

SOVEREIGNTY AMONG COMMUNIST NATIONS

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PREFACE

"Theories of sovereignty", wrote W. Jethrow Brown in 1906, "have been more often apologies for a cause than the expression of a disinterested love for truth." This may not be true for the traditional theory of sovereignty, but the communist concept has surely been controversial theme among the scholars. The confusing and misleading propaganda on the part of the protagonists of both communist and capitalist ideologies, has made our task more difficult. This intellectual antagonism with regard to international legal norms, arouses our anxiety more to explore the realities of the communist concept of sovereignty.

The concept belongs to a new world challenging the existing social and political order of things and aspiring for the achievement of its own ideals. Therefore, it would be unfair to treat the subject through traditional formalistic approach. Without interfering with the celebrated principles of communism, an attempt has been made to understand the real incentives behind the stridency of national sovereignty among communist nations. Such an approach was necessary to scratch beneath the surface of the frequently encountered generalisation that the communist concept of sovereignty functions as a political and ideological tool in international relations.

The present essay is a preliminary attempt to articulate and analyse the complicated and multifarious problems of sovereignty. The study seeks to find out the essence of

sovereignty and strives to understand the rationale behind it. Needless to say, the conclusions and comments in this study are tentative; hence it can scarcely aspire to claim the final answers of the complicated questions. In fact, instead of solving the riddle of sovereignty, the study raises questions to be answered by an extensive research, I would like to follow up in my further studies.

This dissertation has been prepared in part fulfilment of M.Phil... course and as such it is expected to be brief. The essay starts with a short enunciation of traditional theory of sovereignty. The analysis of social and political change in communist perspective has been taken up in Chapter II. Genesis of sovereignty is learnt through the fundamentals of communist theory. The focus in Chapter III is on the salient features of the communist concept and their underlying implications. The concept being an ideology oriented notion, requires the study of its ideological foundations in Chapter IV. Principal focus is on the impact of various communist ideals upon the concept of sovereignty. The modern trends in the world socialist system have vitally impacted the doctrine. In effect, the so-called notion of 'limited sovereignty' assumes discussion in the 5th Chapter.

I have included some material marked (*) in bibliography which could not be consulted due to its non-availability, such though/books and periodicals and periodicals have been learnt through secondary sources.

In the preparation of this essay I have been lucky enough to receive learned guidance from some renowned authorities in their field. I am highly indebted to Prof.M.L. Sondhi for painstaking supervision of my work. The researcher remembers with profound gratitude the invaluable criticism and suggestions of Dr. R.P. Anand. I received generous assistance and encouragement from Dr. K.P. Mishra, Dr. Bhawanisen Gupta was kind enough to evince constant interest in my research and often obliged me with words of appreciation.

My heartiest thanks are also due to my friends who directly or indirectly helped and inspired me to proceed with the topic and to complete the present work.


(BHAGIRATH PRASAD)

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**"Your jurisprudence is but the will of
your class made into a law for all."**

- Marx and Engels,

The Communist Manifesto (1848)

CHAPTER I

TRADITIONAL THEORY OF SOVEREIGNTY

TRADITIONAL THEORY OF SOVEREIGNTY

The concept of sovereignty has been a riddle before political scientists; for its reality and its facade have been displaying incongruous features. Moreover, its various interpretations have made it all the more complex and misleading. The reason was that all the explanations were intended to justify either the hypothesis of the scholars or the political manipulation of statesmen. Sometimes sovereignty was considered as an exclusive preserve of the church directly bestowed by God. Later on rebellious secularism justified it as a legitimate right of state. At first, regarded as a "supreme power over citizens and subjects unrestrained by law it was later said to manifest itself in the 'General will' of the people and made wholly responsible to them. Despite all this development it was limited by democrats, divided by pluralists and even discarded by anarchists; yet remained the same as it was in the beginning.

I

We indisputably concede that the state assumes supreme power over the individuals or groups of individuals within it. This supreme is known as sovereign power and its holder whether one person or a group of persons is regarded as sovereign. Certainly, the origin of sovereign power dates back to when a person or a group of persons led the rest of society to achieve an envisaged goal, and found the other

members of the community incapable enough to challenge his or their supremacy. The sovereign was the outcome of a natural social and historical process. Neither did the people search for it nor did the sovereign deliberately designed to be sovereign. It would be unrealistic to depict the process in contractual norms: for it was 'a natural ascendency' (1) of sovereign.

State sovereignty is basically a manifestation of power(2) rather than an ethical phenomenon. That power was not necessarily physical force. It might be the personal influence of the sovereign or on the other hand the impotency of the rest of members within the community in the face of contemporary problems; which necessitated them to surrender before him. The sovereign was in a position to emancipate them from the regime of anarchy and fear(3) and to lead them to a beneficial state. Expeditious enterprises performed by

1. "What makes leaders, now as always, is natural ascendancy-authority as such. We see them arising under our eyes whenever there is a rescue to organise or a fire to put out." - Bertrand De Jouvenel, Sovereignty, trans. J.F. Huntington (Cambridge University Press, 1957), p. 32.

2. "Men do not wield or submit to sovereignty. They wield or submit to authority or power." - F.H. Hinsley, Sovereignty, (London, 1966), p. 1.

3. Hindu mythology also supports the view. Manu declares:

"When the world was without a king
And dispersed in fear in all directions,
The Lord created a king
For the protection of all."

The History and Culture of the Indian People, Vol. II, General Editor, Dr. R.C. Majumdar, (Bharatiya Vidya Bhawan, 1960), p. 305.

the sovereign aroused a new regard among the people for those who were its centre and symbol. The acknowledgement of these extra-ordinary abilities led the people to concede the loyalty to sovereign; which later on became 'habitual obedience' on their part.

II

The first phase in the history of the concept of sovereignty was its emergence from the complex conditions of the ancient age. Later on, it became caught in religious usages particularly in the western world. The church became the sole source of sovereignty. The State as a political institution was secondary; for it derived its power from the church. Thus it was within the church that the essential ingredient of sovereignty, i.e., supremacy over the given community, first began to appear.(4) This position of the church was also supported by the contemporary thinkers such as St. Augustine and others. The position posed many problems before state which was to perform important functions of the society. Dependence upon the church made the state functions fruitless and ineffective. Therefore some secular thinkers urged the independence of state from church and exposed its illegitimate hold on supreme power. The situation led to a struggle between state and church. The voice of Marsiglio of Padua and John of

4. P.W. Ward, Sovereignty, (London, 1928), p. 5.

Paris accompanied with the rebellious princes of Germany, France and England, succeeded to the power of the church and rendered the state power supreme within the community including the church.

The assumption of state power by the state marks the beginning of the modern notion of sovereignty. Subsiding church power facilitated the development of centralization of power on the state. Machiavelli in Italy crystallised the modern concept of state sovereignty, separating the religion from politics. Bodin and Hobbes theorised it and put it in day-light. Their writings contain the classical formulation of the modern doctrine of sovereignty. Sovereignty was described as supreme authority, personal, indivisible and absolute. All powers were centered in the monarch, hence it became his personal attribute. In Hobbesian conception, "the sovereign was representative but not responsible." (5) Though such conclusion was not a dogmatic assertion, yet it was not suitable to the democratic system. John Locke and Jean Jacques Rousseau fulfilled the long felt desire by limiting it and making the people the real source of sovereignty.

The reinterpretation of sovereignty highlighted the words "people", "general will" as the sovereign. The French Revolution in 1789 adopted these theses and sovereignty

5. Ibid., p. 30.

was placed in the hands of common man. Save the typical questions of political systems, the state sovereignty, in spite of all the democratic interpretations, remained an arbitrary power; for it was mere idealization of brute conditions. Undoubtedly, masses sunk "in poverty and superstition permitted kings and governments to exercise arbitrary sway" and the term sovereignty was still to be attributed to "personal command." (6) States with individual sovereigns entered into or broke treaties in a way which particular citizens would not contemplate. So in international aspect also, sovereign remained beyond any control.

III

The doctrine retained from its history its two essential characteristics - internal supremacy and external independence. In classical perspective "a sovereign state was one which exercised undivided authority over all persons and property within its borders and was independent of direct control of any other power." (7) Sovereignty was the supreme power by which any state was governed. In its sphere of operation there was no power within the state which might compete with it. This state power was an original power in the sense that it did not flow from any other which had

6. R.M. MacIver, The Modern State, (London, 1928) p. 8

7. Charles G. Fenwick, International Law (Bombay, 1967) p. 125.

established it. Being original in its essence, it also did not acknowledge any superior to it within or without the state. A total perspective represented the dual nature of sovereignty. Traditionally, there was complete absence of subordination to a foreign authority in international sphere and in domestic affairs it assumed predominance over any power vested in groups or individuals within the state.

IV

But this classical formulation of the notion was concertedly attacked both from inside and outside. Pluralist thinkers opposed the omnipotent and irresponsible nature of the state, pointing out that it was not the only representative of all the spheres of life. The organised corporate power of various human organizations greatly exceeded that of state. Then, why should the state meddle with the autonomy of these associations serving the vital interests of the people? It followed therefore that an adequate structure of state authority should be of a federal character. Some socialists like G.D.H. Cole also justified this proposition. Harold J. Laski went even to say, "... it would be of lasting benefit to political science if the whole concept of sovereignty were surrendered." (8) But instead of surrender of sovereignty by state, these scholars had to give up their pragmatic thesis,

8. H.J. Laski, The Grammar of Politics, (London, 1941) p. 44-45.

when state assuming its welfare character started with the discharge of multifarious functions involving every aspect of human life. The modern planned society justified the supremacy of state rendering futile any sort of division or limitation of sovereignty.

Secondly, in the international sphere the doctrine also developed because it expressed symbolically the national developments and state sovereignty became the core of nationalism. This sense of nationalism gave the "concept an enviable sharpness of definition." (9) The innovation did not only urge its re-enunciation on the part of political philosophers but substantially affected adversely the whole international political system. The same rescuer of the people from the scourge of anarchy within the state became the creator of anarchy on the international plane. That is why, the enunciations of sovereignty made by Bodin, Hobbes, Locke, Rousseau and Hegel are not only outmoded today, but are now obvious impediment to international peace. They omit, underestimate or misrepresent "just that aspect of the state in which the international lawyer is most interested." (10) The present multi-state system needs vigorous change in the concept of sovereignty. It must reflect the character of present international relations and international obligations.

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9. H.J. Laski, Foundations of Sovereignty, (London, 1931)p.13.
 10. J.L. Brierly, The Basis of Obligation in International Law, (Oxford, 1958), p. 30.

The emergence of international law imposed legal obligations upon the arbitrary sovereign rights of national states. In other words state sovereignty remains only "in the fields of national or domestic jurisdiction that lie outside the newer areas controlled by international law." (11) This was a negative measure to limit the national sovereign power. There were many speculations to limit the illimitability of sovereignty suggesting some positive plans to establish World Government. But all such proposals remained unrealised. However, the positive principles of international law and the prevailing insecurity hysteria in the atomic age have surely made the national sovereign limited and more responsible.

There are other factors which prove the futility of national sovereignty. The politics of power in international relations creates a hierarchy among nations according to their actual power. (11a) Secondly, interdependence of nations certainly negates the sovereignty of the small and weak. Now the idea of national sovereignty is incapable of fulfilling the goals for which it stands. The concept has in fact been rejected or ignored in action taken with a view to their attainment. It is only an expression of national pride without

11. Charles G. Fenwick, n.7, p. 48.

11a. George Schwarzenberger, Power Politics, edn.3, (London, 1964), p.108.

maintaining it in reality. The ideological conflicts accompanied with power, collective security and dependence of under-developed countries upon prosperous and powerful nations have rendered the concept meaningless. Therefore, it deserves to be "rejected by a deliberative act of policy as a snare and a delusion"; for "the world has outgrown sovereignty." (12) Still, no nation is paying any heed to this sincere advice. Perhaps this connivance on the part of nations is due to the absence of any seeming substitute for sovereignty; which would safeguard their national interest.

12. Wilfred Jenks, A New World of Law? (Longmans, 1969) p.133.

C H A P T E R I I

GENESIS OF SOVEREIGNTY

The classical concept of sovereignty does not reveal its underlying implications. It concerns with the form of sovereign power not with its essence. That is why; it has not undergone any substantial change even after the historical developments which have immensely influenced the national as well as international political system. Purely legal interpretations uncorroborated by social realities fail to face a pragmatic approach. This drawback was conceded by R.M. MacIver in 1928 when he said: "Our definition, however, reveals only the form and not the substance of this sovereignty." (1) To lay exclusive stress on the legal aspect which deals with the form of sovereignty creates confusion and the whole enunciation becomes misleading. It is amazing that even in the age of democratic sophistications, we do not know who is the actual sovereign? (2) How can this supreme power be legitimately exercised? No doubt various philosophical speculations have tried to placate the common man without scrutinising the concrete realities surrounding him. Without testing the actual circumstances essential for the realisation of our theories of sovereignty, it would be folly to base our definition only upon the beatification of order. Ignoring the purposes for which the order is maintained, our study would become insipid and

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1. R.M. MacIver, The Modern State, (London, 1928) p. 13.
 2. "..... the real rulers of a society are undiscoverable."
- (John Chipman Gray), Quoted by Paul W. Ward,
Sovereignty (London, 1928), p. 106.

fruitless. Real nature of sovereignty can only be grasped by striking deeper roots of social and political implications. (3) Therefore, it is necessary to inquire into the historical motivations behind the innovations which shaped and are reshaping the nature of modern state and sovereignty.

