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STATE SOVEREIGNTY: PROBLEMS, PRINCIPLES OF IMPLEMENTATION AND GLOBALIZATION

The concept of state sovereignty is emerging as one of the key concepts in the modern world order. Most discussions in recent decades in this area are related to the classical understanding of the concept of "state sovereignty" and the actual process of realizing this sovereignty in the twenty-first century. The process of globalization provokes the world to fundamental changes, and these changes concern not only people, science and technology, but also the powers of states and their influence on external and internal processes taking place in the world. This article analyzes theoretical philosophical works by such authors as N. Machiavelli, J. Baudin, G. Grotius, T. Hobbes, J.-J. Rousseau, M. Weber, M. Foucault, and others and the possibility of using their ideas as a practical basis for the modern realization of the sovereignty of states and their protection. The author analyzes the Westphalian system of world order, the main principle of which was non-interference of any country in the internal affairs of independent states, clear recognition of borders and the system of relations at the interstate level. Since the signing of this agreement, the sovereignty of the state, as the supremacy of power within the state and the principle of equality regardless of any specific features of states, such as the form of government, territory, cultural and national characteristics, have been legally recognized. However, the system of such relations is now undergoing deformation, and Ukraine as an independent state is facing such challenges.

That is why special attention is paid to the construction and formation of Ukraine's sovereignty, considering it through the prism of the experience of other countries. The author examines the importance of international relations for the formation of state sovereignty and the impact of various alliances on the realization of the state's own subjectivity, and studies the process of formation of state sovereignty, both in terms of legal expression and economic and international aspects. By its very existence, the subjectivity of the state means its independent existence in matters of foreign policy and the ability to be guided by its own national interests, to conclude agreements with other countries, and to have the right to choose or form alliances with other countries or international organizations.

Key words: sovereignty, subject, state, international politics, globalization, nation-state, The Westphalian system of world order.

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СУВЕРЕНІТЕТ ДЕРЖАВИ: ПРОБЛЕМИ, ПРИНЦИПИ РЕАЛІЗАЦІЇ ТА ГЛОБАЛІЗАЦІЯ

Поняття державного суверенітету, постає як одне з ключових в сучасний системі світопорядку. Більшість дискусій останніх десятиліть у цій сфері пов'язані з класичним розумінням поняття «суверенітет держави» та реальним процесом реалізації цього суверенітету в XXI столітті. Процес глобалізації провокує світ до кардинальних змін і ці зміни стосуються не тільки людини, науки та технологій, але і повноважень держав та їх впливу на зовнішні та внутрішні процеси, які відбуваються в світі. В даній статті проводиться аналіз теоретичних філософських робіт, таких авторів, як Н. Макіавелі, Ж. Бодена, Г. Гроция, Т. Гоббса, Ж.-Ж. Руссо, М. Вебера, М.Фуко, інших та можливості використання їх ідей, як практичного підґрунтя для

сучасної реалізації суверенітету держав та їх захисту. Розглядається Вестфальська система світопорядку основним принципом якої було невтручання будь-яких країн у внутрішні справи незалежних держав, чітке визнання кордонів та системи взаємовідносин на міждержавному рівні. Саме з часу підписання цієї угоди суверенітет держави, як верховенство влади всередині держави та принцип рівності незалежно від будь-яких особливостей держав, таких як форма правління, територія, культурні та національні особливості були визнані юридично. Проте система таких відносин зараз зазнає деформацій, і Україна як незалежна держава постала перед такими викликами. Саме тому, особлива увага приділяється конструюванню та становленню суверенітету України, розглядаючи його крізь призму досвіду інших країн. Досліджується значення міжнародних відносин на формування державного суверенітету та вплив різних союзів на реалізацію власної суб'єктивності держави, досліджується процес формування державного суверенітету, як з точки зору правового вираження, так із боку економічного та міжнародного. За своїм принципом існування суб'єктність держави означає її незалежне існування в питаннях зовнішньої політики та можливості керуватися власними національними інтересами, заключати договори з іншими країнами, а також володіти правом обирати або створювати союзи з іншими країнами або міжнародними організаціями.

Ключові слова: суверенітет, суб'єкт, держава, міжнародна політика, глобалізація, національна держава, Вестфальська система світопорядку.

