligations towards the

people. For both Bodin and Hobbes although slightly different but the concept of sovereignty was the supreme authority achieved by the governing bodies to decide the laws of the state (Onuf, 1991, Nagan & Haddad 2012).

Both have elaborated the concept of sovereignty as the legitimacy of a single hierarchy of domestic authority. However, Krasner, (2009) argues that this idea of supreme domestic power is irrelevant in practice. It is noted that by the beginning of 18th century, the political authority in Britain was divided between the King and parliament. Similarly, the founding fathers of the United States of America drafted a constitution with decentralised sovereignty. However, it only implied that a state is free to choose its form of governance and structure based on the effectiveness of political authority and the principle of self-determination. With decolonisation governments that were elected by the people (democratic government) asserting their rights of self-determination were given the sovereign status, which is termed as popular sovereignty.

The concept of sovereignty was inspired by the Treaty of Westphalia (1618-1648) that promoted religious tolerance: "cuius regio, eius religio" (whose realm, his religion). Although the treaty failed to end the influence of the church in the political life, it distinguished political and religious spheres as separate entities (Croxton, 1999, Krasner, 1999). It laid the foundation for the concept of nonintercourse and equality of states in international relations. Vattel and Wolff in 1758 argued that with the concept of sovereignty, all the states existing in the international arena become independent actors regardless of their wealth, size or capabilities and its polity is free to choose its own form of governance. Applying the logic of the state of nature, Vattel concluded that if men were equal in the state of nature, then states were also free and equal. Thus, for Vattel, a small republic was no less a sovereign state than a mighty kingdom. This theory consequently gave birth to the notion of non-intervention: interference from other states or external actors in the internal affairs of the state is a violation of the sovereign status enjoyed by all the countries in the system. Therefore, Westphalian sovereignty is compromised when the domestic governing structures of a state are influenced by external actors (Croxton 1999, Krasner 1999, 2001a and Lake, 2003).

As a result, the international legal order was organised around the principles of non-intervention and consent due to states' commitment to the conception of

domestic sovereignty as unbounded authority. It has also been codified by the International Court of Justice (ICJ), which is the principal judicial organ of the United Nations, in Article 2(4) of the United Nations Charter: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state" (Khan, 2004). With this, the concept of Westphalian sovereignty became the major governing principle of the rule-based international order that exists today.

Logic of Appropriateness vs Logic of Consequence

No matter what the principle of Westphalian sovereignty entails, the international environment is too complicated for any set of rules, including that of sovereignty, to be applied rigidly across all cases. And it has been observed that sovereignty has been compromised in a myriad of ways. The concept of state sovereignty among nations can be examined through the lens of Constructivism, which emphasises that the relationships among states are not merely based on objective facts but are more socially constructed by their belief, history, norms, etc. Thus, even though the international arena is "decentralised and anarchical," where "none is entitled to command; none is required to obey" (Waltz, 1979), 'anarchy is what states make of it' (Wendt 1992). According to the normative logic of constructivism, international norms are basically the shared understanding among states regarding the appropriate behaviour expected out of them and acknowledging that these norms will leave them better off (Barkin & Cronin, 1994, Barkin, 1998 and Ramos, 2012). This phenomenon can be understood with the "logic of appropriateness" (March and Olsen, 2005) in which actors internalise the norms to which they conform, not to get what they want, but because they understand the behaviour as 'natural, rightful, expected, and legitimate.' Rules of appropriateness are also embodied in the foundational norms of contemporary democracies.

Norms based on the logic of appropriateness explains the evolution of explicit rules regulating international encounters and development of the international system that exists today. The rule-based international order was considered beneficial for all and was made possible because of shared interest.

Even the concept of Westphalian sovereignty is socially constructed and is one of the oldest norms guiding the international system. Consequently, the very foundations and sources of international law come from the concept of sovereignty

and “no international law norm is valid unless the state has somehow ‘consented’ to it” (Jackson, 2003). Thus, as it is made up of social understanding, it can also change or get altered on the same basis. And over the years, the new norms and intuitions agreed by the international community coupled with the globalisation process have brought changes to how the principle of non-interference has been understood and applied to international relations.