CLASS STRUGGLE AND SOVEREIGNTY

I

Communist theory begins with the assumption that social life is full of contradictions, that society instead of being a harmonious organism, consists of two conflicting classes. Since the economic factors play a decisive role in building social structure, they become apple of discord in society. The continuous class struggle between the haves and have-nots is the striking characteristic of society. All the social and political institutions have a wide impact on contemporary class-struggle. In this conflict the victorious class utilises all the existing social and political institutions and establishes new ones in order to perpetuate its rule. The forms of law, constitutions established by the victorious class, and even the political, legal, philosophical and religious conceptions prevailing in society, reflect the class character. State and sovereignty are not only affected by this class-struggle, but are involved in it. So, it becomes,

3. H.J. Laslki, Foundations of Sovereignty, (London, 1931)
p. 29.

to a great extent, "preponderate in determining their form." (4) Unless we grasp the nature of class-struggle, the real content of these concepts will not be clear.

This class-struggle is an historical phenomenon. "The history of all hitherto existing society", Marx and Engels, said, "is the history of class-struggles." (5) This is the main cause behind major historical changes. The history of the past is viewed not in terms of political entities, but in those of class interests. The "doctrine of sovereignty arose in a period of political confusion as a suggested solution of the contemporary problem of overlapping and conflicting interests." (6) The one dominant class or group in order to suppress the other assumed sovereign prerogatives. Though the process was based on force, yet it was motivated by the interests of the ruling class. Thus the origin of sovereignty was the result of class-struggle and still it represents the same tendency.

Since sovereignty is the essential characteristic of the state, the emergence of state and sovereignty is correlated. To seek the origin of these concepts, the celebrated theory of class-struggle according to Marxists helps us to proceed on

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4. K. Marx and F. Engels: Selected Correspondence, (London, 1941), p. 475.
 5. The Manifesto of the Communist League (1848), "The New Communist Manifesto and Related Documents", ed. by Dan N. Jacobs, (New York, 1961), p. 52.
 6. P.W.WARD, n. 2, p. 44.

sound reasoning. This class antagonism was created by the changing means of economic production and the exclusive ownership upon them enjoyed by one class of society comprising insignificant minority. According to Marxian theory causes of change in the history are to be sought neither in the philosophy nor in the measurement of events but in the economics of the epoch concerned. So it is only the doctrine of dialectical materialism and class struggle that can give the proper perspective and right rationale behind the historical development and origin of social and political institutions.

11

The resulting division of society into two antagonistic classes, i.e., bourgeoisie and proletariat, could not be reconciled; for economic development broadened the gap between them. This crisis paved the way for the necessity of a controlling power. Frederick Engels wrote, "At a definite stage of economic development which necessarily involved the cleavage of society into classes, the state became a necessity because of this cleavage." (7) V.I. Lenin also observes this vitally important historical process and regards the state as "the product and the manifestation of the irreconciliability of class antagonisms. The state arises when, where and to the extent that class antagonisms objectively cannot be reconciled." (8)

7. F. Engels, The Origin of the Family Private Property and the State, (London, 1941), p. 198

8. V.I. Lenin, Selected Works, Vol. 2 (Moscow 1960), p. 306.

The argument serves to show that state is not the outcome of natural development. It is neither a natural institution as conceived by Aristotle, nor it born naturally. While analysing the origin of the state in different parts of the world, Engels draws an unprecedented conclusion, that "this organisation seems natural: but, as we have seen, hard and protracted struggles were necessary before it was able in Athens and Rome to displace the old organisation founded on kinship." (9) Consequently, the theories of state interpreting its origin as prior to man, product of natural and peaceful development are hypothetical and misleading. The study of its origin also displays that state alienates itself from society; for its main task is to reconcile the conflicting groups with the society. The functions of state are essentially negative and most of its time is consumed in maintaining political order.

III

It is difficult for the state to remain neutral while settling the conflicting strivings of the antagonistic classes. Since the economically dominant class is capable enough to influence and even to take state into its hold, the state power necessarily has to serve the interests of this dominant class. Thus the most unfortunate era in the

9. F. Engels, n. 7., p. 194.

human history is inaugurated when this unnatural organisation (state) alienating itself from its social base falls into the hands of a clique oppressing the vast majority in society. It would be a folly to be swayed by the political jargon of 'welfare state', since it has basically nothing to do with the social relations which are the real source of rights of a common man. He is left on the mercy of a traditional social structure dominated by few.

The communist theory regards the state as an organ of class rule, an organ for the oppression of one class by another; it creates "order" which legalises and perpetuates this oppression by moderating the antagonism between classes. Present politics reflects the vital economic interests of the ruling class, which are guarded by the entire political system. In other words, politics is a kind of activity aimed at defending class interests; it includes methods and means by which this is achieved. The whole state machinery functions as a tool in the hands of ruling class. State legislation and its implementation, minutely observed, reflects clearly its class character. Law is a class regulator of social relationships and the "social rights which are translated into legal rights are almost always the rights of limited groups of men." (10) This position also leads to the

10. H.J. Laski, n. 3, p. 229.

fact that state sovereignty is monopolised by the ruling class. Sovereignty is generally claimed to be in the hands of the people. It is a false assumption which betrays the majority in a traditional society. H.J. Laski observed, "What the orthodox theory of sovereignty has done is to "coerce them (subjects) into an unity and thereby to place itself at the disposal of the social group which at any given historic movement happens to dominate the life of the state." (11) The analysis of the historical developments and accordingly changing patterns of sovereign power also justifies this vital proposition.

IV

According to communist theory, history knows three main types of exploiter state: slave-owning, feudal and bourgeois.

The first division of harmonious primitive society into classes was into slave owners and slaves. The dominance of slave owners was based on the private ownership of the means of production and on exploitation of slave labour. The slaves had no political or legal rights. They were secluded from the political affairs. The state and law openly defended slave owners. The ancient society of Greece and Rome cogently

11. Ibid., p. 28-29.

justifies the proposition. The slave owners were legally entitled to keep the slaves as their personal property. The killing of a slaves went unpunished. The state authority was mainly designed to protect private property and the interests of slave owners. On the other hand slaves even comprising the majority in the society were deprived of any sort of rights and were forbidden from political life. Obviously, it reveals that the state was essentially a "dictatorship of the slave-owners." (12) Hence, state sovereignty was openly in the hands of few, directly or indirectly, serving the interests of the slave-owners.

The slave-owing state was superseded by feudal state. The economic development and increasing population necessitated this change in state machinery. The feudal state came into being with a bigger and more intricate machinery of state power, a great number of prisons, a stronger army and police. The state explicitly supported the land-owners in holding the peasants in bondage, and punished those who refused to work for them. The peasant serfs were absolutely excluded from all political rights. (13) Thus state power remained the exclusive preserve of the feudal landlord who was regarded as the only ruler. The state machinery was

12. V.I. Lenin, Selected Works, Vol. 3, p. 285.

13. *Ibid.*, p. 287.

necessarily deployed to safeguard the interests of few landlords.

The third type of state, which was altogether new and much more progressive, came into being with the emergence of 'the dictatorship of bourgeoisie.' (14) The bourgeois state was associated with the development of capitalism. Consequently the state power was necessarily to facilitate free competition and equality of all before the law. The struggle for state power against feudal despotism and arbitrariness, was basically motivated by the economic factors; for the presence of feudals in power was an impediment in the free development of capital. The ideals freedom, equality and popular government, based on the people's sovereignty- were ignored in their essence after the assumption of state power by bourgeoisie.

The capitalist class bent upon to realise its cherished goal, i.e., uninterrupted accumulation of private property. Whatever was necessary to facilitate its achievement, was deployed in the process. The capitalist age represented the sharpest class-struggle in the whole history. The insignificant minority, economically dominant, monopolised the state power and oppressed the vast majority. According to G.D.H. Cole, social power is today economic in character

14. V.I. Lenin, Selected Works, Vol. 2, p. 329.

and the present system of state sovereignty gives the capitalist an unfair advantage. (15) "The sovereignty of a capitalist state", a socialist jurist N.A. Ushakov writes, "is an expression of the rule of the bourgeoisie which protects private capitalist property and the system of exploitation of working class with the aid of the state." (16) The bourgeois-states, whatever their form, remain the same in their essence: the absolute domination of bourgeoisie over the proletariat.

The above analysis of the history of state and sovereignty, justifies the proposition that the state expresses its class essence while its form expresses the organization. Lenin regards every state as a "special repressive force" for the oppressed class. (17) Consequently, no state is a "free" or a "people's state", such an allegation upon 'sacred state' is quite familiar in the communist theory. This strikes at the roots of the orthodox concepts of state and sovereignty. But the reservations with regard to the theory of class struggle has made the communist concept of sovereignty, unconvincing. Ignorance of class approach would surely lead us to different conclusions. The impartiality of the state has been a general thesis of traditional political thought.

15. G.D.H.Cole, "Self-Government in Industry", (London, 1919), p. 123, Quoted by Paul W. Ward, n. 2, p. 117.

16. N.A. Ushakov, "International Law and Sovereignty" Contemporary International Law, ed. by G.I.Tunkin (Moscow, 1969) p.98.

17. V.I. Lenin, Selected Works, Vol. 2., p. 315.

But what is new in communist concept of sovereignty is that, instead of depicting the form, it analyses the content of political and social system. State sovereignty associated with the class-struggle represents the interests of the dominating class. An approach devoid of class-concept may misconceive the theory or misunderstand its real content.

STATE AND SOVEREIGNTY

I

Sovereignty is an inherent political-legal feature of any state. The real sovereignty of the people can not be realised in a bourgeois state. Since the capitalist class dominates the proletariat comprising the majority of the society, the proposition that the supreme authority "is rooted in the people" is false in its very formation.(18) This exposition of reality revolutionises the masses to fight for their real sovereign rights. A revolutionary change in the socio-political structure of sovereignty is highly needed. Here it must be borne in mind that such a conclusion is not drawn merely from an intellectual argumentation, but the logic of events and historical process is such that makes this change inevitable. The sharpening class struggle

18. A.Y. Vyshinsky, The Law of the Soviet State (New York, 1948), p. 164.

leaves no option to the proletariat class but to overthrow the bourgeois system and thereby put an end to all oppression, all exploitation. This social revolution also includes the abolition of bourgeois state; because it has incessantly been used against them.

What leads to the origin of the state also leads to the abolition of the same. In modern age the development of means of production along with making ~~im~~proletariat class reaches a stage which inevitably leads the bourgeois system to its catastrophic course. At this stage history does not want to prolong the situation. The historical desires are fulfilled by a violent revolution made by working class and therefrom the slave from times immemorial becomes the master of his own destiny, for the first time in human history. Karl Marx once proclaimed the inevitable future of history, "One day the working class must hold political power in its hands in order to establish a new organisation of labour; it must overthrow the old political system which maintains the old institutions in being...."(19) Ultimately, the bourgeois state is abolished for ever.

II

The bourgeois state is substituted by the new socialist state. The question arises that if the state is a means

19. K. Marks and F. Engels, n. 4, p. 164.

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of oppression, then why do the communist need political power? Lenin answers:

"The exploiting classes need political rule in order to maintain exploitation, i.e., in the selfish interests of an insignificant minority and against the interests of the vast majority of the people. The exploited classes need political rule in order to completely abolish all exploitation, i.e., in the interests of the vast majority of the people, and against the interests of the insignificant minority consisting of the modern slave-owners - the landlords and the capitalists"(20)

By mere overthrowing the bourgeois state, the task is not completed. It is a lengthy process to reach from capitalism to communism. During the transition period the state functions are more acute. Joseph Stalin in 1933 said, "The abolition of classes is not achieved by subsidizing the class-struggle, but by its intensification."(21) This transition period is characterised by V.I.Lenin as "a period of an unprecedentedly violent class-struggle in unprecedentedly acute form..."(22) All this means that sovereignty of the socialist state would be in its full swing, because the circumstances prevailing in the transition period require more violent action on the part of state machinery to suppress

20. V.I. Lenin, Selected Works, Vol. 2, p. 321.

21. Problems of Leninism, (Moscow, 1940), p. 437.

22. V.I. Lenin, Selected Works, Vol. 2, p. 329.

and abolish the bourgeois tendencies in the society.

The socialist state is regarded as the most democratic state in the world. In such a state, the sovereignty resides in the will of the proletariat. In practice, sovereignty lies in the communist party. According to Lenin, "When we say 'the state', we mean the proletariat that is, its vanguard, and that are we (the Communist Party):" (23) Once the party is to pursue a pre-planned programme settled by working class and for the working class, this class is ultimate sovereign. The working people are at the helm of state in socialist society. The most remarkable feature of the socialist state is that it is a "state", i.e. "the proletariat organised as the ruling class." (24) Seizing the state power proletariat transforms the means of production into state property and thereby "puts an end to itself as proletariat; it puts an end to all class differences and class-antagonism; it puts an end also to the state as state." (25) It means that socialist state has quite different characteristics than that of a bourgeois state. Its functions and ends are almost contrary to that of a capitalist state.

23. V.I. Lenin, Complete Collected Works, 5th ed. vol. XLV, (Moscow, 1964), p. 85.

24. V.I. Lenin, Selected Works, Vol. 2, p. 320.

25. F. Engels, Anti-Duhring, (Moscow, 1947), p. 416.

The communist theory speaks of "putting an end" to bourgeois state by a violent proletarian revolution. On the other hand "the abolition of the proletarian state, i.e., of the state in general, is impossible except through the process of "withering away." (26) Lenin clarifies the position: "According to Engels the bourgeois state does not 'wither away' but is 'put to an end to' by the proletariat in the course of revolution. What withers away after the revolution is the proletarian state or semi-state." (27) Really, the socialist state is not a state in the traditional sense. Firstly, it is explicitly asserted that this is a class state not contrary to historical process. This is also employed to suppress the remnants of capitalist class. Secondly, it also exercises the intensified power over the anti-socialist elements. As the class-antagonism disappears, the state becomes superfluous. In this sense it is a temporary institution.

