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## MULTILATERAL DIPLOMACY IN A TIME OF "RELATIVE" SOVEREIGNTY

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In academic, political, and business circles there has been much ado about making sense of the changes in international relations since the end of the Cold War. And one disturbing—and mistaken—conclusion is that the state system is seemingly irrelevant and sovereignty eroding. To say this is to suggest that there is not much of a future for multilateral diplomacy. But sovereignty is the defining principle of diplomacy, and a system of sovereignty states is the organizing principle of multilateral diplomacy; without sovereignty states there can be no multilateral diplomacy—or bilateral diplomacy, for that matter.

It is true the modern state system feels the pressure of the forces of globalization and is challenged by increasingly powerful nonstate actors in the post-Cold War period. But this is not necessarily a new development. "There has been a challenge to the sovereignty of the state dating to the founding of the United Nations, the rise of human rights claims, and continuing on through economic interdependence and environmental issues," notes J. Brian Hehir, in a 1996 lecture to the Woodrow Wilson Center in

Princeton, New Jersey. Nor is the notion of "relative" sovereignty anything new. In practical terms, sovereignty is never absolute, although, in theory, the sovereignty of states cannot be relative. From the very beginning of the modern state system in the seventeenth century, sovereign states have entered into multilateral agreements and created multilateral institutions that have "relativized" their sovereignty. The environment of international relations has clearly changed, but it is still inextricably and firmly tied to sovereignty and sovereign states.

So, what is really being discussed is how relations between sovereign states in the global political system should be conducted at a time when multilateralism has become the order of the day. What follows is an effort to explain how the uncertainty that abounds in the post-Cold War world affects multilateral diplomacy and the future international system of sovereign states.

### *Sovereignty, the State, and Multilateral Diplomacy*

"Sovereignty" of states is the core principle of international law and the cornerstone of today's international state system. The concept of sovereignty and the sovereign state is the product of state building that occurred in Europe when medieval Christendom fractured under the combined impact of the Renaissance and the Reformation (Jackson 1990, 30). It owes much of its meaning to the "universal" authority or supreme power of Europe's rulers;<sup>2</sup> hence "sovereigns preceded sovereignty." In the sixteenth century, Jean Bodin defined sovereignty as "the supreme power of the state over citizens and subjects, unrestrained by law" or as a government which "can secure itself against external enemies or internal disorder" (Wang 1995). Bodin's *Six Books of the Commonwealth* explicitly touches upon two basic aspects of sovereignty: a legal status and an empirical reality, or a norm and a fact. This is an important distinction that is easily confused. The former makes sovereignty "a legal, absolute, and unitary condition," and the latter confirms the state as an independent reality in the world.

Legally, the state is the only locus of sovereignty, and sovereignty is the exclusive property of the state. According to Alan James, "In this matter, there can, in principle, be no half-way house, no question of relative sovereignty" (James 1986, 39). There is no entity (country) that is at the same time sovereign and nonsovereign, or something in between. James argues that sovereignty is an absolute condition: It is "either present or absent." Theoretically, sovereignty—the supreme authority of the state over its citizens, territory, and external relations—cannot be divided or shared. It is unimaginable that a state that has more than one supreme authority in

dealing with internal and external affairs can still be regarded as a sovereign state. A state without sovereignty and sovereignty without a state are both legally unfounded.

But it is important to remember that "states historically were empirical realities before they were legal personalities" (Jackson 1990, 30). The legal status of the state in international law is an abstraction of the state in reality. States, physically, cannot be detached and isolated entities. They exist in the same world and have much in common with each other. All states have a bordered territory, a settled population, an effective government, and the ability to secure themselves against external enemies or internal disorders. Efficacy is regarded as the standard by which to judge the validity of a state (Kelsen 1945, 93–94). Capabilities or state functions, along with the physical attributes of a state, constitute the empirical reality of sovereignty. Obviously, the size and other particulars (i.e., military defenses, economy, political system) of sovereign states vary, but these differences do not impinge on the legal status of their sovereignty. Just as "a dwarf is still a man,"<sup>3</sup> a small or economically and militarily weaker state is still a sovereign entity, even if it is seen to exercise less clout in international relations than does a bigger or stronger state. Only in this empirical sense can one talk about relative sovereignty.

