

CHANGE IN THE PERCEPTION OF THE STATE SOVEREIGNTY

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ABSTRACT

This study aims to explore the shifting perceptions of state sovereignty by analysing it from two distinct perspectives, an 'inside-out' view and an 'outside-in' approach. By examining these two perspectives, this study aims to analyse state sovereignty, reflecting its dynamic nature and the factors involved in its interpretation and manifestation, particularly while accepting international treaty obligations. Moreover, it explores the raison d'être of sovereignty, questioning its underlying purpose and the principles that sustain its relevance in today's globalised world.

KEYWORDS

sovereignty
Wimbledon case
coexistence and interdependence of states

1. Introduction

The concept of state sovereignty, a cornerstone of international relations and international law, has evolved significantly over the centuries. Traditionally, sovereignty was understood as the absolute authority of a state to govern its affairs without any external interference. However, in modern times, this once rigid notion has become more fluid, reflecting the complexities of an interconnected world. This study seeks to examine the evolving perceptions of sovereignty of a state by analysing it through two distinct points of view: an 'inside-out' and an 'outside-in' attitude. The inside-out perspective focuses on how states themselves perceive and exercise their sovereignty, particularly through legal frameworks. A key focus here is the landmark Wimbledon case decided by the Permanent Court of International Justice (PCIJ), which highlights the ongoing tension between

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state autonomy and the obligations imposed by international treaties adopted by states themselves.

In contrast, the outside-in perspective examines how external factors, including international organisations and the broader global community, influence and reshape the understanding of sovereignty. This approach investigates the fundamental purpose of sovereignty, challenging its core principles and assessing its continued relevance. By looking into these two determined perspectives, this study examines the evolving nature of state sovereignty and highlights the factors that shape its current interpretation and application, particularly within international law, where sovereign states are considered equal entities.

The Wimbledon case, decided in 1923, serves as a pivotal point for the inside-out analysis. This case involved a dispute over the right of passage through the Kiel Canal, with Germany asserting its sovereignty in opposition to the terms laid out in the Treaty of Versailles. The court's ruling underscored that state sovereignty is not absolute and can be limited by international agreements, confirming the balance between national authority and international obligations having been approved by those national authorities. The case illustrates how states must navigate their sovereign rights while adhering to the broader framework of international law and the commitments they have voluntarily undertaken.

From the outside-in perspective, the study explores how globalisation, transnational issues, and the increasing influence of international organisations have redefined the concept of sovereignty with the impact on its internal manifestation. Global challenges, such as international security and human rights transcend national borders, demanding a more cooperative and interdependent understanding of sovereignty. This change reflects the growing recognition that the well-being of individuals and the international community often requires imposing limits on traditional notions of state autonomy.

In this context, the *raison d'être* of sovereignty is revisited considering its ultimate purpose: the protection and promotion of human welfare. This study examines whether sovereignty should be regarded as an end in itself or as a means to facilitate broader global cooperation and security. The study argues that contemporary sovereignty must adapt to the requirements of an interconnected world, where the rights of individual states are balanced against and interlinked with the needs and interests of the international community.

By examining state sovereignty from both the inside-out and outside-in perspectives, this study aims to contribute to the ongoing discussion on the relevance and application of sovereignty in contemporary international law. It aspires to provide insights into how sovereignty can be reinterpreted to meet the challenges of the 21st century, accepting that it remains a fundamental principle for both state authority and global cooperation. Finally, the selected two perspectives highlight the flexibility required in understanding sovereignty today, emphasising that while states continue to have a crucial role in the international system, their actions are increasingly influenced by global factors that cross traditional borders.