III

Here, the dilemma of "withering away" of the state remains to be clarified. Sovereignty being the inseparable aspect of the state can not exist in its absence. Presence of class antagonism is the cause of continuance of the state. In the absence of class-struggle "there will be no more

26. Lenin, Selected Works, Vol. 2, p. 319.

27. Ibid., p. 315.

political power-properly so called- since political power is an exact summary of the antagonisms in civil society." (28) In a communist society, the government of persons is replaced by the administration of things and the direction of the processes of production. "The state is not 'abolished', it withers away." (29) The reason is that any dramatic change in the social structure is not possible. This is the main reason of the continuance of state and a valid argument against the proposition that it should wither away immediately. Secondly, the fathers of communism were thinking of world revolution and ruled out any possibility of external danger to the security of state. But communism in one country disproved this assumption. Therefore; the modern national communism does not only confront with the class antagonism within the state, but bitterly need strong political power to repulse any capitalist-imperialist aggression. Capitalist encirclement provides enough instigation and confidence to the capitalist remnants within the state. These anti-socialist forces may launch a counter revolution to restore the old system. The possibility of more acute class-struggle justifies the intensification of state power to maintain the gains of socialism. This two-fold danger tends the modern communist

28. Karl Marx, The Poverty of Philosophy, (New York, n.d.) p. 147.

29. F. Engels, n. 25, p. 417.

state not only to retain the political power but necessitates to strengthen it. Joseph Stalin argued for the intensification of state power:

"The state will die out, not as a result of a relaxation of the state power, but as a result of its utmost consolidation, which is necessary for the purpose of finally crushing the remnants of the dying classes, and of organising defence against the capitalist encirclement, which far from having been done away with as yet, will not soon be done away with." (30)

These two sound reasons also lead to the conclusion that the realisation of withering away of state is possible only after the achievement of these two objectives. So the mobilization and concentration of state power is essentially required to make the state wither. The whole process requires an acute politics to end politics. This is the real rationale behind the stridency of classical concept of sovereignty among communist nations.

The communist concept of state and sovereignty, though cogent and persuasive, is unconvincing to some extent. The claim that the sovereignty is directly vested in the people, seems inconceivable. Since the communist party expresses the

30. Problems of Leninism, n. 21, p. 437.

will of the proletariat and implements the socialist programme, the state sovereignty is necessarily shifted to the party. In the name of the capitalist tendencies, the ruling elites can suppress the popular movement. The highly planned society and revolutionary euphoria surely lessens the possibility of free expression of the will of the people. In spite of these reasonable doubts, the statesmen in a socialist state having no personal or anti-proletariat interest, preserve the interests of the working class. Secondly, the absolute state control is justified; for in the name of popular movement the capitalist upheaval may destroy the socialist system reviving the old system. So far this internal danger and probable external capitalist encroachment continue, the existence of state remains an extreme urgency. This thesis seems to be quite agreeable. But the possibility of the complete shrinkage of these dangers seems to be too remote to realise the envisaged goal in foreseeable future. Hence, the "period of an unprecedentedly violent class struggle" is undesirably extended. During this seemingly unending transition period, communist party's exclusive preserve of state sovereignty is, undoubtedly, questionable

NATIONAL SELF-DETERMINATION

I

Systematic approach to the problem begins with an answer to the question, what is a nation? Large Soviet Encyclopaedia, defines, "Nations first arose in the period of the liquidation of feudalism and the development of capitalism. People consolidate themselves into nations not in accordance with their own desires but by the will of government or the activity of any other subjective factors, but only as the result of action of the objective laws of economic development."⁽³¹⁾ This definition rebuts the traditional theory of the nation which regards it as a "national consciousness and will", "common destiny", or as "the subjective attitude of the people concerned."⁽³²⁾ But in fact, the economic factors are very much in the foundations of a nation. A common economic life is the most important characteristic of a nation. No doubt a common language, common territory and common national character also play a considerable role in the formation of a nation. But historically, nations emerged in the process of feudalist disintegration superseded by capitalism. J. Stalin remarks, "A nation is not merely a historical category, but a historical category belonging to a definite epoch, the epoch

31. Large Soviet Encyclopedia, 2nd. edition, vol.29, November 3, 1954.

32. Walter Sulzbach, National Consciousness, (Washington, 1943), p. 63.

of rising imperialism." (33)

In view of the socialist revolution the national question is to be observed in the light of the interests of the working-class, national as well as international. Any abstract and passionate approach may hamper the achievement of the desired aim. Lenin said that in the national question every communist party must base its policy "not on abstract and formal principles... but on a clear distinction between the interests of the oppressed classes, of working and exploited people, and the general concept of national interests as a whole. (34) The national question is directly linked with the interests of the working class. Therefore, without knowing, what the interests of the proletariat are involved in a particular national movement, may lead us to a wrong path. Stalin once said, ".... there is no powerful national movement without the peasant army, nor can there be. This is what it meant when it is said that, in essence the national question is a peasant question." (35)

II

Since the national movement is dominated by the proletariat class, the communists tend to advocate for the self-determination of nations, so that after assuming politi-

33. J. Stalin: Marxism and the National and Colonial Question, (New York, 1935), p.49.

34. Lenin, Collected Works, Vol. 31, p. 145.

35. J. Stalin (Eng. Ed.) Works, (Moscow, 1954), Vol.VII, pp. 71-72.

cal power it may become direct and real source of national sovereignty. This is why the national self-determination is viewed in the light of socio-economic conditions. In the words of V.I. Lenin, "if we want to grasp the meaning of self-determination of nations, not by juggling with legal definitions, but by examining the historico-economic conditions of the national movements, we must inevitably reach the conclusion that the self-determination of nation means the political separation of these nations from alien national bodies, and the formation of an independent national state." (36) At another place he explains the question more concretely, "in the question of the self-determination of nations, as in every other question, we are interested, first and foremost, in the self-determination of the proletariat within a given nation." (37)

Hence, there is no general principle to be applied in every national movement. If the movement is motivated and dominated by the bourgeois tendencies, then far from being supported it, would be opposed bitterly. As Mogilyansky said: "the right of self-determination is not a fetish beyond criticism: unwholesome conditions in the life of nations may give rise to unwholesome tendencies in national self-determination, and the fact that these are brought to light does not

36. V.I. Lenin, Question of National Policy and Proletarian Internationalism (Moscow 1967), p. 47.

37. Ibid., p. 77.

mean that the right of nations to self-determination has been rejected." (38) Without going into complexities of the question, V.I. Lenin realistically argued, "We demand freedom of self-determination, i.e., independence, i.e. freedom of secession from the oppressed nations..." (39) In his views, such riddance from the colonial oppression must be followed by with the integration with the neighbouring nations. It is "not contradictory for the social democrats of oppressed nations to insist on the 'freedom to secede' while social democrats of oppressed nations insist on the 'freedom to integrate.'" (40)

National self-determination being the main foundation of the national sovereignty, poses some questions here. "The doctrine of the self-determination of small nationalities", wrote Paul W. Ward in, 1928, "means toleration of racial and cultural units, a toleration which, when properly interpreted, implies that no nation is absolute, that no nation state is sovereign." (41) The question of national entities is not free from complexities. Some are already in the existence, some are struggling for their existence and some have potentialities to emerge. In this situation no dominant nation would recognise the right of national self-determination. The communists:

38. Quoted, *Ibid.*, p. 67.

39. V.I. Lenin: Collected Works, Vol. 21, p. 413.

40. V.I. Lenin: Collected Works, Vol. 22, p. 347.

41. Paul W. Ward, n. 2, pp. 152-153.

claim for the recognition of sovereign rights of nations, however, in practice the position remains the same. An authority on Soviet International Law remarks: "For whereas logically the fact that communist philosophy admits no restrictions upon the right of self-determination leads to the conclusion that the Soviet Government favours a theory of unlimited sovereignty, by its case not to espouse the doctrine of illimitability of sovereignty, it has left the door open to actual limitation in practice." (42)

But what is the rationale behind the permanent integration of nationalities among the communist nations? According to the communist theory, there can be no freedom of nations under capitalism. National oppression produces mistrust between the workers of different nations. Recognition of self-determination of nations, in the imperialist world is followed by "the deception systematically practised by the imperialist powers, which under the guise of politically independent states, set up states that are wholly dependent upon them economically, financially and militarily." (43) So, under imperialism the national question had become a national-colonial one. On the other hand this national injustice strengthens the solidarity of proletarian class. The socialist revolutions and disintegration from the oppressor

42. T.A. Taracouzio, The Soviet Union and International Law, (New York, 1935), p. 34.

43. Lenin, Collected Works, Vol. 31, p. 150.

nation, leads to mutual national respect among the new socialist nations. Marx and Engels wrote in *The Manifesto of The Communist League* (1848), "In proportion as the antagonism between classes within the nation vanishes, the hostility of one nation to another will come to an end." (44) Where there is no class antagonism in socialist countries, the problem of national self-determination poses no danger as such. This is why the communists have become the champion of this essential right of a nation. "The right freely to secede from the U.S.S.R. is reserved to every Union Republic." (45) V.I. Lenin also recognised the right of national self-determination as an essential feature of socialism, "...it would be betrayal of socialism to refuse to implement the self-determination of nations under socialism." (46)

The above discussion reveals the inseparable connection between national and social questions. The question of national self-determination does not stem from merely a change in the status quo. It is deep rooted in the socio-economic conditions of a nation, comprising as its main content of revolt against imperialism. It leads us to search the real foundations of national sovereignty beyond the problems of order. Sovereignty of a communist nation is the result of historic change, i.e., not only overthrowing of imperialist yoke but also the revolutionary change in social structure putting an end to the class-antagonism the bone of hostility among nations.

44. De N. Jacobs, n.5, p. 67.

45. Article 17, Constitution of the Union of Soviet Socialist Republics, Jan.F. Triska, Constitution of the Communist Party States, (Hoover Institution Publications, 1969)p.62.

46. Lenin: Collected Works, Vol. 22, p. 321.

CHAPTER III

CONCEPT OF SOVEREIGNTY

CONCEPT OF SOV REIGNTY

I

The communist advocacy of classical concept of national sovereignty surprised the western scholars. First of all, such tendency was unprecedented in Marxism. Fundamentals of communism could not tally with such a concept which ossifies the traditional system and thereby emasculates the revolutionary spirit. The revolutionary call to the workers of the world to unite "against the existing social and political order of things," (1) was the foremost negation of national sovereignty; for it was one of the most important hurdles in the way of envisaged world revolution. But by "an irony of history", same ideology was now asserting the doctrine of sovereignty more emphatically than others. (2)

Secondly, the more astonishing characteristic of the communist concept of sovereignty is that it stresses its traditional features which have widely been utilised by the earlier bourgeois regimes to exploit and suppress the working class within the state and to satisfy the boundless imperialist desires outside the state. Moreover, while the veteran non-communist nations are abandoning this concept -internally,

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1. Marx and Engels, The Manifesto of the Communist League (1848) ed. by Jacobs, New Communist Manifesto and Related Documents, (New York, 1961), p. 77.
 2. W. Friedmann, The Changing Structure of International Law, (London, 1964), p. 328.

to provide a wholesome environment for the democratic traditions; externally, to avoid devastating national conflicts among nations- the communist nations are uncompromisingly propagating for the concept. Another argument which negates the theory is, the unprecedented development of science and technology in the modern world has led the nations necessarily to be interdependent. "...while the recent development of International Law has shown a tendency to lessen the emphasis on sovereignty by stressing the interdependence of modern states, communist philosophy has increased it." (3) Such contradictory arguments require an extensive study of the communist concept of national sovereignty.

II

The definition of the communist concept of sovereignty has striking resemblance with the classical definition of the concept as propounded by Jean Bodin and Thomas Hobbes, sovereignty includes both internal supremacy and external independence of state. State sovereignty as defined by G.I. Tunkin, "implies a state's territorial supremacy and independence in international affairs." (4) The smaller nations within the communist world are more emphatic assertors of

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3. T.A. Tاراconzio, The Soviet Union and International Law, (London, 1964), p. 328.
 4. G.I. Tunkin, Fundamentals of Present day International Law, A Textbook (Moscow, 1956), p. 15.

classical nature of sovereignty. A Hungarian source defines "Sovereignty" as follows:

"Sovereignty means that condition of a state in which it exercises unlimited supreme power in international relations and is independent from every outside power in external relations.... only that state may be regarded as sovereign which is independent in every field of its activity and in all its decisions. A state which in the conduct of its external affairs must depend upon another state, is not sovereign." (5)

This attitude of small nations is an eye-opener for the scholars who always regard them as satellites of the U.S.S.R. This acute advocacy of national sovereignty also constitutes a ground for the assumption that such attitude might be the reaction of super power domination within the bloc. Whatever it might be; their championship of the national sovereignty in theory can not be questioned.

But such assertion of state sovereignty in absolute terms is incompatible with the present international relations. The interdependence of nations and the observance of the principles of international law are the important characteristics of contemporary international community. Sovereignty

5. Encyclopedia of Diplomacy and International Law, Academy Publishing Office, (Budapest, 1959), p. 505.

does not provide freedom for a state to do whatever it likes in its external affairs. An official Soviet textbook on international law acknowledges the limitation upon national sovereignty. Sovereignty is to be exercised "without violating the rights of other states or the principles and rules of International Law." (6) Absolute independence of state is forbidden by the present international law. The infringement of the norms of international law necessarily leads to the violation of sovereign rights of other nations. Therefore, state's independence in external affairs means independence in foreign policy within the framework of general international law. (7) Hence, the communist concept of sovereignty has necessarily to abide by the generally accepted international behaviour.