With the end of Second World War (1914-1918), the international system changed drastically. The creation of United Nations altered many previous norms accepted by the international community. Moreover, the decolonisation process made the international environment more multifaceted and the UN charter pressured governments to approve new norms. Over the years, the governments have voluntarily signed and agreed to many agreements, like commitment to human rights, litigious standards such as the responsibility to protect, and have joined different international organisations such as WTO that obliges them to follow certain kinds of practices while ruling within their borders. They have also accepted the baggage that has come with the globalisation process. And countries, especially the weaker ones, have willingly compromised their autonomy because it leaves them better off than in the status quo ante (Barkin & Cronin, 1994, Goodman & and Jinks, 2003 and Finnemore, 1996).

The underlying reality of international relations of the present time is that the authority structure in any given political entity is not free of external influence. The domestic authority structures are not only penetrated through invitation, as observed above but also through intervention. The latter is problematic as it is driven not by the logic of appropriateness but of consequence and arises mainly due to power asymmetries between countries. The logic of consequence occurs when states take ‘analysis-based’ action, which comprises thoughtful consideration of alternatives, assessment of their outcomes and preference-driven choices. Those who see international politics in this light link actions exclusively to the logic of expected consequences and ignore the ‘rule-based’ international order (March & Olsen, 1998).

Krasner emphasises that international community functions more with the “logic of consequence than appropriateness”, as it has been witnessed that the stronger states do not hesitate to “dictate or coerce changes” in the authority structures

of weaker states using their physical capabilities as long as it suits their interest (Krasner, 1999).

This modality is carried out through coercion or imposition, and unlike convention and contracts, takes place due to power asymmetry between the countries-- the initiator must have overwhelming power to leave the target worse off if its intervention is not heeded. In such a situation, one ruler threatens to impose sanctions on another if the target ruler does not alter his or her policies. The target country is although free to reject these demands, in which case it suffers sanctions, or accept them as it has no choice given its situation. In both the circumstances, the target suffers (Krasner, 1999). For instance, the relations between the U.S. and Latin America over the last two decades has been entirely influenced by the extent of the hierarchy that the ever-growing regional hegemon imposes on its lesser neighbours. The U.S. not only intervenes in the internal affairs of its neighbours but instead believes that it possesses the right to do so. Small regional states can do little about the interference. And although they can seek to deny any obligation to follow the US's dictates, they are aware it will not be without consequences (Lake, 2003). The U.S. sanctions on Cuba, one of the longest-running embargoes in U.S. history, is an ideal example of this. Or its sanctions on Venezuela, Iran, and North Korea

It is also argued that stronger nations have been able to manipulate actions into legitimacy and have had superiority over arrangements made. For example, sovereignty is not supposedly curtailed in principle by a country agreeing to reform its economy in exchange for new capital. But in nearly all instances, restrictions are imposed from outside as a precondition for loans to avert national bankruptcy, implying that in fact sovereignty is being constricted. These variations, therefore, reveal a wide range of authority relations between actors (Lake, 2003).

Such phenomenon can also be observed in Nepal-India relations. Nepal and India, given the geographical, historical, economic and socio-cultural ties the two country share, have maintained close cooperation and understanding. With decade-long civil war and political instability since the early 1990s, Nepal is one of the most underdeveloped countries in South Asia and heavily reliant on its more prominent and wealthier southern neighbour. But the 'special relation' the two share has not been free of 'tensions that small neighbours typically have

with large ones" is, to say the least (Chaturvedy & Malone, 2012). India has 'informally' blockaded Nepal three times in the past, with the most recent being the 2015 blockade.