Multilateral diplomacy is the way sovereign states relate to each other in the global political system. As the state system grew larger and political interactions among sovereign states became more complex, international organizations were created to provide a structured framework for the conduct of multilateral diplomacy. The Peace of Westphalia (1648) pioneered the use of international conferences and negotiations to settle conflicts among sovereign states. The Concert of Europe, which came into being after the Congress of Vienna (1814–1815) ending the Napoleonic Wars, was the first attempt to institutionalize multilateral diplomacy. It reinforced the foundation of the system of congresses, meetings, and multilateral diplomatic negotiations designed to establish agreed-on policies among the powers. The League of Nations established after World War I was the first multipurpose international governmental organization that was, in principle, open to all sovereign states. In fact, the League was the first formal multilateral diplomatic institution ever to exist in the history of the world. The United Nations, which was created after World War II, is in many ways an improvement upon the League of Nations and is the only universal international organization in the world today.

All these multilateral institutions laid down rights and duties of the member states, and accordingly member states willingly and consciously permitted these institutions to restrict their sovereignty in select areas. The Concert of Europe powers were treaty-bound to intervene to suppress revo-

tutions that might "disturb the peace of Europe." The members of the League of Nations undertook to "respect and preserve as against external aggression the territorial integrity and the existing political independence of all Members of the League." The United Nations Charter binds member states to "settle their international disputes by peaceful means"; and "to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." State sovereignty is restricted by multilateral institutions, but such institutions also uphold and preserve the sovereignty of states. As Erskine Childers and Brian Urquhart point out, "The United Nations represents the inviolability of the sovereign states and the instrument for the development of trans-sovereign thinking and cooperation" (Childers and Urquhart 1994, 19-20).

When sovereign states create multilateral institutions, they entrust these institutions to do something on their behalf. Multilateral institutions function only as instruments of sovereign states in order to regulate international relations—a vehicle of multilateral diplomacy. As is specified in the UN Charter, the United Nations is a center for harmonizing the actions of the nations. How can a multilateral institution carry out this function? Obviously it is entrusted with this function by the sovereign states in its membership. The institution itself has no sovereign authority and power. It derives its authority and power from the constituting sovereign states, which collectively delegate specific aspects of their power and authority to the institution and supervise its activities through accredited representatives. A sovereign state may quit the institution and cease to be its member, but this cannot reduce the institution's authority and power. Of course, the effectiveness and validity of its function will be seriously affected if a large number of constituting sovereign states or a few key constituting sovereign states withdraw from it. The League of Nations did not fulfill the hopes of its founders, to a large extent because only Great Britain and France among the great powers were members throughout the League's life. So long as the multilateral institution remains effective and valid, its authority and the power delegated to it by the members will stand.

According to Paul Streeten, "The state has become too big for the small things, and too small for the big things. The small things call for delegation downwards to the local level. . . . The big things call for delegation upwards, for coordination between national policies, or for transnational institutions" (Streeten 1992, 2). The relationship between sovereign states and multilateral institutions is mainly a form of delegation. It is no exaggeration to say that without the delegation of part of sovereign states' power and authority, no multilateral institution of sovereign states can work or even exist. To delegate means to entrust authority, power, and other properties to a person or an institution acting as one's agent or representative. Although sovereign

note: 79 = expression

states cannot share or divide their authority and power with other states, they can delegate part of their authority and power to an agent acting on their behalf. This is completely different from the so-called limitation, abridgment, or erosion of sovereignty, because the authority and power delegated to an institution can be taken back by sovereign states as they deem necessary. Even on the issues of the so-called global commons, such as law of the sea, climate control, and biodiversity treaties, sovereign states can still refuse to sign or can cease accession to them any time after signing. There are no multilateral institutions that can forbid this. The most a multilateral institution can do is suspend the membership of a sovereign state. Even under such circumstances the sovereignty of that state cannot be deprived. For example, China was unjustifiably deprived of its membership in the United Nations, yet China still acted as a fully sovereign state.