III

Assertion of sovereignty, however, needs some pre-conditions for its realisation. In creating a favourable atmosphere for the enjoyment of sovereign rights by nations, some responsibilities are to be carried out by themselves. Sovereignty "predetermines the existence and development of important international principles, such as respect for state sovereignty, sovereign equality, territorial integrity and

6. International Law, Academy of Sciences of the U.S.S.R., Institute of Law, (Moscow, n.d.), p. 93.

7. T.A. Tarazonio, n. 13, p. 26

political independence of states, non-interference in their domestic affairs, and non-aggression." (8) The communist bloc, while ruling out all the possibilities for the preservation of these conditions in the capitalist world, claims to provide not only the observance of them but also substantial assistance to enable the nations to enjoy the fruits of sovereignty. The most remarkable feature of the concept is that in addition to the legal and actual independence of states; "its economic independence as the basis of a real independence is particularly stressed." (9) I.M. Lemin, in a speech also highlighted the vitality of economic independence of a nation in the present international situation. He said, "Political independence must be complemented with economic independence, otherwise a country's sovereignty is incomplete and it may again become the plaything of alien powers." (10)

In the traditional theory of sovereignty economic independence is generally ignored, but it is essential for a sovereign nation. The communist claim for the preservation of national sovereignty within the bloc is inconceivable, since the uneven economic development in the communist nations.

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8. Ibid., p. 97, N.A. Ushakov, "International Law and Sovereignty," ed. G.I. Tunkin, Contemporary International Law, (Moscow, 1969).
 9. Mintauts Chakste, "Soviet Concepts of the State, International Law and Sovereignty," American Journal of International Law, Vol. 43, 1949, p. 30.
 10. I.M. Lemin, Colonialism today, (New Delhi, 1957), p.33.

is an unavoidable ground of inequality. The situation necessarily, impells the small and under-developed nations to depend upon the powerful and prosperous nations. Though the weak nations are assured of sincere economic help, the practical pressures can not be ignored. The ideological fraternity may be of little help in face of concrete compulsions.

IV

State sovereignty has a changing character. Since the source of sovereign power, i.e., dominating class has been changing with the historical developments, the nature of sovereignty has to have different contents at the different stages. In fact, sovereignty has been and still is a class sovereignty. A Soviet source explains:

"Because state sovereignty is a class category, its social and political content has not remained unchanged at different stages of historical development. It has changed in accordance with the social and economic basis of the states making up the international community and with the role that the idea of sovereignty had to play in the struggle of classes to assert their domination both within the state and in relations with other states." (11)

11. International Law, n. 6, p. 93.

Such exposition of the concept necessarily leads us to assume that communist practice is undoubtedly not unprecedented to past historical developments. The rationale behind the stridency of state sovereignty may be nothing except the interests of the ruling class and strategic convenience. This is a very cogent argument put forward by the critics of communism. More interesting is that communists explicitly assert that their state sovereignty is sovereignty of the proletariat (as a class) and it is exercised to serve the interests of the same. Such concept of sovereignty unlike the non-communist states deprives the minority of its sovereign rights. In a communist state, the so called capitalist remnants are not only denied their democratic right, but the whole state machinery is turned against them. State is inevitably "democratic in a new way (for the proletariat and the propertyless in general) and dictatorial in a new way (against the bourgeoisie)." (12) Since the virtual power of exercising sovereignty is in the hands of communist party, so-called vanguard of the interests of the proletariat, the party may go even against the interests of the proletariat class. Thus it may implicitly deny the whole people of its sovereign rights. Hence, the concept fails to remain immune from illegitimacy.

12. V.I. Lenin, Selected Works, Vol. 2, p. 329.

(13)

Since, "sovereignty is not a formal legal category" and is an ever-changing concept, the question arises whether it is merely a strategic tool having no permanent basis? An authority on sovereignty remarks, "political motives have animated assertions of the doctrine of sovereignty..."(14) Undoubtedly the communist theory of sovereignty has always been in accord with the communist movement. The communists regard state sovereignty as an inherent feature of socialist system. The political motives are not its real basis. To quote a Soviet scholar:

"The attitude of the Socialist states to sovereignty and their efforts in defence of it are not a matter of short-range political considerations or tactics. This springs from the very nature of the Socialist state which is guided in its policy by the basic Marxist-Leninist views on national policy and international relations." (15)

Obviously, even the traditional theory of sovereignty also stands for some ideals. Comparatively, the communist concept is more closely related to the political movements. Its abhorrence to the strict legal confines surely fetches it up to the realm of politics.

13. N.A. Ushakov, n.8, p. 98

14. P.W. Ward, "Sovereignty", (London, 1928), p. 172.

15. Y. Korovin, "Sovereignty and Peace", International Affairs, No. 9 (Moscow, 1960), p. 7.

V

In communist theory, any sort of negation of national sovereignty is impermissible. It would hamper the progress of communism and would lead the capitalist-imperialist powers to a sizable victory. That is why the opinions of western scholars (16) restricting the sovereignty are vehemently opposed by the communists. Capitalists disguising their own interests take the plea of inter-dependence and world peace to impose obligations upon national sovereignty. A communist leader refutes the argument that the concept is an outmoded one. To say "the era of sovereign states has passed, is the greatest perversion of truth.... It is in a state of efflorescence. And all those who raise a hand against the sovereignty of European states,... are threatening the vital interests of European security." (17) The obligation upon sovereignty would surely violate the sovereign rights of the weak nations; for in the absence of sovereign equality, power necessarily comes to fill the vacuum. Korovin explains:

"In a world where there rich and poor, exploiters and exploited, weak states and strong ones, and independent countries and colonies, to reject the conception of

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16. C.W.Jenks, A New World of Law? — A Study of the Creative Imagination in International Law, (Longmans, 1969) pp.113-136, Philip C.Jessup, A Modern Law of Nations, (New York, 1952), p. 2.
 17. D. Malenkov, Address to Supreme Soviet (April 26, 1954), Pravda, April 27, 1954.

sovereignty or the other legal guarantees of national independence and freedom would always help those who are strong and would never benefit those who are weak. (18)

Thus the communist concept of sovereignty explicitly opposes any attempt restricting or negating it. Since sovereignty represents the national interest, the communist world would surely be in a perilous situation in face of ideological conflict between different political systems especially when the capitalist world is still potent enough to harm the socialist system. Thus sovereignty "is used as a shield" (19) against the probable capitalist encroachment.

Sovereignty is not only "a reliable means of defending the small states from the major imperialist powers, (20) but it has become "a Marxist-Leninist weapon in all stages of the world revolutionary process." (21) As a weapon in the international class struggle, sovereignty is a means of strengthening the socialist camp at the expense of the capitalist camp. Thus the concept has also positive utility. Sovereignty in the form of the sovereign right of peoples to national liberation, revolutionary struggle and non-interference with sovereign prerogatives after liberation substantially con-

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18. E.A. Korovin, "The Second World War and International Law," American Journal of International Law, (Vol.40, 1946) p.788.
 19. Bernard A. Ramundo, Peaceful Coexistence-International Law in the Building of communism (Johns Hopkins, 1967)p.87.
 20. International Law, n.6, p.97.
 21. Charles T. Baroch, The Soviet Doctrine of Sovereignty, Bulletin, Institute for the Study of the U.S.S.R., Vol. XVIII, No. 8, August, 1971, p.21.

tributes to the safe development of communist movement.

Another aspect of the national sovereignty; which is generally misconceived (22) is its need within the communist bloc itself. Since all the communist nations representing the same class and striving to achieve a common goal, the need of national sovereignty becomes meaningless. But this is not the case. The nationalism in communism due to the split in the international communist movement has impelled the smaller nations to be cautious in safeguarding their national interest and security by not becoming a plaything in the hands of super powers within or without the bloc.

On the other hand we can not ignore the ideological need which supports the national sovereignty of the small nations within the world socialist system. National peculiarities can not be treated on the basis of a common international programme or instructions dictated by a veteran leader who generally has no concrete knowledge of the problem. Kim Il Sung, leader of the Democratic People's Republic of Korea, said on September 7, 1968:

"Only when the communist and Workers' parties and socialist countries maintain autonomy and independence in

22. As noticed, "Within the socialist camp, sovereignty is used neither as a shield nor a weapon." B.A.Ramundo, n.9, p.88. So far such interpretation is based on ideological fundamentals, it is true. But the present nationalistic trend and strategic convenience has disproved it. Hence it has become now a misleading thesis.

their activities, can they work out correct policies, suited to the peculiarities of their own countries and successfully push ahead with the revolutionary cause and constructive work." (23)

Dogmatically imitating the experience of other countries and ignoring the national peculiarities, would not only jeopardise the socialist construction in the new communist nations, but also ultimately lead the communism itself to a catastrophic road. National sovereignty facilitates the national as well as international achievements of communism. Thus the communist concept of sovereignty essentially incorporates a wide range of legal and political objectives.

23. The Democratic People's Republic of Korea is the Banner of Freedom and Independence For Our People and The Powerful Weapon of Building-Socialism and communism, (Pyongyang, Korea, 1968), p.72.

CHAPTER IV

FULCRA OF SOVEREIGNTY

SOCIALIST SYSTEM

What is new in the communist concept of sovereignty takes its roots in the socialist system established by a violent revolution made by the proletariat class. The revolutionary change in the social structure of society within the country and a class solidarity at international level gives the concept of sovereignty a new content. Unless the socialist revolution followed by the "dictatorship of the proletariat" tending to abolish class antagonism, occurs, the new theory can not be realised. Precisely, "socialism and sovereignty are inseparable." (1) The communists think the realisation of national sovereignty in the capitalist system is quite impossible. The realistic design, they have in mind, can only gain grounds in a socialist atmosphere.

I

Communist ideology plays a decisive role in the formulation of the legal and political concepts. History is the evidence of the fact that there have always been political motives behind these principles. But so vigorously are the communist concepts associated with ideological factors, ever

1. E. Bagramov, "The National Question and the Ideological Struggle," Soviet Review (New Delhi), Vol. VI, No. 95, 1969, pp. 17-18.

seen in history. "... the Soviet concept of the state, law and sovereignty are entirely dominated by the Marxist and Leninist theory." (2) This tendency has made the concept of sovereignty a political rather than a legal one. Therefore, to find out the roots of the concept; the proper understanding of the socialist system is essential.

Since the concept is closely related to the communist ideology, its original source is the national self-determination. Sharpening class struggle and demand for national self-determination culminates in the assumption of political power by the proletariat class. There is no alternative for the oppressed nations except to resort to class struggle and national self-determination. That is why, the communist state sovereignty is viewed, in the words of T.A. Taracouzio, "as a paramount proletarian right for international social reconstruction manifested temporarily in national self-determination and class struggle." (3)

II

It is generally emphasised that "The socialist countries are states of an entirely new type in which the exploiting classes have been overthrown and the working people

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2. M. Chakste, "Soviet concepts of the State, International Law and sovereignty," American Journal of International Law, No. 1, Vol. 43 (1948), p. 35.
 3. T.A. Taracouzio, The Soviet Union and International Law (New York, 1935), p. 27.

are in power. (4) It makes the working people and their will, real source of state power. In socialist system concept of state is "substantially different from the traditional ones." (5) The capitalist countries also claim that they have sovereignty of the people. But in practice, the position is quite contrary. The dominance of few upon the means of production enables them also to enjoy political dominance. Thus, the sovereignty of the people is substituted by the bourgeois class which is always in insignificant minority. Therefore, while locating the sovereign power one should bear in mind the distinction between the contents and the essence of sovereignty, on the one hand, and its form, on the other. The supremacy of the power of the state as the political organisation of the ruling class is the essence of sovereignty. Hence the "sovereignty of the people" as proclaimed in bourgeois state conceals the dictatorship of the bourgeoisie. The scientific analysis of the concept of sovereignty enables us to observe the fallacious. I.D. Levin remarked that "the sovereignty of the people" in conditions of bourgeois state... is... a fallacy.... For the first time in the history the Soviet state has realised the real sovereignty of the people. (6)

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4. Mao Tse-tung, 'Speech at the meeting of the Supreme Soviet of the U.S.S.R. in celebration of the 40th Anniversary of the Great October Socialist Revolution, November 6, 1957.
 5. Dr. Devi Prosad Pal, State Sovereignty at the Cross Roads. (Calcutta, 1962), p. 51.
 6. Quoted by M. Chakste, n.2, p.32, See also A.Y. Vyshinsky, The Law of the Soviet State (New York, 1948), p. 165.

What makes the sovereignty a reality is directly linking the source of power with the will of the people, i.e., socialist democracy. The political power which has no roots in the masses is not entitled to enjoy the sovereignty rights. I.D. Levin again says, "a regime brought about by aggression and representing a constant threat of aggression, certainly cannot claim to be protected under the cover of principle of sovereignty." (7) Thus the sovereignty of the capitalist and fascist states is not viewed by the communist scholars as a legitimate sovereignty.