Nepal-India Relations

A fundamental objective for all countries is to build strong external relations around the world in pursuit of one's interests. Nepal occupies a very strategic position lying between the two Asian giants, China and India but suffers from weak economic growth and political instability. The landlocked country with a trade deficit of more than 30 percent is highly dependent on India for not only exports but also on the import of essential goods (The Kathmandu Post, 2018). The two countries share an open border, pegged-currency and India was the only country giving Nepal transit rights (Sarup, 1972) until Nepal got access to Tianjin port of China in 2016. The southern plain of Nepal that connects the two countries has been a decisive factor in their relations. Geographically, it was always more viable for Nepal to have trade arrangements with India, as it is separated through rugged terrain with China. Moreover, the Chinese sensitivities regarding Tibet also constrained the possibility of having feasible trade routes with the northern neighbour. While this geopolitical reality made Nepal reliant on India for trade, as the principal barrier to India, the Himalayas became a significant component of Indian security establishments. The rise of the communist Chinese in the north, with which it has sparred along the Himalayan border for decades, India has always spelled its security interests in Nepal. And Nepal's extreme dependence on India for food and fuel has given Delhi leverage over the arrangements made.

A Sovereign

Nepal is one of the first countries in South Asia to be recognised as a sovereign by the British back in 1923—even before its two giant neighbours India and China. However, the diplomatic relations between the two countries began in the early 1800s. After the Anglo-Nepal war of 1814-16, the British, well aware of the strategic position Nepal held as a trade route between Tibet and the Indian kingdoms did not colonise the Himalayan nation even after defeating it. Instead, the European power chose to make it a weak ally on the northern border (Joshi & Rose 1966 and Baral, 2012).

During that period, the international order was dominated by European supremacy and sovereignty was considered only a Eurocentric attribute. It was the European powers that began organising the foreign affairs with appropriate norms and were the only countries to enjoy the notion of sovereignty, termed as imperial sovereignty. The European societies were closed to outsiders unless they chose otherwise. Non-European nations were considered lacking 'credible claim' to sovereignty and were treated with discriminatory measures (Jackson, 1999). Thus, to have diplomatic relations with the British Empire, even though the relationship was based on unequal footing, was a milestone for Nepal and its rulers in terms of political survival.

It was also the British that spelled the security policy for modern India based on the geopolitical realities. The three Himalayan kingdoms that were not colonised by the British, namely, Nepal, Bhutan, and Sikkim, were the foothills where the Empire ended and thus keeping these weak allies close was a major security policy of the European power. The British strategy was to "gain security on India's frontier, not the absorption of the Himalayan states" (Ghori, 1964, Baral 1992, Uprety 2003 and Baral, 2012).

During the rule of Ranas, Nepal pursued the policy of appeasement towards the British to guarantee their autocratic survival in Nepal and also signed the Treaty of Friendship with Great Britain in 1923 (Rana, 1971, Rose, 1971 and Baral, 2012). The Treaty not only acknowledged Nepal's independence but also stipulated that consultations would be held on foreign and defence matters. This provision was a double-edged sword for Nepal's sovereignty.

By 1930s, the wind of democracy was blowing in the region, and by 1947 the Indian Independence had inspired many Nepalis to revolt against the autocracy. By 1950, the Rana regime could already feel the signs of future rebellion, and that pushed the then Rana Prime Minister Mohan Sumsher Rana to sign a new Treaty of Peace and Friendship 1950 with Independent India upon a hope to garner latter's support. In this background, given India's security concerns, independent India did not hesitate to follow the same framework of the 1923 treaty to keep Nepal's sovereignty in check (Rana, 1971, Rose, 1971, Uprety, 2003 and Baral,

2012). However, the 1950 Treaty had a controversial security requirement: “Any arms, ammunition or warlike material and equipment necessary for the security of Nepal that the Government of Nepal may import through the territory of India shall be so imported with the assistance and agreement of the Government of India” (Tripathi, 2012).