The delegation of authority and power of sovereign states to a multilateral agent can take various forms. In one form it consists of fulfilling the legal obligations set by treaties. By accepting the UN Charter, for example, UN members are under obligation to settle disputes by peaceful means, and refrain from the threat or use of force against the territorial integrity and political independence of any state, to refrain from giving assistance to any states against which the United Nations is taking preventive or enforcement action, and to ensure that nonmember states act in accordance with the Charter's principles. The UN members have delegated authority on all these matters to the United Nations because they entrust to the United Nations the job of maintaining international peace and security. As a sovereign state, any UN member state has the right and power to make war on its adversary but is willing to forgo this right because it has entrusted to the UN the task of settling its dispute with its adversary.

A second form of delegation of power and authority is a voluntary action taken by states involved in an international dispute or conflict. For instance, in all the three wars fought in the Middle East between Israel and the Arab states, the states directly involved, which were members of the UN, eventually accepted the intervention of the United Nations by giving consent to the dispatch of UN peacekeeping operations to the fighting areas—specifically, the United Nations Truce Supervision Organization, the First United Nations Emergency Forces, and the Second United Nations Emergency Forces. The United Nations acted upon and in accordance with the requests of the member states and the decisions of the Security Council. A third form of delegation involves a formal request for UN action by one or more UN member states or by the Secretary-General. This is actually a request to the multilateral institution to employ the authority and power delegated to it by member states through formal agreements. The member states that raise such requests are also signatories of the agreements. Even

note: 79 = expression

though they may not be the parties directly concerned, they can take the action in the absence of a request from the parties that *are* directly concerned. Some of the UN peacekeeping operations, such as the United Nations Protection Force in the former Yugoslavia, have been initiated in this manner. In any case, what matters most in both multilateral diplomacy and multilateral institutions is the authority and power of sovereign states.

The founding of the UN marked a major turning point in modern international relations. It gave definition and a new direction to the international political system, which had just emerged from a devastating world war. It embodied the post-World War II world order based on the principles of the sovereign equality of states and nonintervention<sup>4</sup>, the right to self-determination of territories under colonial rule, and respect for fundamental human rights. These principles were the underpinning of postwar multilateral diplomacy.

However, the postwar world had other features that distorted the international system and weakened state sovereignty. Soon after World War II breakdown dividing the world into two adversarial camps of states and relations was established with the United States leading a bloc of states in the West and the Soviet Union dominating another bloc in the East. These opposing "alliances" were defined by competing ideologies and distinct political and economic systems. International order was maintained by the military, political, and economic organizations of the respective blocs. And the peace was maintained by a precarious balance of power and mutual nuclear deterrence. Multilateral diplomacy reflected the ideologically colored and bloc-oriented behavior of states. The United Nations, too, was significantly affected by bloc politics, this effect limiting its utility for multilateral diplomacy and its effectiveness as a center for harmonizing the actions of sovereign states.

Multilateral diplomacy during the Cold War was significantly affected by the success of decolonization and the introduction of newly independent states into the international state system. Although recognized as sovereign states when they became members of the United Nations, these states were swept into the bloc politics of the Cold War, even though most of them were politically and economically underdeveloped and still dependent on other states. Their numerical superiority in the United Nations could not help them overcome their underdevelopment and the external dependencies that limited their sovereignty. Many of them had not undergone the essential state-building process before achieving independence. Western nation-state structures were grafted onto wholly different cultures. They were sustained by one side and then the other in the

Cold War, while outside military support was provided by one bloc or the other for strategic reasons (Childers and Urquhart 1994, 16). The bloc system categorized states. There were superpowers, satellite states or "henchmen" states, and developing states. Multilateral diplomacy became a complex pattern of interaction among and between groups of sovereign states—the Western, capitalist bloc; the Eastern, socialist bloc; and the so-called nonaligned, developing, Third World bloc—where sovereign states were legally equal, but practically very different.