2. Historical and philosophical background of the term sovereignty

This subsection addresses a concept that not only academics encounter, but one that indirectly affects everyone. Although sovereignty may not be a topic of everyday conversation for most people, its influence is experienced across various aspects of our lives. This subsection focuses on the theoretical dimensions of sovereignty, exploring key questions such as whether it is legally possible to cede or transfer a state's sovereignty, even partly. Moreover, it examines the reasons underlying such transfers, questioning whether ceding sovereignty leads to its limitation or, conversely, to a more efficient exercise of sovereign power. In particular, it explores whether this change allows states to prioritise not only their own national interests, but also the collective goals of the international community.² This approach has been selected to indicate the manifestation of state sovereignty in relation to other primary subjects of international law. Thus, the existing necessity of at least minimal cooperation between states denies the theory of absolute state sovereignty.³

The concept of state sovereignty can be observed in several dimensions. For example, it is a concept that can be examined as a political phenomenon, as a principle of public international law, and as a concept occurring in the practice of international bodies and organisations.⁴ This study focuses on state sovereignty in terms of its development, which is at a stage where sovereignty can be understood as a responsibility.⁵ This approach was introduced by the International Commission on Intervention and State Sovereignty, highlighting the need to adapt to the evolving circumstances under which state sovereignty is exercised. While acknowledging these changes, it remains crucial to recognise that the concept of state sovereignty holds an irreplaceable position in both international law and relations. This is particularly true in areas where the state bears the 'responsibility to protect.' Additionally, in the realm of international treaties, it is important to emphasise that irrespective of the reasons for adopting such agreements, it is always the state that negotiates, implements, and enforces them. Moreover, the state remains the primary entity against which international legal responsibility can be invoked. Therefore, sovereignty continues to be a fundamental pillar of international order, even as it adapts to the demands of a globalised world.

3. State sovereignty in historical and philosophic-legal context

While examining the current system of international relations, one must be aware of several factors that have their origins in historical facts. One of these factors is the

2 | Gioia, 2006, p. 1099.

3 | Boutros Boutros-Ghali, 1993, pp. 468–498.

4 | Mrázek, 2007, pp. 729–767.

5 | Responsibility to Protect, p. 13 [Online]. Available at: <http://responsibilitytoprotect.org/ICISS%20Report.pdf> (Accessed: 12 September 2024).

particularity of international law as it relates to its subjects.⁶ The classical international order has its basis in the Westphalian system of international relations, which was legally verbalised by the Peace of Westphalia in 1648.⁷ This was a major landmark in history, which not only ended the Thirty Years' War, but also completed the process of creating states that have since been independent from the ecclesiastical state. The two major figures in international relations, the Pope and the Emperor, ceased to be essential and most important members of the international community.⁸ Having begun in 1555 by Peace of Augsburg with the principle *cuius regio, eius religio*, independent states are coming to the fore. The chief feature of the emerging system points to the coexistence of independent states that are equal to each other. Defined by fixed borders and represented by noble families, the state asserted its legitimacy during this period. It no longer needed an emperor or the coronation of a pope. Europe at this stage of its development was divided into territorially delimited units which presented themselves as sovereign and equal.⁹

The beginning of the Westphalian period can be regarded as a certain phase in the development of the sovereign equality of the state; a stage of its emergence. The second phase of the development and transformation of sovereignty can be observed in the decolonisation period of the 20th century.¹⁰ Furthermore, it was a period when new independent states were being established. Many nations exercised their right to self-determination during this period. Moreover, after the Second World War, this was a situation in which the United Nations (UN) already existed, that is, an organisation, of which one of the guiding principles is the principle of the sovereign equality of all its members.¹¹ Both states and the organisation itself should act in accordance with this principle.¹² At this stage of development, the existence of a system of individual sovereign states was confirmed; state sovereignty is understood as one of the cornerstones of international law and international relations, from which other rules of general international law can be derived, for example, the principle of non-interference in the internal affairs of the state.¹³

6 | Mráz, Poredoš and Vršanský, 2003, p. 19.

7 | See Article LXV. of the Treaty of Westphalia, October 24, 1648, Peace Treaty between the Holy Roman Emperor and the King of France and their respective Allies [Online]. Available at: <https://is.muni.cz/el/1423/podzim2008/MVZ430/um/Treaty-of-Westphalia.pdf> (Accessed: 16 September 2024).

8 | Azud, 2008, p. 177.

9 | Klučka, 2004, pp. 12–16.