Moreover, the provision to treat citizens of the other country as their nationals by granting them rights to property ownership and participation in trade and commerce was considered problematic by the Nepali side given the sheer difference between the populations of the two countries. This provision was however not fully implemented by the Nepali side, and the Indian establishment has not had reservations over it. The two nations even decided to keep their borders open. Similarly, India became the first and only country to provide landlocked Nepal with transit rights through the Treaty of Trade and Commerce of 1950. But even this treaty was under fire for having putting restrictions on Nepal’s right to pursue independent trade policies (Ghori, 1964, Baral, 1999, Garver, 2002, Uprety, 2003 and Baral, 2012).

Even after signing the 1950 Treaty, India supported the emerging Nepali political factions and the monarch, and hence facilitated the ‘Delhi compromise’ between the king of Nepal and the newly formed Nepali Congress Party of Nepal. The agreement was the beginning of Nepal’s ‘special relationship’ with India (Rose & Dial, 1969, Uprety, 2003 and Baral, 2012).

But the 1950 Treaty became a bone of contention between the two countries within a few months, with the Nepali side complaining the Treaty to be unfair and that it restricted Nepal’s sovereignty. Moreover, given that the Indian establishment signed the Treaty with ‘the discredited regime’ added insult to ‘Kathmandu’s sense of injury’ (Rana, 1971).

Rana argues India was also to be blamed for the paranoia that emerged in Nepali society and especially for the ruling elite. “The isolation of centuries was broken by the bustling presence of Indian advisors, brusque and confident of their competence. The loose language of Indian politicians referring to Nepal as a

part of India and the frequent visits of Nepalese ministers to Delhi all led to an impression in Kathmandu of undue Indian influence in Nepal's internal affairs" (Rana, 1971, Rose, 1971, Uprety, 2003 and Baral, 2012). Therefore, anti-Indian sentiment slowly found its place in the development of Nepali nationalism which was utilised by King Mahendra to consolidate power in 1960. Worried that India was overshadowing their independence and sovereignty, he extended diplomatic relations with other countries, such as America, France, and especially with China and Pakistan. And it was the signing of the contract for the highway connecting Lhasa, the capital of Tibet and Kathmandu that infuriated India. As a result, India imposed an informal blockade on Nepal, but with the 1962 Indo-Sino border conflict, India worked towards making the relationship stable in the risk of losing Nepal. This incident was the first time India had flexed its muscles with Nepal and was a clear signal that Chinese influence will not be tolerated in Nepal (Rana, 1971, Rose, 1971, Uprety, 2003 and Baral, 2012).

The relations started souring again when Nepal purchased some defence materials from China in 1989 (Garver, 1991, Garver, 2002 and Baral, 2012). It was considered a violation of the 1950 Treaty and India announced that it would not be renewing the trade treaty between Nepal and India that was about to expire. Consequently, this led to the blockade of the border and the Indian imports were halted. The halt in imports put Nepal in a grave pressure as the dependency on Indian imports and trade facilities were crucial for Nepal's survival. This incident was also a stark reminder to Nepal regarding its reliance on India and the limitations of Chinese assistance. With the People's Revolution of 1990, King Birendra did not struggle to consolidate power and ended the Panchayat system with the announcement of parliamentary democracy (Baral, 1999 and Baral, 2012). Then the blockade was removed.

Nepal had become a democracy after 1990 but confronted the 'people's war' launched by Maoists five years later, which eventually culminated at the end of its Hindu monarchy and the loss of 19,000 lives. With the royal massacre of 2001, the brother of the late King, Gyanendra Bir Bikram Shah, was placed on the throne. The new king irked the political parties with signs of authoritarianism and riled India too as he did not heed to its suggestions (Baral, 2012).

Eventually, India brokered the 12-point agreement between the Seven Party Alliance and the Maoist rebels in Delhi. The agreement paved the way for the Comprehensive Peace Accord (CPA) in 2006, which officially ended the Maoist Insurgency. And even though the Maoists propagated anti-Indian sentiments throughout the civil war period, they succumbed to Indian interest to safely land into Nepali politics. Then the second People's Revolution in Nepal started and was successful in completely removing monarchy (Thapliyal, 2006 and Muni, 2012).