Introduction. The end of the twentieth century is marked by two events that changed world history and the sphere of international relations: first, the collapse of the Yalta-Postdam system of world order, and second, the process of globalization that has covered all spheres of human life on a global scale. For the political and legal sphere, which was within the borders of national states, there were opportunities that opened up in the information space and interaction between countries, as well as changes in the global economy. Contradictions began to emerge between the needs of the global economy and the needs of society for the state to fulfill its responsibilities and social guarantees, which marked the beginning of a new scientific, philosophical, and social discourse on the nature of the state.

The system of international relations, which emerged after the Second World War and functioned under the dominance of certain strong countries, could not function successfully in the conditions in which it was created, which provoked contradictions among other actors in world politics. Its disintegration was accompanied by the institutionalization of global actors, primarily financial and economic, as well as other challenges to which modern nation-states were not ready.

The purpose of the study. To reveal the significance of the subjectivity of states and state sovereignty, using the discussion method as a basis for considering this issue. To show the influence of historical and globalization processes on the formation of state subjectivity. To analyze these issues, the author used philosophical works, in particular those of N. Machiavelli, J. Baudin, G. Grotius, T. Hobbes, J.-J. Rousseau, M. Weber, M. Foucault, C. Schmidt, and others.

Summary of the main content of the article. One of the main problems in realizing the opportunities of globalization is the issue of state sovereignty. The heated discussions on this issue in the last two decades are due to the fact that there are contradictions between the classical interpretations of the concept of "sovereignty" and the practice of international relations popular in the second half of the twentieth century. For example, if all countries are equal, why are only five countries permanent members of the UN Security Council (the United States, France, the United Kingdom, China, and Russia) and have more rights than the entire UN General Assembly? In the bipolar world, such a statutory difference was the only possible option to guarantee security and stability not only in certain regions, which are the responsibility of the leading powers and are maintained by the forceful influence and authority of powerful countries. For the Westphalian worldview, however, these questions are generally contradictory.

The importance of the interpretation of sovereignty is connected with the fact that only such a legal principle guarantees conventional non-interference in the internal affairs of nation-states and allows for an independent foreign policy. Attempts at political and legal action and sovereignty of the subject are perceived as interference with the natural rights of independent states and cause resistance from the state intelligentsia. The first ideas about the unity, supremacy, and independence of state power appear in Niccolo Machiavelli's The Prince (1532). The paradigm of realpolitik

is not limited to the correlation between politics and morality; it only makes sense if the subject of politics is unconditionally sovereign. The concept of sovereignty was defined in more detail by J. Bodin in his work "Six Books on the Republic" (1575), which can be considered a classic: the rule of power within the country and its independence in international relations. For him, sovereignty is personalized. It is the right to unlimited power, rather than an attribute of the state. The sovereign is above the law, decides on matters of war and peace, life and death of his subjects, and is subject to no one but God.

At the turn of the XVI–XVII century, Grotius studied Bodin's concept, separating the sovereignty of the state itself and the holder of state power. G. Grotius' interpretation of this concept allows us to move away from the classical "absolutist" interpretation of sovereignty and consider it in the broader context of the entire political system. This was later used as a basis for formulating and justifying the conventional nature of sovereignty: the bearer of supreme power and the consolidation of the state's sovereignty as the fundamental principle of its existence. Subsequent historical events determined the course of world history and the importance of the formation of sovereignty as a subject: first, the Peace of Augsburg (1555), whose main principle was "whose power is his faith", enshrined the principle of non-interference in the internal affairs of monarchs in the spiritual sphere, without touching the issue of secular power. This agreement partially resolved the contradictions within the Holy Roman Empire in the mid-16th and early 17th centuries, and was one of the causes of the Thirty Years' War, which ended in 1648 with the signing of the Peace of Westphalia, which clearly established the principles of non-interference in the internal affairs of other countries, as well as their freedom to pursue their own policies, both domestic and foreign. Since then, sovereignty as the supremacy of power within the state and its independence in international relations, non-interference in the internal affairs of another state, as the principle of sovereign equality of the state regardless of territorial structure, form of government or method of exercising power, have been considered fundamental in the Westphalian world system. Interestingly, the experience of the Thirty Years' War led to the formation of two images of world order: political and historical. The political picture proved to be quite successful, as it still exists today. The historical view was rejected by the Congress of Vienna in 1815.

The further development of the idea of rethinking the concept of the state and its role, which does not arise from natural causes but from a social contract, can be found in the philosophers of the sixteenth century. The first thoughts in this direction were presented by Thomas Hobbes in his work Leviathan, where he formed the idea of the conventional nature of the supreme power in the state (Hobbes, 2000).