10 | Stacy, 2003, pp. 2029–2060.

11 | Article 2 paragraph 1 of the UN Charter: The organisation is based on the principle of the sovereign equality of all its Members.

12 | The above also applies to non-members of the United Nations insofar as it is necessary for the maintenance of international peace and security. See Article 2 paragraph 6 of the UN Charter: The organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

13 | Article 2 paragraph 7 of the UN Charter: Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

Closely related to the notion of sovereignty is the notion of mutual equality, equality under the law. It is the basic rule of law between nations, *ius inter gentes*, law inter nations, that is, international law.¹⁴ There is no 'hierarchically supreme power' to force states to fulfil their obligations. However, considering that states do not live in a vacuum, their sovereignty has its limitations.¹⁵ The international community would struggle to cooperate and coexist effectively without sovereignty. In this context, it is noteworthy that the role of sovereignty in state cooperation can be considered from two distinct perspectives. On the one hand, sovereignty is often perceived as a major obstacle, limiting the potential for collaboration between states. On the other hand, sovereignty is the most crucial expression of a state's authority and independence, making it essential for genuine and meaningful cooperation between nations. Therefore, sovereignty not only defines the limits of state interaction, but also empowers states to engage in cooperative efforts on equal footing, preserving their autonomy while pursuing shared goals.¹⁶

The Westphalian system of international relations has undergone numerous stages of transformation since its inception.¹⁷ Similarly, general international law has evolved significantly over the centuries, adapting to the changing dynamics of global interactions. In recent times, the undeniable influence of globalisation has further shaped this evolution. What was once perceived as the absolute independence and autonomy of sovereign states has gradually changed into a more complex and nuanced concept of asymmetric interdependence.¹⁸ This modern understanding acknowledges that while states remain sovereign, their ability to act independently is increasingly influenced by global economic, political, and social factors. This change highlights the interconnectedness of nations, where sovereignty coexists with mutual dependence in a globalised world. The consequence of this transformation is not merely a desire, but a growing necessity for states to cooperate on multiple levels and with varying degrees of intensity. In recent years, the scope and focus of the international arena have shifted significantly. The classical understanding of international law has been redefined, particularly in relation to the emerging concept of the international community as a collective entity. While states continue to hold their status as the primary actors in international law, particularly in areas such as security, the role of sovereignty has evolved. The era where sovereignty served as the overarching, unifying principle for the governance of the global system has come to an end.¹⁹ Instead, the international order now requires more nuanced forms of collaboration and shared governance that reflect the complexities of an interconnected world. States and the international community face a challenge that creates the conditions for a third phase in the evolution of the concept of sovereignty.²⁰ Within this framework, sovereignty could be considered as a responsibility and an organising principle for realising universal norms and values, such as protecting fundamental human rights or safeguarding peace

14 | Brownlie, 2003, p. 287.

15 | Čepelka and Šturma, 2003, p. 12. Also Podgor, 2004, p. 3.

16 | Schreuer, 2002, pp. 163–180.

17 | For another understanding of the Westphalian system redefinition see e.g. Țuțuianu, 2013, pp. 43 et seq.

18 | Koskeniemi, 2005, pp. 212, 234, 477, 482–483.

19 | Clapham, 1999, p. 115.

20 | Stacy, 2003, pp. 2035 et seq.

and security, which are also related to holding perpetrators of the most serious crimes criminally accountable under international law.²¹

Both of the first two phases aforementioned were based on the concept of territorial delimitation. Moreover, reflections of the developments outlined can be observed in the works of legal and political theorists.²² Among them, in relation to the notion of sovereignty, the following three, whose work is based on presenting and examining a certain type of contract with a territorially determined sovereign on one side, should be mentioned.