III

The communists claim that socialism is the only remedy to remove the mutual mistrust and hostility among nations. The sovereignty of the capitalist and fascist nations is based on national isolation, mutual hostility and aggression. Therefore, it always contributes to mutual mistrust and results in war among nations. On the other hand the communist national sovereignty, instead of being aggressive safeguards the sovereign rights of other communist nations. Only under socialism equality, national independence, and sovereignty acquire their real meaning. (8) Liu Shao-che

7. Quoted by M. Chakste, n.2, p. 32.

8. O.W. Kunsinen, Fundamentals of Marxism-Leninism, 2nd. impression (Moscow, 1961), p. 770.

states reason:

"Only when the system of the exploitation of man by man has been replaced by socialism, as in the Soviet Union, can aggression be completely eliminated.... She does not allow others to wage aggression against her.(9) Nor does she want to wage aggression against others, since there is absolutely no necessity for it to do so," and he adds, "After socialism has been gradually carried out in all countries the word 'aggression' will be a strange archaic word existing only in man's mind."(10)

The further developments disproved this thesis when Yugoslavia in 1948 detached herself from the communist monolith. Sino-Soviet conflict strikingly exposes the fact that the two communist nations may be as hostile as the capitalists. But this is not the fault of ideology. National interest came to dominate the ideology and caused fragmentation in the world socialist system.

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9. What enables a socialist nation to repulse the imperialist encroachment is the fact that unlike the capitalist nations, here political power is enjoyed by the majority, i.e., the working class itself; which consists the main force of a nation. On the other hand, bourgeois domination might be disobeyed at the time of crisis, for there is ample mutual mistrust and struggle between the two classes.
 10. Liu Shao-Chi, Internationalism and Nationalism (Peking, nd.) pp. 41-42.

IV

Since the high hopes of the communists for world revolution and establishment of world socialist system could not be fulfilled the socialist nations were to find themselves in confrontation with the powerful capitalist system. The fear of such confrontation and danger to the socialist system made the communists more alert to defend their sovereignty; for it could be utilised as a shield against imperialist encroachment. In the beginning, the Soviet Union being the lone socialist nation encircled by the capitalist nations had "to act as the champion of the doctrine of classical sovereignty." (11) In 1946, E.A. Korovin wrote, "Under contemporary conditions sovereignty is destined to act as a legal barrier protecting against imperialistic encroachment and securing the existence of the most advanced social and state forms—socialist and those of democracy...." (12) Thus the doctrine of national sovereignty came to defend the gains of socialism.

V

While discussing the problems of socialist system one question which comes to our mind is whether the doctrine of sovereignty which is the resultant of political compulsion, is compatible with the system? One may envisage that the concept of sovereignty leads to national seclusion, thereby

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11. E.A. Korovin, Quoted by M. Chakste, n.2, p. 31.
 12. E.A. Korovin, "The Second World War and International Law," American Journal of International Law, Vol.41 (1946), p.748.

hampers the international communist movement. It would be very difficult to reconcile the traditional national sovereignty and the class alliance at international scale. Korovin rules out all such possibilities and argues for the suitability of the concept. "The major successes of democracy in a number of states in post-war Europe (Bulgaria, Romania, Yugoslavia, Hungary, Poland) simultaneously with a fundamental change in their foreign policy, convincingly testifies that sovereignty and democracy, just as sovereignty and socialism, are conceptions that not only are wholly compatible but mutually enriching." (13) Thus it can be concluded that socialism is an essential condition for the realisation of sovereignty. The national and international interests of the socialist movement are best served by the observance of national sovereignty.

SOCIALIST INTERNATIONAL LAW

I

The revolutionary spirit of communism has not let the principles of International Law unaffected. Though, lacking omnipotence over the whole international system it could not revolutionize whole international law, nonetheless it has given a new content to the nature of international law, Socialist international law commands a great respect on the part

13. Ibid.

of all sovereign nations. This trend gives rise to a question, whether the principles of international law imposing obligations upon the nations are compatible with the classical concept of sovereignty advocated by communist nations? An unambiguous answer is as follows:

"Sovereignty is a generally recognised principle of International Law. Without its recognition, there can be no free cooperation between states and hence no International Law." (14)

Hence sovereignty is not only compatible with the principles of international law, but a true basis of them. This also leads to the conclusion that the obligations imposed upon sovereignty by international law are the real source of sovereign powers of nations. The principle of sovereignty, that is, recognition of the right of every nation state for an independent domestic and foreign policy, is a basic foundation of contemporary international law. (15)

II

What is international law? According to communist scholars, in real sense, every sort of law is a beatification

14. International Law, Academy of Science of the U.S.S.R., (Moscow, n.d.) p.96.

15. Y. Korovin, "Sovereignty and peace," International Affairs, No. 9, (Moscow, 1960), p.7.

of order. A socialist jurist draws a conclusion, "If Duguit regards the state merely as a simple fact (un simple fait), then it may be said with reference to international law also—right down to the imperialist period—that all law is actually nothing more than relationship de facto." (16) The reason is that enforcing authority is an essential ingredient of law. E.B. Pashukanis writes, "I will only point out further that if we take the proposition of Lenin, "Law is nothing without a mechanism capable of compelling the observance of legal norms," international law must then be regarded as nothing since - as everyone knows- no mechanism exists such as would compel obedience to the norms of international law." (17) Now, since the principles of international law are incapable of being executed it is impossible to maintain sovereign equality and sovereignty itself. But these theoretical conclusions do not correspond with the reality. Virtually, to a great extent, principles of international law enjoy enough observance in the present international system.

Yet, the communists perceive the defective and favourable nature of international law to the capitalist

16. P.I. Stuchka: "A General Doctrine of Law", Soviet Legal Philosophy, *John N. Hazard (Harvard University Press, 1951), p. 66. (* Introduced by)

17. E.B. Pashukanis, "The Soviet State and the Revolution in Law," Soviet Legal Philosophy, n. 15, p. 245.

tendencies. It does not go deep into the problems. What is left by history, which is full of violent struggles and forceful maintenance of order, is legitimised by the norms of international law, "International law does not study the question of the emergence of the state in all its aspects. It is interested only in the question of the emergence of states as members of the international community. (18) Since the present order favours the conservative tendencies and ossification of traditional system, it is not possible for the progressive forces to enjoy their legitimate rights within the framework of international law. But there is no alternative to it. That is why, "it is impossible to reject international law by simply denying its existence and to despatch the entire set of international legal norms of the present time as a bourgeois remainder by the stroke of pen" (19) But the adherence to the present legal norms is not a humble submission of communists. They have tried their best to find out suitable principles to adapt to the fundamentals of communism, and stressing upon them, have made their position not only safe but favourable to the realisation of the envisaged future. In this process, if not a substantial

18. International Law, Academy of Sciences of the U.S.S.R., n. 13, p. 116.

19. E.A. Korovin, Mezhdunarodnoe Pravo Perekhdnovo Vremeni quoted in The Socialist Theory of International Law by Bernard A. Ramundo, Institute for Sino-Soviet Studies, series No. 1 (The George Washington University, 1964), p. 17.

change in the nature of international law; it is sure that it has added a new content to it.

In communist view the great October socialist Revolution was a historic event in the realm of international law. G.I. Tunkin has compared the pre and post-revolution features of international legal norms:

"..... whereas the old international law was essentially the law of the strong, sanctioning war and recognising and legalising the rule of force in international relations, the new international law is directed against war, and is a weapon in the struggle for peace. The old international law contained norms and institutions constituting tools for the colonial enslavement of peoples and giving sanctification and legality to the system of colonialism, International Law of today is anti-colonial in its direction." (20)

Virtually, it is not international law that has changed the attitudes of all the nations at present time. The emergence of a new communist regime in Russia followed by several communist nations in the modern international system prompted by new political motives has given a new character to it; because, the sovereignty of nations is the basis of international political and legal norms and it was now to

20. "The 22nd Congress of the CPSU and the Tasks of the Soviet Science of International Law," Soviet Law and Government, (New York), Vol. I, No. 2 (Winter 1962/63), p.25.

be handled by the proletariat class prejudiced against the capitalist class dominating the non-communist countries.

A Soviet source defines international public law as follows: "International law can be defined as the aggregate of rules governing relations between states in the process of their conflict and cooperation, designed to safeguard their peaceful coexistence, expressing the will of the ruling classes of these states and defended in case of need by coercion applied by states individually or collectively." (21)

This is an unambiguous explanation of class character of international law and an ideological confrontation therein. Such an emphatic assertion of class attitude leads the scholars to say that the nature of socialist international law is determined, not by the norms it applies but by the aims it seeks to achieve. Since the communist states' sovereignty is in the hands of working class, it is but natural ground for conflicts among communist and non-communist nations. If such a conflict involves use of force then it negates the existence of international law; for nothing remains to rescue it. Hence sovereignty of nations, except few powerful nations capable of enjoying the sovereign rights on the basis of sheer force, can ^{not} be maintained. This is not a hypothetical conclu-

21. International Law, Academy of Sciences of the U.S.S.R., n. 13, p. 7.

sion. This is what we are doing in practice incessantly even at the present time.

The different social systems and their political interests are reflected in the practice of legal norms. Korovin noted in an article in *Bolshevik* in October 1946 as follows:

"Like any other law, international law reflects the will of the ruling class... there are on the international stage bourgeois states as well as feudal and socialist ones. Each of them, carrying out its own line and directed by its own motives, might be interested in supporting and preserving a certain amount of generally binding legal norms in international relations. (22)

Now it may undoubtedly be held that there are political motives behind the support or negation of the legal norms. The communist nations' policy is not an exception to this bitter truth. But there must be reconciliation to keep the "harmony with the fact that international law functions as mediator in the relationship between proletariat (organised as the dominant class) and bourgeois states." (23) Hence, international law becomes an inter-class law.

22. Quoted by M. Chakste, n.2, p. 30.

23. E.B. Pashukanis: "The Soviet State and the Revolution in Law," n. 16, p. 245.

III

Since, "..... the principle of sovereignty is closely linked with other principles of International Law," (24) the most important international legal norms which has widely been controverted in this context is the principle of non-intervention in the internal affairs of another nation. From the beginning, communists have been stressing this principle. Federick Engels wrote, "To secure international peace it is essential first and foremost to eliminate all possible national friction, and every nation must be independent and master in its own house. (25) This principle of non-intervention by one state in the affairs of another flows from the recognition of sovereignty of states-of their right to an independent existence. (26) Thus the infringement of this right includes the violation of national sovereignty. Communist advocacy of this principle is not only to check the imperialist states who "strive to support counter revolution and follow the reactionary policy of enslavement of other peoples. (27) but also to observe it strictly within the communist camp.

This stridency of non-intervention is based more on political grounds than on purely legal foundation. The

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24. International Law, Academy of Sciences of the U.S.S.R., n. 13, p. 98.
 25. Marx/Engels, Werke, B.21, Berlin, 1962, S. 207, Quoted by V.M. Shurshalov, "International Law in Relations Among Socialist Countries"- Contemporary International Law edited by G.I. Tunkin, (Moscow 1969), p. 73.
 26. International Law, Academy of Sciences of the U.S.S.R., n. 13, p. 112.
 27. Shurshalov: Mezhdunarodno-Pravovye Printsipy, pp. 104-5, Socialist International Law, n. 18, p. 40.

communists do not deny its observance according to the principles of international law. But such legal position should not hamper the revolutionary struggle for socialism. To facilitate world revolution, it is necessary to deviate from the policy of strict non-intervention. So it is desirable to support the revolutionary people fighting against the capitalist imperialism even at the cost of intervention in the internal affairs of another nation. Lenin stressed time and again that in the exploitive world "there are differences between the governments and the peoples, and we must therefore help the peoples to intervene in questions of war and peace. (28) Previously, in the beginning the U.S.S.R. advocated the principle to utilise it as a shield to repulse the capitalist encroachment. But the real stand of Soviet Union was divulged by Korovin when he said, "the strictly negative attitude of the Russian does not indicate the rejection of intervention as a method of class struggle." And he pointed out that under certain conditions intervention may become "the mightiest instrument of progress, a surgical measure to ease the birth pangs of a new world. (29)

The analysis of the aforementioned viewpoints reveals that to a great extent the legal principle of non-intervention

28. Lenin, Collected Works, Vol. 26, p. 252.

29. Mezdunarodnoye Pravo Perekhodnogo Uremeni, Quoted by M. Chakste, n.2, p. 61.

is a strategic tool. Since the interests of the international communism are explicitly asserted as the guiding principles of state action, the legal background of the non-intervention is naturally weakened. According to the communists, capitalist practice does also involve the gross violation of non-intervention for the sake of narrow national interest. Here, in the communist bloc incentives for intervention are the high ideals of communist system. Hence, non-intervention becomes a political question interpreted differently in different situations. Therefore, an objective study fails to recognise the sanctity of sovereignty since the non-intervention in internal affairs of a state being its essential ingredients; remains inconstant.

III

PROLETARIAN INTERNATIONALISM

I

"It is the assumption of the internationalists", wrote Paul W. Ward in 1928, "that the intense focussing of human interests in the nation state, as it eventuated in the 19th century, was a mistake." (30) It was not only a simple

30. Sovereignty (London, 1928), pp. 150-151.

mistake for the socialist internationalists, but a deliberate manipulation on the part of the bourgeoisie yielding to the interests of capital. Communism regards nationalism as "a device of capitalist domination over the workers"(31) Nationalism marks "the process of elimination of feudalism and development of capitalism."(32) Nationalistic attitude accompanied with national sovereignty becomes "unfavourable to liberty; and the medium of external attack."(33) Thus intensification on nationalism is the cause of international disorder and violation of national sovereignty of other nations. V.I. Lenin, pointed out, "..... nationalism strives to safeguard the privileges of one nation, condemning all other nations to an inferior status, with fewer rights or even with no rights at all."(34) Adopting various devices the powerful and prosperous nations tremple on the sovereign rights of weak and under-developed nations. Economic plunder, influence of power and even sheer force is deployed to achieve nationalistic ambitions of the bourgeois class. In this process, nationalism develops almost automatically into imperialism.