During Nepal's peace process, of which India was a major stakeholder, the latter got exclusive access to Nepali politicians, and thus, influencing the decision making and policy formulation processes. It is claimed that governments in Kathmandu were formed and dismantled at the dictates of New Delhi. Thus, over the years, all the Nepali political parties, including the newly created Communist Party of Nepal, were seen expressing their anger against India for micro-managing Nepal's internal affairs one time or the other. And this kept the anti-Indian sentiments alive among the people of Nepal because the unstable politics was primarily seen as being influenced by India (Jha, 2012 and Chaturvedy, & Malone, 2012).

Another Blockade

On 20th September 2015, the Nepal Government promulgated its first Constitution drafted by the people's elected representatives. All those previous constitutions were prepared by the monarchy or a selected committee. The 'people's constitution' was one of the main agenda of the 12-Point Agreement signed a decade earlier and was endorsed by more than two-thirds majority in the Constituent Assembly. However, the constitution-writing process was neither easy nor without controversy, especially days leading to its promulgation.

For almost seven years, the constituent assembly, although was able to resolve many issues, failed to create consensus on the modality of federalism for the country. At that time, the first constituent assembly was dissolved in 2012, and a new constituent assembly was elected. Things changed drastically when the 2015 Nepal earthquake hit the country. Considering the huge loss faced by the state, the major political parties decided to keep their differences aside and create political

consent to charter the course of reconstruction and rehabilitation. They chose to 'fast-track' the constitution-writing process, and to this end the major parties sealed a 16-point deal on the key contentious issues including federalism, paving the way for constitution promulgation.

This political development, however, alienated Madhesis—an ethnic group, which form more than one-third of the country's population; living mainly in the 20 of Nepal's 75 districts bordering India. There indigenous ethnic communities, which have lately been organized under different political parties have often expressed their reservations with the so called high cast rulers in power over decades. The deep mutual suspicion between the hill and Madhesis has existed since Mahendra imposed a monolithic, hill-based Nepali identity. The hill caste—also called Khas Arya—questions the loyalty of Madhesis to Nepal, on account of their proximity to and close relations with India, while the Madhesis accuse the hill people of economic and political domination (Ghimire, 2015).

Since the end of civil war, Madhesis have been demanding political and economic representation in proportion to their population and ethnicity-based federalism with two Madhesi provinces in the southern plains. But as the 16-point agreement did not address their demand for two provinces, the agitated Madhes-based parties launched their protest in the Tarai region with people taking to the street. The protest became violent on more than one occasion which pushed the government in Kathmandu to respond with force. Eventually, the Madhes-based parties frequently boycotted the constitution-writing process. But by the time the constitution was promulgated, over 40 protesters were killed, and the Tarai faced a complete shutdown. The Nepal Government's heavy-handedness in dealing with the Madhesi agitation was criticised, primarily by its southern neighbour.

In the run-up to the constitution promulgation, extending its support to the agitating parties, India maintained a consistent position for an inclusive constitution that accommodated all the stakeholders. Many top Nepali leaders visited Delhi before the constitution promulgation, and it is believed that they had assured the Indian leaders that the agitating groups would be taken on board. However, when Delhi realised this was not going to happen, it even sent a special envoy to Nepal to

postpone the promulgation which was to take place in a matter of days. Now, of course, it is not clear whether the Madhesi issue was the main concern or not, but all interventions in the internal matters of Nepal did not yield desired result (Muni, 2015, 2017).

The Constitution was promulgated despite the reservations against it, and the political parties asserted that the statute was a living document and was open to amendments. India, feeling snubbed by Nepal, merely 'took note' of the document while China, the US, and some EU countries welcomed the statute immediately.