The first of these works, *Leviathan* by T. Hobbes, presents a sovereign that has minimal obligations to its population.²³ This stems from the fact that it provides them with order and security within the borders of the state, which is most significant. These two factors are a significant step forward in comparison with the chaos that occupies a prominent place in times of lawlessness.²⁴ In a sense, he compares the state of relations within the international community to that which was typical at the national level in the period before the emergence of states. J. Locke's *Second Treatise of Government* marks a shift to the sovereign having a wider range of duties. These include the protection of the life, security, and private property of its inhabitants.²⁵ This is to be applied also externally by the sovereign.²⁶ However, simultaneously, these areas themselves constitute restrictions on regulation through legislative means.²⁷ J. J. Rousseau's *The Social Contract* present a coherent idea of the social contract that addresses the common good and the general will, which is manifested in the enactment of laws made by the people.²⁸ Similar to Locke, Rousseau agrees with Hobbes that there is a natural state. However, they disagree with him that it is a state of war.²⁹

Today, we can observe the emergence of a new concept of a 'contract' between the sovereign state and its population, one that reflects a broader and deeper understanding of the state's obligations to its citizens. Central to this evolving notion is the idea of effective governance, where the authority of the government is defined not solely by its autonomy, but by its responsibility to protect and uphold human rights. In this context, it appears that the minimum standards for human rights have begun to take precedence over the traditional notion of absolute sovereignty. Since human rights issues are increasingly addressed and enforced by the international community as a whole, we could, from a philosophical standpoint, argue that the international community itself has become a third party to this contract. This suggests the emergence of a new social contract, in

21 | Schrijver, 2000, pp. 95–98.

22 | Jean Bodin, 16th century, is considered the first theorist to address the concept of sovereignty. According to him, sovereignty is the supreme power over the population in a certain territory and as such is absolute, not limited either from outside (whether by the Pope or the Emperor) or from inside (subjects). Sovereignty, according to Bodin, is indivisible, eternal, and as such cannot be created for a specific period of time. Thus, an office can be established, but not a sovereign. For Jean Bodin see e.g. Malenovský, 1993, p. 19.

23 | Hobbes, 1660.

24 | *Ibid.*, Chapter 17.

25 | Locke, 1690.

26 | *Ibid.*, Chapters 2, 3, 8, 16.

27 | McCormick, 1999, pp. 123–136, 124.

28 | Rousseau, 1762.

29 | Koskeniemi, 2005, p. 90.

which both the international community and the individuals within states play a critical role, further shaping the relationship between sovereign powers and their populations.³⁰ This has several consequences, not excluding the perception of sovereignty as such. As already mentioned, it is necessary to simultaneously stress in this context that the role of states remains important, for example, in the adoption and implementation of international commitments. The difference lies in the factors that influence this process.³¹

Further, the end of the Cold War allowed for the emergence of new states, which led to a debate on the meaning and limitations of sovereignty. Considering the 75 independent states in 1945 and more than 190 independent states in 2024, it is necessary to realise that the more pressing challenge today is to redefine the content of the notion and manifestation of state sovereignty, not the question of its very existence.³²

While globalisation has undoubtedly become a powerful force, it does not imply the decline of the concept of the territorial state. However, it is crucial to consider a much broader and more complex network of interconnected relationships that shape today's international landscape. In many respects, we are witnessing the evolution of a 'new' form of international law. The novelty of this emerging legal framework is reflected in various developments, such as the growing number of international organisations, the recognition of individual criminal responsibility on a global scale, and the expansion of international justice. This evolving international legal order no longer solely regards individual states or specific groups of states; instead, it now serves the broader interests of the international community and individuals, who can increasingly demand that their rights be respected.

A significant example of this shift is the decision of the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia in the *Tadić* case. This ruling underscored how the approach to addressing issues that affect the international community has fundamentally changed. The focus is no longer primarily on the sovereignty of a state; rather, it has shifted towards the protection and empowerment of an individual. The *Tadić* case is a clear symbol of this broader transformation, as it highlights the growing importance of international norms that prioritise human rights and individual accountability. In this sense, international law is adapting to a new reality where states are not the only subjects of concern, rather individuals and their rights have become central to the international legal order.³³ This reflects a profound change in how we approach global governance, justice, and accountability in the 21st century: state sovereignty is a means to ensure international peace and security. For example, it manifests itself in the active preparation and effective implementation of international treaties.