The massive changes in the international political system when the Cold War ended appear to have convinced some scholars that the Western concept of the nation-state is beginning to erode, that key socioeconomic processes which operate beyond a state's control should be managed multilaterally, and that gradual limitations, abridgments, and cessations of sovereignty have been brought about (Childers and Urquhart 1994, 16-18). The implication is that there have been changes in the definition of sovereignty as a legal norm. But if the changes in the world have had a significant impact on states' ability to exercise their authority in the world, they do not and cannot alter (or diminish) their sovereignty in the legal sense. Former UN Secretary-General Boutros Boutros-Chali clearly recognized this fact when he commented, "Respect for [the states'] fundamental sovereignty and integrity is crucial to any common international progress. The time of absolute and exclusive sovereignty, however, has passed; its theory was never matched by reality" (Boutros-Chali 1992, 9). If sovereignty is undermined, then multilateral diplomacy has been undermined and the present world political system is destined to disintegrate, giving rise to widespread confusion and violence, perhaps even a another world conflagration.

### *Post-Cold War Multilateral Diplomacy*

The end of the Cold War introduced considerable uncertainty in international relations and caused confusion in multilateral diplomacy. The collapse of the bipolar, ideologically defined international political structure and the accelerated forces of economic globalization brought to the surface conflicts and problems within states, which had been contained or suppressed by the Cold War. The United Nations was at a loss on how to respond to these new and unexpected problems. All indications seemed to suggest that the concept of sovereignty was outdated, the "erosion" of sovereignty was accelerating, and the sovereign state system was expected to change. It appeared that we had entered a period not only of "relative" sovereignty, but of "withering" sovereignty as well.

But on closer examination, a different interpretation is possible. Based on the analysis made by Erskine Childers and Brian Urquhart, there are four kinds of conflicts that have emerged since the end of the Cold War:

1. Civil wars that were left over from the Cold War and in which the superpowers had been actively involved, such as the civil wars in Afghanistan and Angola.
2. Ethnic conflicts that were held in limbo during the Cold War and erupted afterward, often fueled by the stockpiles of weapons the Cold War left behind, like the tragedies in Somalia and Rwanda.
3. Internal cultural and ethnic strife in the former Soviet Union that had been suppressed by Moscow but that now, in the absence of such restraint, has flared up (i.e., the conflict over the Nagorno-Karabakh region of Azerbaijan and the conflict in Abkhazia in the northwestern region of Georgia).
4. Hitherto quiescent conflict among communities that are now invoking the same right to self-determination as the former republics of the Soviet Union. The conflict in the former Yugoslavia is a good example.

In my opinion, these internal conflicts and civil wars reflect states' "deficient national structures and capabilities" (Boutros-Ghali 1992, 33), the result of the weakening of sovereignty during the Cold War period. Although the United Nations had dealt with intrastate conflicts during the Cold War—for example, the internal conflict in the newly independent Congo in 1960—these conflicts were limited in scale and, on the whole, were managed in accordance with the UN principles and international law. The majority of intrastate conflicts today are transitional and exceptional events for which there is little or no international law available to guide the reaction of sovereign states or multilateral institutions. No one knows for certain whether intrastate conflicts endanger international peace and security, whether foreign intervention can really solve the trouble, and whether such conflicts can be dealt with in accordance with the established UN principles and international law. But it is quite clear that "civil wars are no longer civil, and the carnage they inflict will not let the world remain indifferent." In recent years, proposals (and even action in a few situations) for restructuring international relations that fly in the face of the principle of sovereignty have emerged. The proposal that gained the greatest currency

within the international community was to recast intrastate conflicts (civil wars and internal strife) as threats to international peace and security; a status that had been reserved for conflicts between states. If intrastate conflicts were viewed in this light, foreign intervention could be justified in the name of maintaining international peace and security. This would amount to a reconceptualization of "threats to the peace." It is a far cry from the UN Charter's current notion of such threats and would change the purposes of the United Nations (Sellers 1996, 239).