As a consequence, soon after the promulgation of the constitution, the Madhesi protesters blocked the Birgunj checkpoint, through which a majority of Nepal's trade with India takes place (Jha ,2017). This move was backed by India through restrictive movement of essential good to Nepal claiming security reasons, and also dictated to the Nepali political class the amendments they should make in their constitution (Roy, 2015).

The "unofficial" Indian blockade brought huge crises in Nepal. Over the years, although all the political parties had voiced anti-Indian sentiment and had their reservations against India trying to micromanage Nepal, in reality, efforts were never made to release Nepal out of the Indian shadow. The blockade of 2015 was a stark reminder of this, and the issue was no longer only political.

Because of the blockade, the country was soon reeling under the shortages of essential supplies such as petroleum, cooking gas and medicines. Moreover, given that it had hardly been six months since the 2015 Nepal Earthquake had hit the country made the matter worse. It was revealed that the country's dependence on India had increased tremendously since the last time the borders were closed. In 1989 trade with India accounted for 34 percent of the total trade, while the figure stood at 63 percent in 2014-15. According to a study report released by Nepal Rastra Bank (NRB), India accounted for 22.39 percent of Nepal's imports in the 1990s that soared to 58.06 percent in the 2000s. Nepal's rampantly growing reliance on fuel and failure of the government to increase the storage capacity of

the petroleum products was a huge setback for the country. As a result, the blockade hit the country's fragile economy recovering post-earthquake tremendously, and even the reconstruction work had to come to a halt (The Kathmandu Post, 2015).

The CPN-UML-led government in Kathmandu vehemently opposed India's interference in Nepal's domestic politics. During the blockade the then leadership, K. P. Sharma Oli, did not shy away from playing the nationalism card criticising India's interventionism. The drawback of not diversifying its trade routes and the ever-increasing dependence on India also became apparent to the political leaders.

Thus, when Prime Minister Oli visited China, he concluded ten critical agreements and memorandum of understanding covering fields of transit and trade, connectivity and infrastructure, energy, exploration, and storage, among others. The much-publicised was the transit trade treaty which would end Nepal's total dependency on Indian seaports for third-country trade. There are also talks of Chinese railway network arriving at a border point northwest of Kathmandu Valley by 2020. It is claimed that 'at long last, the national economy is converting from 'India-locked' to 'land-locked' status" (Dixit, 2015, 2016, 2017 and Sharan, 2016).

The resilient Nepali people lived through the humanitarian crisis with the help of black-marketing till the blockade ended in nearly six months. Without a doubt, the blockade hampered the Indian goodwill deeply that was particularly built when the Prime Minister of India, Narendra Modi, had visited Nepal in 2014—first Indian prime minister to visit Nepal in 17 years. The UML-led government during the blockade was also applauded from many corners for standing up to Indian interference and attempting to diversify Nepal's trade. The UML has secured a landslide victory in recent elections as mandated by the Constitution, and Oli is once again the prime minister of Nepal.

India's Interventionism

The Indian blockade of 2015 was heavily condemned in Nepal given that the new constitution was the first document written by the people themselves. The

political scenario was not as it used to be earlier. India, even though has always supported one political faction over the other throughout Nepal's history, the 2015 Constitution was personal: it was the appropriate conclusion of the people's war and guaranteed the hopes and aspirations of the people's revolution. The constitution was endorsed by more than a required two-thirds majority in the Constituent Assembly—'92 percent of all Constituent Assembly members endorsed the Constitution, while 85 percent voted in favour of the document" (MOFA, 2015). Moreover, the Madhesi parties lacked peoples mandate as the people had already rejected their demands during the second Constituent Assembly elections. Still, even if their claims were legitimate, given that Nepal houses diverse ethnic groups, it was an internal dispute, on a sensitive matter.

Furthermore, the Indian establishment over the years has been 'patronizing small Madhesi groups and their involvement in Madhesi mainstream politics has also increased sharply" (Jha, 2012). So, New Delhi backing their demands with high-handedness made Kathmandu wary of India's intention of wanting Madhes-based provinces close to its borders. Even the Mashese-based parties have felt like a mere pawn in Delhi's grand design more than once, and India's support has not helped them achieve their demands that need to be addressed internally (Jha, 2012, 2016).