30 | Safferling, 1999, pp. 126–163, pp. 154–155.

31 | Ibid., pp. 155 et seq.

32 | Azud, 2006, pp. 341–357, 354.

33 | ICTY, *Prosecutor v. Tadić*, 1995, paragraph 97.

4. Manifestation of the sovereign rights

While examining the general rules of international law, states are undoubtedly recognised as complete, full-fledged subjects of public international law.³⁴ Their status reflects a territorial approach to the effective exercise of state power over a population inhabiting a certain part of the earth's surface. Moreover, this approach is reflected in the notion of a nation and an insurgent party as a subject of international law. Moreover, their status is determined by the effective exercise of control over a particular territory and the population inhabiting that territory. However, in the case of a nation and an insurgent party, they are only temporary subjects of international law, leading to the emergence of the sovereign state itself.³⁵

The concept of sovereignty and independence, and equality, is used in the field of international relations to describe an entity that has complete authority.³⁶ Such an entity requires distinctive constitutive elements. A state is constituted as its subject in the field of international law by having a permanent population, a delimited territory, its own government capable of effectively exercising state power and the ability to enter into relations with other comparable entities, that is, states.³⁷

Territorial sovereignty is exercised by a state both in relation to its territory internally and externally. The exercise of power internally is divided into three chief components, the legislative, executive, and judiciary.³⁸ It is always the state that decides on the content of the legal norms applicable and applied in its territory.³⁹ It is also the state that is responsible for adopting the necessary legal acts that constitute the legal basis for securing the various rights and obligations declared or assigned.⁴⁰ It is nowadays well accepted that it is jurisdiction of a state that is a consequence of sovereignty or its inseparable part.⁴¹ Sovereignty not only has its internal manifestation that is relevant mostly for its territorial jurisdiction, but also an external aspect that is important towards other sovereigns and among them.

At the international level, it is the state sovereign that decides upon adoption of legally binding acts as proven by the Wimbledon case decided by the Permanent Court of International Justice in 1923. This case highlights the complex interplay between state sovereignty and international obligations. The case arose when the German government denied passage to the SS Wimbledon, a British ship carrying munitions for Poland, through the Kiel Canal, citing neutrality in the Polish-Soviet War as its justification. However, the Treaty of Versailles, which Germany had signed, mandated free passage through the canal for vessels of all nations in times of peace and war.

34 | Warbrick, 2006, p. 218.

35 | Mráz, Poredoš and Vršanský, 2003, pp. 82–85. See Canada Case: Reference by the Governor in Council concerning certain questions relating to the secession of Quebec from Canada, 115 International Law Review 1998, pp. 579–591, paragraphs 111–146.

36 | Full authority does not equal absolute authority.

37 | Azud, 2005, p. 127.

38 | Shaw, 2003, p. 576.

39 | In case of *ius cogens* it is an international community as a whole.

40 | As for access to justice see Shelton, 2005, p. 8.

41 | Brown, 1998, p. 424.

The PCIJ's decision in the Wimbledon case underscored the principle that state sovereignty includes the capacity to enter into international treaties and, crucially, to be bound by them. By signing the Treaty of Versailles, Germany had voluntarily agreed to certain limitations on its sovereignty, including the obligation to allow passage through the Kiel Canal. The court emphasised that sovereignty does not imply unfettered freedom from international commitments; rather, it includes the power to undertake international obligations and to respect them.⁴²

The court rejected Germany's argument that adhering to the treaty would compromise its neutrality and sovereign rights. Instead, the PCIJ held that international treaties, once ratified, become part of the legal obligations that a sovereign state must uphold. This landmark ruling affirmed that international law could impose limitations on national sovereignty without infringing upon it. The decision highlighted that the voluntary nature of treaty commitments did not undermine sovereignty but redefined it within a broader international context.⁴³

Furthermore, the Wimbledon case illustrated that a state's sovereign decision to adopt an international treaty carries with it the responsibility to comply with the treaty's terms, even if doing so conflicts with the state's immediate interests or policies. Thus, the PCIJ's ruling reinforced the idea that international cooperation and legal commitments are integral to the functioning of a stable international order. Moreover, it demonstrated that sovereignty, while foundational, is not absolute and must coexist with the principles of international law.