The development of these ideas can also be observed in the French philosophy of the Enlightenment, namely in Jean-Jacques Rousseau, who substantiated the idea of popular sovereignty (constitution of the people as the bearers and exercisers of their sovereign rights). The people cannot be represented by anyone and their rights cannot be transferred to anyone. The ruler is not a sovereign, but performs certain functions as a servant of the people, who are the bearers of sovereignty (Rousseau, 2001). Rousseau's opinion is opposite to that of Bodin, for whom the necessary condition for the sovereignty of power was its duration, personalization and pleasantness. As an example, we can cite a radical version of the idea of "popular sovereignty" used during the American War of Independence. The experience of building such a state proved valuable for the development of the concept of sovereignty, because it was empirically proven to be indivisible. Although the United States was initially based on the idea of "one territory – different powers," it failed to fully implement it.

A similar principle of uniting countries for a higher purpose could be observed in the Soviet Union, but in practice the Soviet republics were part of the USSR and subject to its ruling elite, and the only way for them to realize their own preferences was to leave the union. At the same time, the idea of the division of powers between the subjects of the federal state in the simplest version, when the powers of the regions are not replaced by the central authorities, but are supplemented by their own initiatives. We can see how this is being successfully implemented in modern countries. In the twentieth century, interest in defining such concepts as sovereign and sovereignty increased, and in this regard new generalizing concepts such as "legitimate violence"

(M. Weber) and "institutional responsibility" (M. Foucault, C. Schmidt, and others) emerged. To summarize what was relevant, the sovereign was seen not only as the one who had power, but also as the one who made decisions and was able to organize the implementation of these decisions, as well as to take responsibility for their consequences.

Decolonization and democratization provoked the differentiation of the concept into subjects, which until recently was a single concept of sovereignty: state, national and popular. This principle has become universal in the field of politics and international law. What is interesting in this situation is that neither the people nor the nation have so many pronounced and generally accepted legal definitions. Hence the well-known discrepancies between two clauses of the UN Charter: the right of nations and peoples to self-determination and the principle of inviolability of borders, or the constitutionally enshrined principle of de jure democracy, but in fact it is the de facto power of one person or a small group of people. These differences give rise to discussions in the field that seek to reconcile formality with reality. In this context, an interesting definition of the concept of "sovereignty" has been provided by Steven Krasner, a professor at Stanford University. He distinguishes four types of sovereignty: 1. the principle of organization of public power in the state and control over it by the society, this is the so-called internal sovereignty; 2. the reflection of equality in the international arena – international sovereignty; 3. the inability of external actors to interfere in the internal affairs of the state, this is the so-called "Westphalian" sovereignty; 4. the sovereignty of interdependence, which limits the degree of control of the state in the transboundary space (Krasner S. D., 2004).

The unclear definition of the concept of "sovereignty" at the theoretical level is also reflected in political practice. For our country, as for many others, this problem became particularly acute after the collapse of the USSR. The processes of self-determination of states according to the Westphalian principle collided with the processes of globalization, which in this context extended to social sectors and society as a whole.

And today the issue of state sovereignty is quite acute, as there are some countries that have decided to break the whole strategy of international borders. For example, the Russian Federation invaded Ukraine in 2014, annexed Crimea and parts of the Luhansk and Donetsk regions, and in 2022 launched a full-scale invasion to occupy the entire territory of an independent country. The very concept of sovereignty is revealed in the independence of a state to make decisions in both foreign and domestic affairs, guided by the national and cultural interests of its own state. However, along with the so-called universal sovereignty, the twentieth century is marked not only by a movement towards self-improvement of each political entity in the international arena, but also, unfortunately, by a movement towards the destruction or subjugation of some sovereign countries. Countries that choose to join certain world unions also accept the fact that their actions will be limited in some matters. Countries that are members of the European Union and NATO do not lose their own subjectivity, but they do limit their actions in some matters. Countries that have chosen a different vector of movement, such as BRICS, CIS and other unions, are characterized by restrictions on their own rights. All these alliances between countries are aimed at moving away from complete independence, which is dictated by globalization processes that affect almost all spheres of life in modern societies. In general, globalization provokes changes and reduction of the powers of states, and this process is twofold: first, the factors that objectively reduce the sovereignty of countries are increasing, and second, most states voluntarily and consciously accept such restrictions. Ukraine as a state does not stand aside from international processes either: "Given the constant of Ukraine's geopolitical location according to the West-East model, it is worth talking about both its advantages and disadvantages. Ukraine's intercivilizational position automatically gives it the status of a transit link between different geopolitical centers. On the other hand, Ukraine's borderland position as a state geographically located on the border of three civilizations: Euro-Atlantic, Eurasian and Islamic, poses the problem of choosing between four geopolitical doctrines: Eurasian, Euro-Atlantic, Black Sea and Mediterranean", notes A. Kudriachenko (Kudriachenko, 2006, p. 509).