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31. W.Friedmann, The Crisis of the National State (London, 1943), p. 61.
 32. Ibid., p. 60.
 33. H.J. Laski, Foundations of Sovereignty, (London, 1931) p. 15.
 34. V.I. Lenin, Collected Works, Vol. 19, p. 548.

This long record of vampirism on the part of nationalism; and necessity for world peace tempted communists to be internationalists. V.I. Lenin declared, "We are opposed to national enmity and discord, to national exclusiveness. We are internationalists." (35) The developing capitalism culminates into imperialism. The main task of communism, i.e., the overthrow of capitalism necessitates then to adopt an international programme. Capital is an international force. To vanquish it, an international workers brotherhood needed. W. Friedmann marks the real factor which prompts to imperialist tendencies; he writes, "The real community of interests is not between capitalists and workers of one nation but between the same classes of different nations. (36) Therefore, it is but natural to unite the exploited class at an international level and launch a common struggle forgetting national interests. Nationalism disunites the workers of the world and deviates from the right path. This difficulty was observed by V.I. Lenin, that nationalism "is more feudal than bourgeois, and is the principal obstacle to democracy and to the proletarian struggle." (37) Thus, the removal of this impediment becomes an essential pre-condition for the international communist

35. V.I. Lenin, Collected Works, Vol. 30, p. 293.

36. W. Friedmann, n. 31, p. 61.

37. Question of National Policy and Proletarian Internationalism. (Moscow, 1967), p. 62.

movement. To quote Lenin, "successful struggle against exploitation requires the proletariat be free of nationalism, and be absolutely neutral, so to speak, in the plight for supremacy that is going on among the bourgeoisie of various nations." (38)

II

Though capitalism also had a class alliance at international scale, however, mingled with opportunistic and motivated conflicts, the class alliance of workers of the world "has turned into solid unshakable interstate alliance." (39) Needless to say, this class alliance bifurcating the whole world society and class conception of state sovereignty embodied in party control has revolutionized the external aspect of sovereignty. We find a fine explanation of class approach in the following extract:

"National community (of interests) cannot abolish class differences within a nation.... on the other hand, class solidarity reaches beyond the confines of the individual nation. American, German and French capitalists speak different languages. But they are all brought closer by the fact that they belong to one class and this unites them against socialism,

38. Ibid., p. 74.

39. Janos Kadar, Proletarian Internationalism and the Soviet Union, Pravda, October 9, 1957.

the working class movement and the struggle for national liberation of the colonial peoples. In exactly the same way, the workers too belong to different nationalities and races, but they remain primarily proletarians, and this determines the community of their national interests, aims and ideology, in the face of which other differences recede into the background." (40)

Convinced with this irrefutable argument, the working class all over the world is united and strives for the achievement of a common aim. The national revolutionary masses rising from their local background are organised "into a single international working-class army to fight inter-national capital;" (41) and thus "that bond of brotherhood which ought to exist between the workmen of different countries," (42) is realised.

Such a strong and unshakable alliance of the workers consisting of majority in respective nations, have made subsidiary the concept of nationalism. The predominance of common interests of the proletariat class was recognised by the fathers of communism. The Manifesto of Communist League (1848) declared clearly even that the working class has no country or nationality. They were to fight for the interest of the international communist movement. (43)

40. The Foundations of Marxism-Leninism—A Textbook, (Moscow, 1959), p. 157.

41. V.I. Lenin, Collected Works, Vol. I, p. 156.

42. Marx and Engels: Selected Works, (Moscow, 1958) Vol. I, p. 384.

43. The New Communist Manifesto and related Documents, edited by Dan N. Jacobs, (New York, 1961), p. 62.

This over-emphasis on the common interests understandably, have an impact on the concept of national sovereignty. It is not a question of adverse or fruitful change, but the concept is deviated considerably from its traditional foundations. And now, it is not only the national background but also international workers' movements that shapes the concept.

III

The idea of common interests and common enemy needs unity among workers of the world, for this is the only source of victory. So, "... without the closest and fullest alliance (44) of the workers of all nations in all working-class organisations" the defence and furtherance of socialism have no future. "To counter neo-colonialism is not only the specific task of the forces of national independence and international liberation, but the common task of all revolutionary forces of the world." (45) The extension of crucial help by the working class of one country to another, which is revolting against its national bourgeoisie, is the outcome of the unity. Such timely assistance would make the realisation of world communism, more feasible. V.I. Lenin advised, "with the aid of the proletariat of the advance countries, backward countries can go over to the Soviet system and without going / through certain stages of development, to communism...." (46)

44. Lenin, Collected Works, Vol. 19, p. 245.

45. Le Duan, Forward Under the Glorious Banner of October Revolution, (Hanoi, 1969), p. 22.

46. Lenin, Collected Works, Vol. 31, p. 244.

This fraternal unity becomes the basis of all activities - national and international. This is what Karl Marx meant the words, "Workers of the world, unite!"

IV

Not only unity but a positive subordination to the principles of international socialism is highly needed. Any deviation is impermissible for it may hamper the communist movement. The statement of the meeting of Representatives of communist and Workers' Parties, held in Moscow in November, 1960 said:

"It is an inviolable law of the mutual relations between socialist countries strictly to adhere to the principles of Marxism-Leninism and socialist internationalism."(47)

And the principles of socialist internationalism are identified with the interests of working class of the world. Hence, the exercise of sovereign rights by individual nations can not go beyond these principles. "... under the present day conditions the slogan of sovereignty, devoid of class content, is often a weapon of bourgeois ideologists as well as of right-opportunist revisionist and reactionary nationalist forces."(48) Now, this may safely be concluded that

47. Dan N. Jacobs, n. 44, p. 21.

48. A.P. Pospelov, Loyalty to Internationalism, Soviet Review, (New Delhi) No. 3, Vol. VII, 1970, p. 9.

communist national sovereignty unhasitatingly declares as class sovereignty dominated by socialist internationalism. But this external domination is not an involuntary force, or will of super-powers within the bloc. It is founded on the unambiguous principles of Marxism-Leninism. The International conference on V.I. Lenin's birth centenary, noted Lenin's views on Marx, "... it is omnipotent, because it is true.... Loyalty to Marxism-Leninism, this great international teaching, is the guarantee of further success of the communist movement." (49)

Such devotion to internationalism, which is not merely a hypothesis but a concrete principle exercising supremacy over all communist nations, seems to be a decisive factor both in internal and external affairs of state. But we are assured, "Socialist-internationalism does not run counter to the principles of equality and sovereignty. On the contrary, only under socialism do national independence and sovereignty acquire a real meaning. The mutual respect of sovereignty implies the need for the consideration of the national features and traditions of every people." (50)

There is no contradiction between nationalism and socialist internationalism. The "development of national feature does

49. Ibid., p. 10.

50. I. Groshev, A Fraternal Family of Nations (Moscow, 1967), p. 209.

not exclude the class approach...." (51) The reason is that there is no question of conflict of interests among nations, for they all have risen from a common ground of Marxism-Leninism. Therefore, a combination of "national self-awareness with class interests and common international tasks," (52) suppressing narrow nationalist feelings prevail in the national policy of communist nations. Every individual national communist party bears a "historical responsibility for the destinies of both its country and the entire socialist camp." (53)

The identical nature of national and international tasks requires to concentrate on national progress because this is complimentary to proletarian internationalism. For the national loss would have adversely affected the socialist internationalism. That is why V.I. Lenin, "Those who treat frivolously the defence of the country in which the proletariat has already achieved victory are the ones who destroy the connection with international socialism." (54) In this way national security and independence are essential to strengthen international communist movement. This conspicuous feature of world socialist system seems to be a complex one but the communist nations having "a profound understanding of laws of

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51. I. Stepanyan, "Socialist Internationalism and the nationalist Ideology," Soviet Review (New Delhi), Vol. VI, No. 37, p 1969, p. 30.
52. Ibid., p. 29.
53. Dan N., Jacobs, n. 48, p. 22.
54. V.I. Lenin, Collected Works, Vol. 27, p. 332.

social development, take into account specific national features, and.... be true internationalists." (55) The small nations in the communist bloc are now tending to emphasise their national independence while following the principles of socialism. Korean communist leader, Kim II Sung stressing the national independence, balances the position, "Independence should serve the end of strengthening proletarian internationalism and should never weaken it. There can be no internationalism apart from independence, and vice versa." (56)

NEW TYPE OF INTERNATIONAL RELATIONS

I

The world socialist system is a community of sovereign, independent and equal states. (57) Though these features of states in multi-state international community are generally recognised, but their realisation could only be possible, in their real sense, in the world socialist system. The socialist states, it is claimed, observe the democratic

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55. E. Bagramov, The National Question And the Ideological Struggle. Soviet Review (New Delhi), Vol. VI, No. 95, December 1969, p. 15.
56. The Democratic People's Republic of Korea is the Banner of Freedom and Independence of our People and the Powerful weapon of Building Socialism and Communism (Pyongyang, Korea, 1968), p. 72.
57. V.M. Shurshalov, n. 24, p. 59.

principles, namely, sovereignty, equality of states, and non-interference in their internal affairs. Moreover, the communist reception of these principles leads to their substantial modification. The uniqueness in international relations is generally asserted that the socialist states in the application of these democratic norms, provide "old legal forms a new content." (58) Therefore, misunderstanding of the essence of the socialist international relations, and drawing conclusions, on the basis of formal approach, would surely lose the reality.

Declaration of Representatives of Eighty-one communist parties, Moscow, 1960, commented on the international relations among socialist nations as follows:

"The socialist camp is a social economic and political community of free and sovereign peoples united by the close bonds of international socialist solidarity, by common interests and objectives, following the path of socialism and communism... Every country in the socialist camp is insured genuinely equal rights and independence." (59)

Undoubtedly, the socialist states also have their national interest. The most remarkable fact about it is that national interest of a socialist country never conflicts

58. Soviet Year Book of International Law, 1958, (Moscow, 1958) p. 55r

59. Dan N. Jacobs, n. 44, p.21.

with the national interest of another socialist nation. The reason is that they all represent the identical interests. Their common problems and common objectives tend them to work as a team in international relations. This strong ideological base may lead to infer the complete and permanent amalgamation of socialist multi-national system. But the uneven conditions of nations compelled them to remain separate entities. And this also creates natural differences among them; (60) which could not be overcome instead of strong integrating ideology.

These differences among socialist nations made them cautious to safeguard their national interest by observing strictly the general legal norms of international relations. Had there been no national interest apart from the interests of international socialism, there would have not been any need of national sovereignty. Basically, nations are guided by national interest in their affairs and ideology plays a secondary role. The communists claim that they observe and base their international relations "on the absolute independence and sovereignty." (61) It is generally claimed that the socialist states base their relationship "on the immutable observance of the full sovereignty of each state." (62) It is

60. Lenin, Collected Works, Vol. 31, p. 92.

61. I.M. Lemin, Colonialism Today (New Delhi, 1957), p. 48.

62. E.T. Usenko, "The Basic International Legal Principles of the collaboration of socialist states," Soviet State and Law (Sovetskoe Gosudarstvo i pravo) No. 3 (1961), pp.16-29. Also Quoted by B.A. Ramundo, Peaceful Coexistence (Johns Hopkins, 1967), p. 103.

not only the national interest but the successful construction of socialism requires international relations among communists "on a basis of close mutual relations and cooperation on the principle of full equality and respect for the integrity, state independence, and sovereignty... and also of non-interference... .." (63) in the internal affairs of other.

II

Though these democratic principles of international relations enjoy effective application in the communist camp, should not contravene with the principles of international socialism. Legal observance of these principles without considering the real interests of socialism, does not give the reality of the new type of international relations. Declaration of the Twelve Communist Parties in Power (excluding Yugoslavia) Moscow, 1957, made it clear:

"The socialist countries base their relations on principles of complete equality, respect for territorial integrity, state independence and sovereignty and non-interference in one another's affairs. These are vital principles. However, they do not exhaust the essence of relations between them.

63. V.A. Fomina, Kestnik Moskovskavo Univerziteteta, Nov.4,1958, Quoted by Hugh Seton-Watson, Nationalism and Communism (Essays), (London, 1964), p. 213.

Fraternal mutual aid is part and parcel of these relations. This aid is a striking expression of socialist internationalism."(64) (emphasis supplied).

Ideological fraternity and the strict observance of the principles of international socialism constitute the essence of the international relations. The strict legal connotation of the principles may be discarded.

Since the communist theory considers the economic independence and other material conditions as essentials for a state to enjoy the sovereign rights, the mutual assistance and mutually advantageous actions are remarkable features of the socialist international relations. Unlike the capitalist practice, the prosperous socialist nations "help the relatively weaker states to intensify their economic development, uphold national independence and rebuff attempts at intervention from without."(65) This crucial help "contributes to the consolidating of their independence, creating the possibility of avoiding dependence on imperialism."(66) Such tendency provides a real ground for the enjoyment of sovereign rights by all socialist nations even in face of sheer power competition in international politics.

64. Dan N. Jacobs, n. 44, p. 21.

65. V.M. Shurshalov, "International Law in Relations among socialist countries." Contemporary International Law, ed. by G.I. Tunkin, (Moscow, 1969), p. 65.

66. Le Duan, Forward Under the Glorious Banner of the October Revolution, (3rd. ed.), (Hanoi, 1969), p. 19.

The foreign policy of socialist states designed to achieve common objectives and sincere substantial assistance to the under-developed countries of the camp is essential characteristic of socialist international relations. "...the socialist states improve their all-round economic, political and cultural cooperation, which meets both the interests of each socialist country and those of the socialist camp as a whole" (67) This fraternal friendship and mutual assistance of peoples in the socialist system have "superseded the political isolation and national egoism typical of capitalism." (68) The socialist international relations represent the uniqueness unprecedented to history.