The case highlighted how international courts view the relationship between state sovereignty and international obligations. It held that states, by their sovereign will, can and do accept constraints on their autonomy through treaty obligations, which they must then respect. This ruling has had implications for the development of international law, particularly in how it balances state sovereignty with the necessity of adhering to international agreements.

In conclusion, the Wimbledon case underscores the dual nature of sovereignty: the right to govern independently and the responsibility to abide by international commitments. It highlights the evolving nature of sovereignty in an interconnected world where state actions are increasingly governed by international legal frameworks. This case remains a critical reference point for understanding how international treaties can shape and limit state actions, reinforcing the importance of legal obligations in maintaining international order and cooperation.

The external sovereignty of the state covers the various aspects accessible to states in a space in which the classical hierarchical stratification is absent, with a supreme, decisive authority empowered to issue the final decision. It is a space of equal players in which cooperation, negotiation and bargaining are the decisive means of communication, to solve the problem between those equal players.⁴⁴

Sovereignty, by its very nature, expresses a relationship with other states and organisations of states. It is a relationship that is largely determined by law. The concomitants of sovereignty and equality of states are the right to exercise their jurisdiction over their own territory and population, and simultaneously, the obligation not to interfere in the

42 | PCIJ, Case of the S.S. Wimbledon, p. 25.

43 | Ibid.

44 | Koskenniemi, 2005, pp. 24 et seq.

sphere of exercise of jurisdiction of other states. Certainly, respect for the obligations arising from customary and treaty international law must not be disregarded.⁴⁵ In this context, it is necessary to point out an area which is reserved to national jurisdiction. It is an area in which international law cannot interfere. However, simultaneously, it is an area whose scope has been narrowed to a considerable extent by the development of international relations, in particular by their intensification.⁴⁶ The principle of non-interference in the internal affairs of the state is enshrined in several legal instruments, such as Article 2(7) of the UN Charter. However, this principle must be interpreted considering the view that serious violations of human rights are of concern to the international community as a whole and may, under certain conditions, justify, for example, prosecution based on universal jurisdiction.⁴⁷ Moreover, in the case of state responsibility for breach of international law obligations, a state cannot rely on its domestic law.⁴⁸

Regardless of the difference in national or international approach, the ultimate goal of law is the same at both levels. It is the welfare and security of individuals.⁴⁹ The *raison d'être* of the state does not lie in its existence as such. Its aim is to protect and improve the status and situation of its citizens. Although the world is constantly changing, the protection of its fundamental values and stability continue to be clear objectives of the law. *Hominum causa omne jus constitutum est* (every legal act is created for the purpose of benefiting the individual).

However, even if the goal is the same, the means and methods of achieving that goal differ. The necessity of friendly cooperation in the international field has several implications. Considering economic and political conditions, states, in their efforts to exercise their power more and more effectively, are also cooperating in ways that may appear to some as a surrender of sovereignty.⁵⁰ The result is clear when reviewing the last third of the 19th century and the entire of the 20th century. It is about the creation and functioning of international organisations. The strengthening of international relations has allowed states to create a number of permanent entities whose purpose is to work within a framework defined by states. These entities, governmental international organisations, are empowered to act by their founding charters. It is through an international treaty concluded between sovereign states that international organisations have acquired a certain type of derivative sovereignty, which is not based on the concept of territory, but on the concept of content, the subject matter of the entrusted circle of relations.⁵¹ States are in turn members of these entities, international organisations, and can change (whether to narrow, abolish or expand) their powers. An organisation is entitled to enjoy a certain status, which depends on the purpose of its establishment. The subjectivity of an international organisation is an essential component of its existence. Otherwise, it could not achieve the objective set by its founders, the sovereign states.⁵² States, as complete,

45 | Brownlie, 1998, p. 289.