The development of world history has shown that all states are closely connected with each other. The struggle for influence led to wars, which usually ended with the strengthening

of the position of one side of the conflict and the weakening, and sometimes the complete destruction of the other. The idea of streamlining the system of international relations and clearly defining the borders of states first appeared in 1648, after the Thirty Years' War, when the Westphalian system of international relations was established. At that time, the principle of sovereignty of individual states was established. And since then, a cyclical process of changes in the systems of international law and relations between different countries has begun to resolve conflict situations. With the emergence of the concept of globalization in 1980, the issue of sovereignty became more acute for some countries. Over time, the division into economic and political sovereignty began, which led to a deformation of the very concept of sovereignty and clearly defined the principle that prevails in world politics today – that there is no absolute sovereignty, neither economic nor political.

Economic sovereignty allows for independent economic policies both within and outside the state. The economic dependence of developing countries on countries with developed economic systems can be traced in such international organizations as the IMF, the European Bank for Reconstruction and Development, and others. However, the system of international relations in the economic sphere does not deny the process of unilateral or multilateral sanctions against certain countries that are members of these organizations. It is also worth noting that financial assistance to a particular country can be provided in response to the fulfillment of certain conditions, for example, the IMF provides funds subject to certain reforms in the country, and our country accepts these requirements for reforming the state in exchange for financial assistance. International financial organizations created to protect economic sovereignty can partially deform it, unify markets and national economies in the interests of the countries that are members of these organization. Globalization processes that aim to regulate the borders of states shape the processes of transition from national to transnational states. However, such processes can aggravate national feelings of countries and provoke certain negative actions, as was seen in Europe, namely the referendums on Scottish independence in 2014 in the United Kingdom and the referendum on Catalan independence in 2017 in Spain, but such actions still led to the destabilization of the regions rather than to their civilizational development. As for the countries that used to be part of the Soviet Union, when we talk about sovereignty, we should consider it as inherent to the whole country, not a particular part of it. In post-Soviet countries, historically, one could observe the unwillingness of a certain country to lose its influence in the region, which served to undermine the situation in neighboring countries. For example, the first and second Chechen wars, the Karabakh war, the Transnistrian conflict and the secession of Abkhazia and South Ossetia from Georgia, as well as the annexation of Crimea and parts of the Donetsk and Luhansk regions, and later the full-scale invasion of Ukraine by the Russian Federation, clearly demonstrate the unwillingness of the country's political elite to lose its influence over these sovereign states and to accept the desire of others to shape their own path of development.

Conclusions. By its very nature, the existence of the subjectivity of a state means its independent existence in matters of foreign policy. Each state must be guided by its own national interests and has the ability to conclude treaties with other countries, as well as the right to choose or form alliances with other countries or international organizations. The natural consequence of forming and entering into such alliances is the consent of each state to coordinate its actions in accordance with the requirements of the partners, which may relate to both domestic and foreign policy. With regard to international organizations, depending on the depth of their integration, the state often transfers some of its sovereign rights to the authorities of these organizations, and it is important for the state policy to conduct its political activities in accordance with the decisions of supranational and interstate bodies, which in some cases may have a direct effect, as we can see in the European Union.

It should be noted that the delegation of powers is not a direct threat to the sovereignty of the state. On the contrary, the very activity of the state to find allies among other participants in international relations, to unite their potential to solve common problems is the exercise of its sovereignty and is formed for the sake of achieving those higher goals of the state for which the proclamation of state sovereignty is made, namely: fulfillment of the historical and cultural mission of an independent people,

growth of the material and spiritual level of the people, preservation of the nation and its multiplication. In this way, we are creating a highly developed state, the main value of which is the welfare of its people and the preservation of a unique culture, language and integral national identity, but at the same time establishing international treaties and relations with other countries, based on the principles of respect for other cultures, nations and characteristics, but determining the vectors of development and improvement for our state and its national interests.

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