III

The uniqueness in the international relations among socialist states is based on the grounds that they are not guided only by national interest which has been the apple of discord and hostility among nations. Their interests being identical create strong integration among them. Their common subordination to the principles of socialism provides new international system. V.I. Lenin remarked, "The bourgeoisie always places its national demands in the forefront and does so in

67. "Declaration of Representatives of the Eighty-one Communist Parties (1960)" Dan N. Jacobs, n. 44, p. 21.

68. Lenin, Collected Works, Vol. 22, p. 339.

categorical fashion. With the proletariat, however, these demands are subordinated to the interest of class struggle." (69) The various demands of democracy including self-determination of nations, are not absolute. Every state action in national or international sphere must be appraised in the light of principles of socialism.

There is a collective will that governs relationships within the bloc and between the bloc and the capitalist world. This collective will is for the most part, determined, at multilateral meetings of party leaders where bloc foreign policy objectives and goals are formulated. To a great extent, because of the communist party's control over these states, their relations are primarily inter-party relations, governed not only by general international law but by fundamental Marxist-Leninist principles of proletarian internationalism. Therefore, the doctrine of national sovereignty "is an integrating force" among the socialist states and is to be exercised for the higher interests "of the socialist commonwealth of nations." (70) The exercise of sovereign rights must be compatible with the principles of proletarian internationalism which provide the concrete rights and obligations for the socialist states.

69. Lenin, Question of National Policy and Proletarian Internationalism, (Moscow, 1967), p. 60.

70. B.A. Ramundo, n. 62, p. 88.

CHAPTER V

AN INNOVATION

'LIMITED SOVEREIGNTY'

I

Too much emphasis on national sovereignty and drift towards traditional nationalism in the preceding two decades and half proved an undoing to the cause of international communism. Growing nationalism manifested in the classical concept of sovereignty became the major hurdle in the way. The old ideological incentives were passed into oblivion. These unwholesome developments in the communist world urged a new interpretation of sovereignty vitalising its ideological foundations corresponding to the cherished ideals of communism. The purely legal character of sovereignty satisfying the conformist attitude insisted on its inviolability even in the crucial problems of international communist movement. The anti-communist propoganda found a suitable ground to launch an onslaught on the communist solidarity by highlighting the sacredness of sovereign rights of a socialist state. The communists realised this perilous situation and sought to substitute the content of the doctrine by the urgent ideological considerations so that the wild national sovereignty could be tamed and harnessed into the chariot of international communism.

It was bourgeois nationalistic tendencies which caused the disintegration of the communist solidarity substituting it almost by the capitalist norms of international relations. So

pruning of the outgrown nationalism was urgently required and the best scissors for the purpose available at the time were the principles of proletarian internationalism. These principles of international socialism were not merely asserted as the guiding principles but their violation was regarded impermissible. The Statement of the Meeting of Representatives of Communist and Workers' Parties, held in Moscow, November 1960, said: "It is inviolable law of the mutual relations between socialist countries strictly to adhere to the principles of Marxism-Leninism and socialist internationalism." (1) National seclusion detrimental to the furtherance of communism. Therefore "exclusiveness and nationalism are alien to the democratic sovereignty of the socialist countries." (2) The enjoyment of sovereign powers must be in conformity with the recognised principles of international socialism.

But the question arises that how these ideological principles could be so concrete and discernible as to be appraised without being manipulated? Despite this, problems of sovereignty involving the questions of international law are difficult to be decided accurately by purely socio-political norms of proletarian internationalism. But the communists regard these

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1. The New Communist Manifesto and Related Documents, ed. Dan N. Jacobs, (New York, 1961), p. 21.
 2. V.M. Shurshalov, "International Law in Relations Among Socialist Countries," Contemporary International Law, ed. G.I. Tunkin, (Moscow, 1969), p. 72.

principles no less accurate than legal ones. "... the principles of socialist internationalism are not only the political but also the legal basis of international relations in the socialist camp." (3) Thus though to some extent being an inaccurate yardstick to measure exactly the correctness of sovereign privileges in legal framework, they became the fulcrum of the world communist system. The reason was that the first and foremost task was to preserve the socialist gains and to achieve world revolution.

II

All the communist countries had a common enemy, i.e., capitalist imperialism. So it was not only desirable but necessary to repulse the capitalist onslaught on the socialist system by consolidating adequate force. To secure the success, joint efforts were to be made by all the communist nations. The capitalist support and denial of sovereignty both were visualised by communists as devices to weaken the communist solidarity ultimately destroying the socialist system. In this situation neutrality or hostility to the integration of communist camp would surely jeopardise the interests not only

3. E.T. Usenko, "The Basic International Legal Principles of the Collaboration of Socialist States," Soviet State and Law, No. 3, March 1961, p. 17.

of the individual country but of the socialist world as a whole, for such tendency would weaken the strength of the socialist camp in comparison with the capitalist bloc united closely by their class interest. It would be a folly to stick to the orthodox doctrine of national sovereignty undermining the interests of the working class of which all the communist parties in power were the vanguard.

Secluded stand of a communist country, asserting its sovereignty would be an absurdity; for it could not defend it in face of formidable obstructions. Firstly, because it was a country establishing socialist order hostile to still powerful capitalist system. Secondly, it lacked adequate force to defend its sovereignty in case of a powerful capitalist-imperialist onslaught. Thirdly, adherence to the Marxist-Leninist principles imposed an obligation upon each communist state to safeguard the interests of the working class of the world. This leads to collective security of all the communist countries. L.I. Brezhnev, in his historic speech at Fifth Polish Communist Party Congress, on November, 1968 said:

"And when external and internal forces hostile to socialism try to turn the development of a given socialist country in the direction of restoration of the capitalist system, when a threat arises to the cause of socialism in that country - a

threat to the security of the socialist commonwealth as a whole - this is no longer merely a problem of that country's people, but a common problem, the concern of all socialist countries."(4)

This speech is a justification of the policy of collective security. But it gives a new content to it. It is not merely the national interest that unites the communist nations but the interests of the working class of the world are the real incentives. Despite ideological duty to be in a monolith, a bare necessity falls upon them to defend their very existence. Dr Meynar, member of the Presidium and secretary of the central committee of the communist party of Czechoslovakia, said on September 15, 1968:

"Neutrality for our country is a political hazard and is against the interest of our nations in the present-day divided world. This is not a world of atomic weapons, it is world of conflicts between great powers."(5)

This is not only a fear of sheer power that impels to be united but all the communist parties in power have an obligation to defend the interests of the working class of the

4. Current Digest of The Soviet Press, Vol. XX, No. 46, December 4, 1968, p. 4.

5. "In Defence of the Military Intervention of the Warsaw Pact States in Czechoslovakia," Communist Party Publication, (New Delhi, 1968), No. 16, p.41.

world, since the interests of the proletariat of one country are interlinked with that of others. Instead of being a counter force to the capitalist-imperialist offensive, the policy of collective security is inherent in communist ideology. Hence, it would be unsound to characterise the communist concept of sovereignty without observing this essential obligation which deprives its absolutism in international relations.

III

The impact of "class outlook" on the concept of state sovereignty- in both its aspects, internal as well as external, is great; for this is the most important communist perspective to view the legal and political norms. Dr Gustav Husak, First Secretary of the Communist Party of Czechoslovakia said in Moscow in 1969, ".... the class content of the sovereignty of a socialist state is linked unbreakably with its internationalist responsibility to the community of socialist countries and the world communist and revolutionary movement." (6) Even Mao Tse-tung once conceded, "No doubt, independence within the united front can only be relative and not absolute; to regard it as absolute would undermine the general policy of

6. "International Meeting of the Communist and Workers' Parties, (Moscow 1969)", p. 412.

of unity against the enemy." (7) Thus in this new phase of international communist movement the national sovereignty of communist nations lost its arbitrariness. Any national decision "must damage neither socialism in their own country nor the fundamental interests of the other socialist countries nor the world-wide workers' movement which is waging a struggle for socialism." (8) The sacred principles of socialism are the most important obligation upon sovereignty. The communist concept of sovereignty is strictly to be abide by these principles.

Obviously state sovereignty becomes limited. Concluding our discussion on 'limited sovereignty' we should not forget that state sovereignty is restricted not by force of a super power but by the principles of international socialism which occupy a pivotal position in the world socialist system. In communist perspective state sovereignty is not limited. Principles of socialism far from being a limitation upon sovereignty, are the real matrices of sovereign rights. If these principles are violated, the preservation of national sovereignty is impossible. Only these principles make super powers within

7. Selected Works of Mao Tse-Tung: Vol. 2 (Bombay, 1954) p. 250.

8. S. Kovalev, "Sovereignty and the Internationalist Obligations of Socialist countries," Yearbook On International Communist Affairs, 1969 (Hoover Institution Press, California, 1970) p. 1061.

the bloc defend the sovereignty of weaker nations by providing necessary and timely help, instead of offending it. Devoid of ideological understanding, traditionalism fails to notice it in proper perspective and regards it as 'limited sovereignty'. The sovereign rights of weaker nations, strident in theory, are violated bitterly in the capitalist bloc when sheer power becomes the real criterion of sovereignty in actual practice. Thus communist concept of sovereignty is limited in theory while the traditional concept is limited in practice. Theoretically analysed, the communist doctrine is surely a concept of limited sovereignty.

SUPRANATIONAL SOVEREIGNTY

Since we accept the limited character of the communist national sovereignty, it gives rise to a new thesis that it establishes a concept of supranational sovereignty. The so-called Brezhnev Doctrine of "limited sovereignty" is the subordination of traditional national interests to supranational interests of world socialist system. Sovereignty becomes an integrating force and the socialist states are obliged to exercise their sovereign rights in the common, higher interest of the socialist commonwealth of nations. (9)

9. Bernard A. Ramundo, Peaceful Coexistence - International Law in the Building of Communism, (Johns Hopkins Press, 1967), p. 88.

Thus the original principle of national sovereignty, then which reflected the interests of an individual nation, under this impact has turned into a new concept of supranational, socialist sovereignty. It represents the higher interests of the system of socialist states as a whole.

I

In international relations the communist nations' behaviour is not nationalistic. They are expected to act as a group in international politics. The ideological fulcrum of foreign policy of a socialist state guides it to have close ties with fraternal countries and carry out collectively the principles of international socialism. In the international arena the unity of socialist countries is an effective guarantee of the allround protection of their sovereign rights. The socialist countries resolutely reject the nationalistic interpretation of the slogan of sovereignty. (10) A non-class and formalistic approach to sovereignty is forbidden. Adherence to the principles of international socialism is an essential character of the foreign and domestic policy of a socialist state. Violation of these principles is impermissible.

10. Soviet Yearbook of International Law, 1958, (Moscow, 1959), p. 57.

Exercise of sovereign rights must be in conformity with them; for they represent a common interest of the socialist world which is identical with the aims of communist states. Consequently, the source of sovereignty is not purely the national will of the state but the principles of international socialism. Such subordination to these principles is the real basis and life-blood of national sovereignty. There is no sovereignty except in pursuance of these principles.

Every socialist state has an international responsibility to safeguard the interests of world proletariat and the gains of socialism.

"World socialism as a social system is the common achievement of the working people of all countries, it is indivisible, and its defence is the common cause of all communists. . . . first and foremost of the working people of the socialist countries." (11)

All the socialist states are collectively required to safeguard the sovereign rights of a socialist state in a crisis. G.I. Tunkin, a famous Soviet jurist, defends the action of allied socialist nations in Czechoslovakia in August, 1968. Since every socialist state is an integral part of the world socialist system, its national sovereignty needs an

11. S. Kovalev, n. 8, p. 1062.

effective protection from capitalist-imperialist encroachment.

"..... the socialist principle of respect of sovereignty obliges socialist states not only to respect the sovereignty of other socialist states, but also to defend socialist sovereignty in accordance with the demands of proletarian internationalism." (12)

Hence, a corporate action on the part of socialist nations to safeguard the socialist system in a given country is justified even if goes against the national will of that country. When there is a danger to the socialist gains in the country, national decision becomes immaterial, Pravda article on September 26, 1968, highlights the responsibility of the socialist countries in case of such crisis:

"The communists of the fraternal countries naturally could not allow the socialist states to remain idle in the name of abstract sovereignty while the country was endangered by anti-socialist degeneration." (13)

Such code of international conduct creates an international authority more or less independent of national sovereignty of nations.

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12. G.I. Tunkin, "V.I. Lenin i printsipy otnoshenii mezhdou sotsialisticheskimi gosudarstvami," Soviet Yearbook of International Law, 1969, (Moscow, 1970) p.27. Quoted by W.E. Butler, "Socialist International Law" of "Socialist Principles of International Relations"? American Journal of International Law, Vol. 65, p. 797.
 13. S. Kovalev, n. 8, p. 1062.

II

The thesis of supranational sovereignty has strong ideological foundations. To make it realistic we should find out the concrete circumstances so that it could be pursued legitimately without political manipulations. It was suggested that to impliment the principles of international communism, the allied communist nations taking an action as in Gzechoslovakia case, must have accurate knowledge of the problem. Article 6 of the General Rules of the International Working Men's Association (First International) reads:

"..... the working men in one country be constantly informed of the movements of their class in every other country; that an inquiry into the social state of the different countries of Europe be made simultaneously, and under a common direction; that the questions of general interest mooted in one society be ventilated by all; and that when immediate practical steps should be needed-as, for instance in case of international quarrels- the action of the associated societies be simultaneous and uniform." (14)

This common knowledge and common concern ruled out the possibility of any insincere interference in the internal affairs of a state. When all the communist countries are fully

14. Gunther Nollau, International Communism and World Revolution. (London, 1961), Appendix II, p. 329.

aware of the situation prevailing in any of the fraternal countries, a joint action could never go against the sovereign rights of a communist nation. According to communists, the military intervention in Czechoslovakia was in conformity with the dictates of higher ideals of communism. The Warsaw Pact member-countries had an adequate knowledge of the crisis and were compelled to do so by the highest internationalist duty-to safeguard the sovereign rights of Czechoslovakia.