46 | Fenyk and Kloučková, 2005, p. 16.

47 | Harvard Research Draft Convention 1935, in: Harris, 2004, pp. 266 et seq.

48 | Article 3, Article 21, Article 27 of Vienna Convention on the Law of Treaties.

49 | Brierly, 1944, p. 97.

50 | Potočný and Ondřej, 2003, p. 234.

51 | Evans, 2006, pp. 280–286.

52 | See also *Bernadotte* Case, ICJ Reports 1949, p. 179. Upon autonomous exercise of power by international organisations unintended and unanticipated by the states see e.g. Barnett and Finnemore, 1999, pp. 699 et seq.

primary subjects of international law, are capable of ceding part of the exercise of their sovereignty to new legal entities with derivative personality for the purpose of streamlining the exercise of their sovereign rights to improve the status of individuals, particularly their welfare and security, in different areas and in different ways.⁵³

5. Conclusion

The concept of state sovereignty, once considered absolute, has transformed in response to the demands and development of modern international relations and international law. As demonstrated throughout this article, the notion of sovereignty is no longer confined to the rigid, autonomous authority of states to govern their internal affairs without interference. Instead, it has evolved into a more flexible and interdependent concept, shaped by both internal considerations and external global factors. The dual perspectives explored in this study, both inside-out and outside-in, provide a comprehensive framework for understanding the modern manifestations of sovereignty and the factors that shape its application.

From the inside-out perspective, state sovereignty remains central to a state's ability to govern itself, regulate its internal affairs, and take decisions on behalf of its population. The Wimbledon case has not only highlighted the continuing relevance of sovereignty in international law, but also underscored the limitations imposed by international obligations. By ratifying treaties, states voluntarily limit their sovereign powers, demonstrating that sovereignty in the modern world is not an absolute or unfettered right but is balanced against international commitments. The PCIJ's ruling in Wimbledon illustrates that states must exercise their sovereignty within a broader framework of international law, which they have opted to influence and adhere to.

Moreover, the article has reflected the increasing influence of factors that impact how sovereignty is understood and practiced. As globalisation intensifies, states are more interconnected than ever before, leading to the need for cooperative governance on issues that cross national borders. This includes global challenges such as human rights protection and security, where no single state can effectively act alone. In this context, sovereignty is not a limited territorial unit and can no longer be viewed solely as a tool for protecting national interests; it must also serve as a means for states to engage with and contribute to the international community.

The development of interpretation of sovereignty also questions its *raison d'être*, its ultimate purpose. In the past, sovereignty was focused on the protection of state power and its territory. However, nowadays, sovereignty is increasingly considered as a means to promote broader interstate cooperation, human well-being, and security. It may be considered as a tool to ensure and contribute to the functioning of the international system while addressing universal challenges. This development reflects a growing recognition that the well-being of individuals often depends on coordinated action and cooperation between states that influences traditional understanding of state sovereignty.

Nevertheless, this change in the perception of the state sovereignty does not mean that sovereignty has lost its relevance. Contrarily, sovereignty remains a cornerstone of

53 | See also Brus, 2002, pp. 14 et seq.

the international legal system. States continue to be the primary subjects in international law, and their consent is required for the adoption of legally binding international treaties. However, the way and the reason in which and why states exercise their sovereignty has changed. Nowadays, state sovereignty is defined not only by its ability to act independently, but also by its ability to become engaged and fulfil its commitments towards the international community.

To summarise, state sovereignty, once a rigid and absolute concept, has evolved into a more nuanced and flexible principle. The analysed perspective demonstrates that states continue to have authority over their affairs, but its manifestation is constrained by international law, particularly by international treaties. Moreover, international factors influence the way how states exercise their sovereignty, balancing between their autonomy and interdependence. To conclude, the ongoing reinterpretation of sovereignty reflects the importance of both state sovereignty and interstate cooperation to protect the well-being of individuals. Sovereignty remains fundamental to the structure of the international system, however, its meaning and manifestation has been developed, reflecting the changing nature of the international community in which states operate.

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