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SHOWING THEORY TO KNOW THEORY

CONTENTS

Sovereignty

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Sovereignty refers to the claim of countries to exercise full autonomy over its geographic territory.

Sovereignty is one of the most important concepts in international relations theory and political studies more generally, but its history is poorly understood and often assumed to be an uncontroversial part of being a state or country (Brighenti, 2010; Agnew, 1994, 2010). Part of the problem with sovereign claims in the contemporary sense is that they take current state/country borders as a given, rather than social and political constructions that have history (Taylor 1994, Agnew 1994; Parasram 2014).

The most common story told about sovereignty comes from Europe, and it has been largely assumed to be true everywhere, even though every part of the world has its own history of sovereignty. The European story is connected to the Peace Treaties at Westphalia in the year 1648, situating it as a culmination point where developing European states came to decisions about borders, principles of non-interference in the affairs of other sovereign states—building on centuries of European philosophical development (Elden, 2013; Onuf, 1991; Maratain, 1969; Walker and Medelovitz, 1990). This is not a consensus position in the discipline, and others have convincingly argued that interpreting the Treaties at Westphalia as the “beginning” of the modern state exaggerates the significance of the moment for modern sovereignty, in large part because state sovereignty and the international system arises through imperial politics, or the colonial relationship between European states and much of the rest of the world in the last few hundred years (Osiander, 2001; Kayaoglu, 2010). The modern state system, and with it, the idea of state sovereignty in the European and imperial way of understanding it—a state with borders that has total authority within its borders, whose authority is recognized by similar states outside of its borders—is fundamentally related to Europe’s attempt to colonize and control the world (Bhambra, 2015; Parasram 2014; Anghie, 2005; Rojas, 2016). In other words, the formation of colonial empires introduced a new need from the perspective of Europe to order the world based on imperial state sovereignty, which in turn created a set of rules for white countries and different rules for Brown and Black countries (Grosvogui, 2002; Branch, 2011; Anderson 1983).

What we call “sovereignty” in English and other imperial languages does not adequately describe the history of organizing social and political life in most of the world. For example, sovereignty in South Asia has a complex history that draws its influence from Buddhist, Hindu, and Islamic philosophy and history. Indigenous sovereignties around the world are all different as well, and across much of what we call “Canada” in English, Indigenous peoples have long histories of relating to land that cannot be reduced to “sovereignty” in a strictly political sense. Mi’kmaw sovereignty, for example, is influenced by relationships and solidarity with land and water (Bernard, 2017). The Mi’kmaw word, *Netukulimk*, or “natural law” is translated by M’sit No’kmaq et al. (2021, p. 846) to explain that “‘man and nature are one’, ‘everything comes from the land’, and ‘all that the earth holds is sacred.’ These values and belief systems are at the core of how we should govern and conduct ourselves on the lands and waters. Understanding natural

Note how the definition, arising from the language itself, positions *Netukulimk* as a living and evolving practice rather than a static or historical event like the Westphalian treaties. As Mi'kmaw lawyer and scholar Pam Palmater explains, Mi'kmaw sovereignty is a living practice that resists settler-colonial desire to redefine land as a resource or property (Palmater, 2019). This conflict between Mi'kmaw sovereignty and Canadian sovereignty is especially visible in terms of how it plays out on the issue of lobster fisheries.

In September 2020, Mi'kmaq fishers from Sipekne'katik (one of seven districts in Mi'kma'ki, the Mi'kmaw homeland) opened a lobster fishery. Doing so was perfectly lawful—not only from a Mi'kmaw legal position, but also from a Canadian legal position—because of the Marshall decision 20 years ago that reaffirmed Mi'kmaw fishing rights, as opposed to the settler-Canadian fishing “privileges” that are subject to other kinds of regulations (Metallic & MacIntosh, 2020; APTN, 2020). Rather than being seen by the Canadian state as a fine example of reconciliation in practice, mobs of white fishers violently attacked Mi'kmaq fishers, making a variety of different kinds of arguments that completely failed to engage the core question of Mi'kmaw sovereignty as distinct from Canadian sovereignty. Instead, the Department of Fisheries saw this conflict as one of “conservation” of lobster stock and the white fishers saw it as unfair because the Mi'kmaw could fish outside of the designated fishing season for a “moderate livelihood.”

The internal and external requirements of state sovereignty suggest that within its territories, state governments are the only ones who can legitimately use violence to maintain the peace. External sovereignty implies that a sovereign state will respect other sovereign states by not interfering in their “internal” affairs. This of course doesn't happen in practice, and some international relations scholars have explained that the reason why wars break out between states is because there is no sovereign authority higher than the state. In other words, no international government controls sovereignty as a state might (Waltz 1959, 1979; Mearshiemer 2001; Weber 1918). The complexities of sovereignty are much deeper than considerations of “internal” or “external” applications, because treating sovereignty in these terms assumes that “countries” are natural, rather than historical .

The ongoing conflict between Canada and the Mi'kmaq fishers highlights how colonial law continues to contaminate and stymie decolonization. From a colonial perspective then, Canadian sovereignty is the only one that matters in concrete terms, and Mi'kmaw sovereignty must be negotiated within that frame. This makes no sense, however, when Mi'kmaw sovereignty is understood on its own terms rather than forced through a colonial sieve. Explained in the mass media as a conflict over “conservation” of lobster stocks and unfairness to settler fishers who are obligated to fish only within a particular season, Mi'maw sovereignty becomes inconceivable to much of the Canadian public. Rather than expecting Mi'kmaq fishers to articulate *their* case in

Discussion Question

- If Canada respected Indigenous sovereignty, should Indigenous nations be able to manage their own fisheries? Explain with reference to the Mi'kmaw lobster fishery. Is sovereignty a good thing? What are the pros and cons? Think carefully about the difference between sovereignty in practice and sovereignty in theory.

Exercise

Cultures are always evolving and changing. When ideas of sovereignty come into contact, they change one another in many different ways. Divide yourselves into groups of three or four and develop a set of five rules that are important to your society. Now “meet” another group and see if you can devise a new set of rules that are agreeable to others. If you succeed, move on to another group of. Were you successful again? If not, what impeded your efforts? If so, what helped you to find agreement?

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