But to dictate Nepal on the constitutional amendment and then sanction it with a siege to secure Indian interest is a violation of Nepal's sovereignty. From the very beginning, the asymmetry of power between Nepal and India has dictated their relationship, especially given the landlocked state of Nepal. Over the years, with the optimism of improving its domestic condition, Nepal has willingly compromised its sovereignty in many aspects with India. The constant political instability has pushed Nepali political leaders to get help from India in the hope of political as well as personal gains. And this is a common phenomenon in international relations (Blaney & Inayatullah, 1995, Jackson 1996, Kingsbury, 1998, Beeson, 2003, Kahn, 2004). But it can also be seen how India has not backed away from twisting Nepal's arm to influence its domestic structure. The blockade that India has imposed created humanitarian crisis in Nepal which is 'no

short of declaring war on a neighbour and bombing it" argue Nepali intellectuals (Nepali Times, 2016)

American diplomat Henry Kissinger once famously said "Control oil and you control nations; control food and you control the people." This statement holds true for Nepal. Nepal's excessive dependence on India for food and oil has had dire consequences on its sovereignty. But this in no ways implies that Nepal cannot assert its independence, or that it is a partially sovereign country. It is always free to stand up to Indian interventionism as long as it is ready to face the consequences. Or what the blockade of 2015 has shown, be prepared for it in the least.

Nepal-India relations also sheds light on the prevailing interconnectedness and interdependence in the international environment. Now Stephen D. Krasner (1999) has emphasised that the concept of state sovereignty has more features and meaning to it than just Westphalian sovereignty; therefore he has asserted the importance of other three forms of sovereignty a) domestic sovereignty, b) interdependence sovereignty and c) international legal sovereignty.

Domestic sovereignty is most closely related to the concept of state sovereignty, which is precisely what Bodin and Hobbes asserted about sovereignty—the single supreme authority of a governing body. Domestic sovereignty is chiefly about the control as well as the authority the government has over the state affairs. However, Krasner asserts that sometimes the state might not be able to have full control over the domestic issues such as crime, drugs, corruption, etc. Still, it can have other forms of sovereignty intact like the international legal sovereignty. Likewise, even if a state does maintain full domestic sovereignty, it might not necessarily enjoy international legal or Westphalian sovereignty (Krasner, 1999 and 2001a)—Palestine to be a case in point.

Interdependence Sovereignty is the control the state has over the movements across their borders. Krasner describes interdependence sovereignty as "the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants, or capital across the borders of their state." In today's globalisation,

however, interdependence sovereignty is hard to maintain with goods and services flowing more freely. Krasner asserts that loss of interdependence sovereignty hampers state 'control' but not authority. But the loss of interdependence sovereignty does affect the domestic sovereignty given that if there is no control over what enters into a state, then there will be a loss of control over what happens within the borders as well (Krasner, 1999 and 2001a).

While elaborating on international legal sovereignty, Krasner argues that fundamentally it has to do with the recognition of an independent state by the international community. As individuals, the state is an individual character, but as the international system functions as a community, recognition is important and in most cases necessary for the smooth functioning of the government. Thus, "the basic rule for international legal sovereignty is that recognition is extended to entities, states, with the territory and formal juridical autonomy" (Krasner, 1999 and 2001a). Recognition facilitates treaty making, establishes diplomatic immunity, and indicates to domestic actors that a particular ruler can more easily secure external resources.

In the case of Nepal and India, they do maintain a 'special relationship' given the open border, pegged currency, freedom of movement for people and the historical and social ties that the two countries share. And these arrangements does hamper Nepal's and to a certain extent India's, domestic and interdependence sovereignty. But, if anything, this special relationship is not between two equals, and it will be foolish to pretend that it is. In no way can we compare the dependency Nepal has on India, and vice versa. Nepal cannot close its borders to pressurise India to make a certain decision, but India can. Thus, with the observation of Nepal-India relations, erosion of domestic or interdependence sovereignty can lead rulers to compromise their Westphalian sovereignty, and this can only take place due to power asymmetries.