Such a corporate action on the part of the communist nations is in pursuance of the principles of international socialism. These principles are treated as legal ones. There is no ambiguity about these principles. In the international relations among communist nations, "laws and the norms of law are subordinated to the laws of the class struggle and laws of social development. These laws are clearly formulated in the documents jointly adopted by the Communist and Workers' Parties." (15) Such mutual understanding and ideological ties legitimise the supranational sovereignty. The principles of international socialism become the guiding lines for the exercise of such sovereignty.

15. S. Kovalev, n. 8, p.1063.

III

Minute scrutiny of the practical implications poses many important questions. Is ^{it} not the sovereign right of a socialist state to come to its own assessment of the internal situation in its own country? Undoubtedly, such right is widely recognised by the communist concept of sovereignty; for its negation would not only violate national sovereignty but also hamper the socialist development. In this connexion it should not be forgotten that it is not an absolute right to enjoy national independence independent of the interests of international socialism. Abandonment of international ideals of communist movement would amount to the abandonment of national sovereignty. If a socialist state discards these principles of socialism, in order to correct it the communist solidarity is obliged to check it from going on a catastrophic deviation, where it would neither have socialist system nor national sovereignty.

Here another question is raised ~~that~~ who is to decide the principles of international socialism and suitability of an action? The answer is given: "... the principle is subject to collective assessments, decisions and obligations in respect of the responsibility of each country towards common military

defence from the danger of imperialist aggression? (16) The argument is subjected to serious criticism. Firstly, there is no central organisation of the international communist movement which could decide the case impartially applying the sacred principles of communism. Even if there is such an international organization, it might not be capable of enforcing these principles. Secondly, the schism in the international communist movement has almost shattered the communist solidarity. Lack of cohesion in the present world socialist system is a fatal drawback in the genuine implementation of the principles of international socialism. The absence of a competent international organization and the disintegration of the communist monolith witnessed by the post-war period, have made the thesis of supranational sovereignty quite impractical. These unfortunate features of the present international communist system have dashed the genuine hopes of the protagonists of international communism.

The present world socialist system, instead of being monopolar, is displaying polycentric tendencies. The irreconcilable differences between U.S.S.R. and China have marred the solidarity among communist nations. These two major powers

16. "In Defence of the Military Intervention of the Warsaw Pact States in Czechoslovakia," n. 5, p. 47.

within the communist bloc have not only ideological differences, but their rivalry is based on national interest and the leadership of the bloc. All these factors refute the sanctity of the international communist movement. In this situation legitimisation of actions like military intervention in Czechoslovakia under the cloak of sacred principles of international socialism would surely mean the negation of sovereign rights of smaller communist nations. When we do not have the adequate international atmosphere to realise genuinely these principles, how can we use them? And if they are imposed upon weak and small nations, it would surely mean the employment of national power and fulfilment of unbound imperialist ambitions of a powerful nation at the cost of abolition of national sovereignty of the weaker nations within the bloc.

Thus the supranational sovereignty - a special characteristic of the communist concept is not feasible unless the world socialist system is completely compatible with the basic ideals of communism. And, the enforcement of the so-called limited sovereignty logically ensued from the supranational nature of socialist sovereignty, would surely lead "in the long run to the negation of both socialism and sovereignty," (17) of which the communist world is still an uncompromising champion.

17. Dr Dura Nincic, "The Political and Ideological Substance and Legal Forms of the Theories of Limited Sovereignty," International Problems (Belgrade), Vol. (1970), p.19.

CHAPTER VI

CONCLUSION

The most remarkable feature of the communist concept of sovereignty is its strong affiliations to the socio-political system. The traditional formalistic approach either fails to understand or misunderstands its real content. While analysing problem, the concept ultimately questions the legitimacy of sovereignty. The location of sovereignty and exercise of sovereign powers necessarily involve the qualitative features of the doctrine. Unlike the traditional concept of sovereignty it does not only deal with the question of order in society and successful observance of the supremacy of state. It stands for some ideals and seeks to achieve them.

The communists approach the problem of sovereignty from the perspective of the social structure. The concept of sovereignty takes its roots deep in the social conditions and ideological goals. On the other hand the traditional notion of sovereignty is the beatification of natural order and order is also the main criterion to impose limitations upon national sovereignty at international level. But the communist doctrine has strong bearings of class-struggle and national self-determination. In the realisation of 'dictatorship of proletariat' and secession from an exploiter state, the question of peace and order may be ignored. Communist theory does not regard sovereignty as an end by itself. It is a means to achieve higher objectives of society and international community of nations.

The notion of 'peoples' sovereignty' is a complicated one. The modern states have made it a celebrated principle by enshrining it in the constitutions or in public declarations. The communists regard that in a capitalist state the sovereignty is enjoyed by bourgeois class comprising insignificant minority. The vast majority in society is deprived of rights.

The communists claim that after the overthrow of capitalist regime and establishment of the dictatorship of the proletariat, the sovereignty of the people is realised. We can not take it for granted. Every revolution in history was launched by the common people. So the ruling clique always resorts to this impregnable force. At the time of revolt against feudals, the bourgeoisie also raised the slogan of the sovereignty of the people. People supported them and made the revolution successful. But unfortunate thing always happened. The ruling class after assuming power deployed the whole state machinery to exploit and suppress the people. Therefore, the communist revolution of which, at the moment, proletariat class is the sole actor, may be deprived of of the rights proclaimed by their leaders. Repeatedly established practice of history serves to show that communist revolution may not be an exception to this historical fact. But unlike all the former revolutions, this revolution strongly strives to change the whole socio-economic

structure of society. This characteristic gives a solid ground to envisage that this time the historical change will not fall prey in the hands of few dominating the majority.

The social essence of the sovereignty of a state is determined by its socio-economic structure. The sovereignty of states with differing socio-economic systems has a different social basis. In this context, we must bear in mind that state is not the only source ^{of} tyranny. The socio-economic inequality gives rise to exploitation of man by man. The situation rules out the possibility of equal enjoyment of rights and to have due share in the sovereign power. Therefore, the communist concept of sovereignty emphasises the restructuring of socio-economic conditions, to realise the actual sovereignty of the people.

Since the communist party in a socialist state claims to be the vanguard of the people and is entitled to suppress any movement seeking to overthrow the communist regime, the notion of people's sovereignty seems to be ignored. In spite of a very sound socio-economic system, the final verdict remains in the hands of the ruling elites. In a capitalist state the bourgeoisie do not want to be in power for power's sake. Their main objective is to preserve the capitalist system which discards the interests of the masses. In a socialist state, the leaders of the communist party want also power for the preservation of the socialist system conducive

to the interests of the working class. The struggle for power is not very detrimental to the cause of the proletariat; for all the leaders represent the same ideology. The struggle for power may hamper the expression of the people's sovereignty so the people may be happy but may not be sovereign.

The 'withering away' of the socialist state is its very much controverted feature. The lessening hopes for world revolution and nationalistic trend in communist world have delayed the process of withering away of the state. The present socialist state justifies the absolute sovereignty within and without the state except some ideological limitations within the bloc.

The sovereignty in a socialist state is also a sovereignty of a class i.e., the working class. In a capitalist state, the bourgeoisie do not claim exclusive sovereignty over the proletariat class. The 'dictatorship of proletariat' explicitly declare the exclusive preserve of sovereignty. The capitalist class is deprived of all rights. Therefore communist sovereignty is a class sovereignty. This very idea creates an international plane for socialist system. The dictatorships of proletariat in all countries have identical interests. They all have common enemy i.e., capitalist imperialism and seek to achieve common victory i.e., world revolution. Thus sovereignty becomes an integrating force. An international class-alliance is forged and unshakable relations

among communist nations are established. Sovereignty becomes a weapon in the class-struggle and fight for national self-determination.

The new type of international relations among communist nations have substantially changed the nature of national sovereignty. It is assumed that there is no national independence within the capitalist bloc. The exploitation and suppression prevailing within their domestic as well as international system have made the sovereign rights of weaker nations, meaningless. On the other hand, in the socialist bloc there is no question of oppression; for all the communist nations represent identical interests. So instead of being a fear of encroachment upon sovereignty within the bloc, their fraternal relations mutually enrich sovereign rights.

Since there is no conflict of sovereign rights among communist nations, the national sovereignty within the bloc becomes meaningless. If there is any need of national sovereignty, it must be granted in its full sense. No external power must be allowed to interfere with the affairs of another state. Seemingly sincere ideological fraternity to defend socialist sovereignty in accordance with the demands of proletarian internationalism, opens a floodgate of imperialism. Thus best type of international relations may become unprecedentedly worst.

The communist concept of sovereignty is more political than legal. It has strong ideological foundations. It is, in fact

interpreted in terms of ideology, not of law. For a student of law communist attitude towards national self-determination and intervention in the internal affairs of another nation seems quite contradictory. The champions of national self-determination denied it for Hungary in 1956, Czechoslovakia in 1968. Both the cases were treated as capitalist onslaught on socialist system and the revival of capitalist regime. Since the ideology plays a decisive role and the interests of socialist system are at stake, the international legal norms may be ignored. This is very dangerous situation in the sense that the communist parties are only to decide the question whether the socialist system was in perilous situation. There, they might be suppressing the popular movement and supporting the established system. Thus they have not only monopolised power but also ideology. Any difference with them is to be regarded as capitalist-imperialism and anti-communism.

To provide help and support in crisis is not a violation of sovereignty. The most remarkable inherent feature of communist ideology is to safeguard the interests of working class of the world. But when this help is conditioned and affects adversely the national independence, it goes against the national sovereignty of a given nation. Another situation is when some strategically trained clique loyal to a powerful socialist state comes in power, then their loyalty to the

helping state and no base in the masses would lead certainly to the negation of legitimate sovereignty and self-determination of the nation.

High hopes for world revolution are dashed with the rift among communist nations. The cause of this unfortunate development is generally displayed in the form of ideological differences but the power politics and national interests are behind the screen. This situation has also contributed to the national independence of smaller communist nations. They have now realised that to achieve the goal of international communism is a prolonged process. The small communist nations are convinced that unnecessary surrendering to the veteran nations is of no use. It is better for them that they should have precautionary measures in defending their sovereignty and national specialities while going with fraternal socialist nations to fight against the common enemy i.e., capitalist imperialism and achieve their cherished goal of international communism.

In the early phase of international communist movement, the communists were uncompromising internationalists which was not essentially required at that time. The contemporary capitalism which have now become an international phenomenon urgently needs a strong international communist movement to fight against it. But the modern communism is tending towards traditional nationalism. This serves to show that the communists could not escape from the historical forces

which are leading them contrary to their destination.

The situation corroborates the assumption of the traditional features by the communist concept of sovereignty. Sovereignty is reduced to the beatification of order. This is an abortion of a great ideal which inauspiciously falls prey of the same tendencies which were to be removed for ever. Now the communist nations entrain both the confronting ideologies i.e. bourgeois nationalism and communism. This feature provides more tools for defending as well as for the violation of national sovereignty of other nations. But this tendency is a brutal blow to the sanctity of communist ideals that could have realised national sovereignty in its real sense.

The concept of 'limited sovereignty' has widely been controverted. L.I. Brezhnev's speech at Fifth Polish Congress on November 22, 1968, was denominated by some western journalists as the 'Brezhnev doctrine of limited sovereignty.' There is nothing new and amazing about the speech of Soviet Premier. Since the communist ideology basically begins with international responsibilities of the working class of the world discarding all national barriers and already imposes obligations upon the sovereignty of nations, all stridency about limited sovereignty at this stage is meaningless.

In the light of ideology what is limited is not the communist concept of sovereignty but the traditional notion of sovereignty which paves the way for economic exploitation of weaker nations and imperialism. The internationalist duties

of socialist countries are not temporary needs but the basic foundations of the communist concept. These are duties and responsibilities, not the limitations. The unbridled traditional concept of sovereignty now regarded as irresponsible Leviathan, absolute idea, was necessitated by modern development to concede some limitations. On the other hand, the communist concept of sovereignty has sufficient inherent checks. It is unfair to call principles of international socialism as checks; for they are its basic foundations. Such correctives far from being imposed restrictions and negative measures, are complementary and enriching the sovereign rights of communist nations.

Loyalty to principles of international socialism is an essential characteristic of the world socialist system. Interests of the international socialism dominate the national interests. The class alliance manifested in the proletarian internationalism is the real representative of the interests of world proletariat. Consequently the sovereignty is vested in the socialist international community. Hence the communist concept of sovereignty assumes supranational character. Unfortunately in the exercise of this international sovereignty, the immense power is virtually enjoyed by the most powerful nation. The small and weak nations may have nominal or no say in an international decision. The loyalty to internationalism may become loyalty to superpowers.

It is very difficult to formulate a satisfactory definition of the communist concept of sovereignty. It is subjected to various interpretations more or less contradictory to each other. It oscillates between law and ideology. Deeper analysis of socio-economic structure of state gives the real essence of sovereignty. The traditional theory generally overlooks the crucial aspect of state sovereignty and satisfies itself only by formal requisites. The communist concept of sovereignty also over-emphasises the communist ideals and fails to notice the national forces thwarting international solidarity even within the world socialist system. But its striving to seek the real content of sovereignty and aspirations for international solidarity to achieve higher objectives, deserve appreciation.

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