Strictly speaking, intervention in intrastate conflicts has nothing to do with maintaining peace among sovereign states, which is the goal of the United Nations, although such interventions are peace-related (Kaufmann 1994, 2). Essentially, the role the United Nations has been asked to play in situations of internal strife or conflict is "to compensate for the shortage of (positive) sovereignty"<sup>6</sup> (Jackson 1990, 26-31), for an immature in the state-building process. The conflicts within a number of newly independent states of the former Soviet Union and states-in-transition in Eastern and Central Europe are basically state-building problems that cannot be resolved by the United Nations through traditional peacekeeping operations or the so-called second-generation peacekeeping operations that have been developed since the Cold War (NIIS 1994). As these internal conflicts are, at most, peace-related, they cannot be settled by UN peacekeeping, peace building, and peacemaking.

Furthermore, the United Nations lacks the authority and the capabilities to undertake state building or to assist in the transition to so-called liberal democracy.<sup>7</sup> Democratic institution building is certainly an important issue for each sovereign state. But it is the internal affair of the states concerned and should not be imposed upon them from outside. If the grating of Western state structures onto different cultures has caused internal conflicts (as it most certainly did throughout Africa and Asia during the Cold War years), the imposition of Western liberal democracy upon states of different historical background now can create even more trouble. It is inappropriate and even dangerous to transform the United Nations into a tool for expanding "Western" democracy.

Likewise, it is wrong to turn human rights, which has always been a domestic matter, into an international peace and security issue and grounds for invoking UN enforcement action—so-called humanitarian intervention. Heretofore, UN intervention in the area of human rights has been largely related to decolonization and supporting the right of self-determination of the peoples under colonial rule. It is widely accepted that self-determination is "an essential condition for the effective guarantee and observance of individual rights" (Sellers 1996, 1). It was not randomly applied lest it cause global disorder. If human rights now is seen as an issue affecting peace and

security in the world, this new perspective can also cause great disturbance. With this in mind, the UN General Assembly has adopted a number of resolutions since its forty-third session that affirm the right of populations affected by conflict and strife within states to humanitarian assistance, but that preserve the principle of the requirement of state consent to such assistance.

The United Nations is still an international organization of sovereign states; it is not authorized under the current Charter to help or intervene in state building, and multilateral diplomacy among sovereign states is not suited to intervene in such matters either. The failures on the ground and the internal divisions in the Security Council in connection with operations in Somalia, the former Yugoslavia, and Rwanda bear this out. This is the dilemma the post-Cold War United Nations and multilateral diplomacy are facing.

In principle, however, the United Nations and multilateral diplomacy can help relieve some of the pain of states in crisis or in transition to new political and economic systems. Since the United Nations by itself cannot choose the role of directorate or the right to turn states into protectorates, it can only seek to create a favorable environment for the positive transition of these states. The goal is to make them fully effective sovereign members of the United Nations and of the international society of states. When facilitating these kinds of transitions, the United Nations cannot display any hint of taking away sovereign rights from these states. On the contrary, respect for sovereignty must be ensured. Therefore, UN member states must develop appropriate approaches that will balance sovereignty and self-determination, sovereignty and humanitarian assistance, and sovereignty and institution building. The proper handling of these fundamental relationships is a challenge to the post-Cold War United Nations and multilateral diplomacy.

Rather than an indication of the erosion of state sovereignty, the conflicts within some states since the end of the Cold War signal the weakening and distorting of sovereignty and the sovereign state system during the Cold War period and the urgent need to compensate for it. The yearning of states suffering from internal troubles and of the peoples afflicted is for full sovereignty and genuine sovereign statehood so that they can play their effective roles in the society of nations. For them, this is not a time of "relative" sovereignty; it is a time of "revitalizing" sovereignty. To meet the needs of post-Cold War world, the United Nations must act more effectively as an organization of sovereign states. It is the sovereign member states of the United Nations alone that will decide how the UN adapts itself to the new situation.

### *Globalization and Multilateral Diplomacy*

Globalization, an extremely complex phenomenon that is most evident in the development of today's global economy, is another factor of the post-Cold War world that is thought to undermine sovereignty and to

cause the breakdown of the sovereign state system. It has become platitude to say that the growth of a global economy is changing institutions fundamental to effective governance and accountability in the modern state (Sassen 1996, xi). Opposite trends are apparently playing out at the same time; disintegration and integration are happening almost in parallel. Although some people see them as contradictory, actually these trends are two sides of the same coin.