In the case of international legal sovereignty and Westphalian sovereignty, it can be observed that they involve issues of authority and legitimacy, and not control. Even though Nepal's Westphalian sovereignty has been compromised in a variety of ways due to internal shortcomings and power asymmetry that

prevail between Nepal and its neighbours, it is still the oldest South Asian state to enjoy the status of an International legal sovereign. But as long as the rule-based international order prevails, Nepal need not worry about losing its legal status, which will always help in securing Westphalian sovereignty. Political phenomena like territorial conquests and state death have disappeared to a large extent. This speaks volume on the critical impact international legal sovereignty has on the international system.

Thus, for Nepal, the issue of survival should take a back seat now, and economic development and prosperity should become the mantra. It needs to work towards becoming an independent country in a real sense. As long as its domestic and interdependence sovereignty is compromised, it will continue to face restrictions on its Westphalian sovereignty. It is not merely about India. Any other country in place of India, can, and most likely will, behave in the same manner.

Conclusion

The formal concept of Westphalian Sovereignty, which is of non-interference, is an evolving concept that has changed over time. It was one of the first norms accepted by the state system to civilize inter-state relations and is one of the main principles of a rule-based international society that exists today. But as international relations intensified over time, more norms and arrangements have been made to prevent “international relations from being governed by force alone”. Thus, at present, the Westphalian sovereignty of states has been curtailed by norms, conventions, and institutions. Also, the increased international cooperation has made countries very interdependent, which also leads them to compromise their sovereign status and domestic control. But this phenomena still falls within the notion of Westphalian sovereignty as these new arrangements are driven by the logic of appropriateness.

But curtailing sovereignty of a nation through coercion or imposition is problematic as it is against the principles of the rule-based international system. But the weaker states, which are militarily or economically deprived have had to face outside intervention more often than not. This is due to simple reason: the notion that all states are equal in the state of nature does not hold much ground

in practice given the power asymmetries between different countries. Stronger countries are capable of violating the core principle of non-interference upon which international political sphere rests, not because the international arena is anarchic, a state of nature, a world of self-help, but because it is hierarchical. States with specific abilities can act in a certain way which other states might not be able to. It has been observed that stronger nations to secure their interest do not falter to coerce weaker states violating their sovereignty because they can do so. While weaker states willingly subordinate themselves in whole or part to the authority of other dominant states for national gains.

Even while analysing India-Nepal relations it can be observed that the power asymmetry between the two countries dictates their relation. At the time if Nepal has willingly compromised its sovereign status by giving its southern neighbour a stake in its internal decision-making, India, being a more powerful country, has not shied away from flexing its muscles when required. The 2015 blockade is a case in point. This proves that stronger nations can be driven by the logic of consequence rather than appropriateness because they can afford to do so. Viewing sovereignty from this light reveals the hierarchies in international politics and the subaltern status of weaker states. But acknowledging these realities may constrain powerful states from pursuing 'imperial' projects.

But in no way has the principle of sovereignty become obsolete. The concept of Westphalian sovereignty is still appealing to countries, regardless of their standing in world politics. Numerous fault lines of conflict around the world exist in national borders--whether it is Israel and Palestine or India and Pakistan, India-China, among other. People belonging to stronger nations, like the United States of America or the United Kingdom, have also been seen wanting to take control of their sovereignty amidst the every growing interconnectedness and interdependence in the world order.

The principle of sovereignty is all the more critical for weaker states like Nepal as it empowers them to specify their rights in this rule-based international system, like promulgating a democratic constitution with over two-third majority. But

nearly all states in the 21st century face greater or lesser restrictions on their sovereignty depending on their capabilities to assert independence.

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