Globalization magnifies shortages of sovereignty and, at the same time, enhances the capabilities of sovereign states. The growth of the global economy has brought about cross-border flows of production factors—capital and labor—which diminish the relevance of a bordered territory and a settled population to the definition of sovereign states. National borders are no longer an obstacle to the movement of capital around the world, which now happens almost instantaneously. And barriers to the international movement of labor are slowly being dismantled, too. At the same time, the global economy makes the actions of a sovereign state more dependent on events outside its territory and the actions of other states—as the 1997–1998 upheaval in Southeast Asia's financial markets demonstrates—and accentuates the economic differences that exist between states, often leading to conflicts. So even as the forces of globalization are limiting the effectiveness of the government of a sovereign state, the same state's increasing integration into the global economy is enhancing its capability to provide socioeconomic well-being for its citizens. International trade and foreign investment are increasingly important economic tools for sovereign states to achieve economic growth and prosperity.

Saskia Sassen contends that defining the nation-state and the global economy as mutually exclusive entities is highly problematic, that the strategic spaces where many global processes take place are often national, and that sovereignty and territory remain key features of the international system. Sassen points out that the mechanism through which the new legal forms necessary for globalization are implemented by and often part of state institutions, that the infrastructure that makes possible the hypermobility of financial capital at the global scale is situated in various national territories, and that the condition of the nation-state cannot be reduced to one of declining significance—even though sovereignty may be "decentered" and territory partly "denationalized" (Sassen 1996, 27–28). Globalization may push sovereign states to delegate more authority and power to multilateral institutions, but it certainly does not mean that sovereign states will be gradually swallowed up by globalization.

Conflicts caused by globalization simply mirror the growing economic disparities that exist among sovereign states. These conflicts have reached the point where new rules and norms are needed to regulate today's global economy. The future well-being of the international state system depends on successfully closing the economic gap between three groups of states:

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the developed economies, the newly developed economies, and the developing economies. In order to achieve this, multilateral cooperation must be strengthened. This will become, if it isn't already, the primary job of multilateral diplomacy.

Conflicts in post-Cold War international relations and globalization have brought the issue of "shortages of sovereignty" to the forefront. Al-tem, multilateral institutions concerned to remedy this problem, multilateral institutions, particularly the United Nations, have an important role to play in this regard. Of course, the UN and other multilateral institutions need to be reformed in order to act as the effective agents of sovereign states in the post-Cold War world and to mitigate the consequences of globalization. Reforming the United Nations to meet the global challenges today and in the future will require that sovereign states delegate more authority and power to multilateral institutions. Sovereign states will do this more readily and effectively if they are not rendered "short" of sovereignty. In the end, world order today and in the twenty-first century depends upon the effective functioning of sovereign states. This is the challenge of multilateral diplomacy now and in the future.

### Notes

1. The author expresses his thanks to Allen Carlson, a Ph.D. candidate at Yale University, for his comments on an earlier draft of this essay when he was in Beijing teaching and working on his dissertation.
2. A similar situation existed in the East. In China, the feudal emperors were regarded as sons of heaven. All the land under heaven belonged to them, and all the people living on the land were their subjects.
3. Emmerich de Vattel made this point in his book *Le Droit des Gens (The Law of Nations)* in 1758.
4. It is important to note that these two principles have been the foundation of international relations since the Treaty of Westphalia in 1648.
5. Secretary-General Boutros Boutros-Ghali, opening statement to the meeting at the level of heads of state and government of the Security Council, New York, January 31, 1992.
6. Jackson uses the right of nonintervention as a standard to distinguish positive sovereignty from negative sovereignty, describing the former as the freedom to deter intervention and the latter as freedom from intervention. In my view what matters is the capabilities of a sovereign state. These capabilities constitute properties of sovereign states, the shortage of which is, of course, the shortage of sovereignty as an empirical reality.

7. Philippe Ch. A. Guillot argues the opposite in his essay "Human Rights, Democracy, and the Multidimensional Peace Operations" (Sellers 1996, 298).

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