GLOBALISATION AND ITS CHALLENGES TO THE NATION-STATE

BY

ANDY BOAKYE ADASI
(10311409)

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LEGON JULY 2015
DEDICATION

This study is dedicated to the Almighty God whom I serve for seeing me through this work and to my Family, Nana and Mrs. Joyce Tallula Adasi, Cecil, Lloyd, Leona, Nana Oware and most especially Nana Adomah Boakye Adasi.
DECLARATION

I, ANDY BOAKYE ADASI, do hereby declare that, except for references to other authors which have been duly acknowledged, this dissertation is the result of an original work conducted by me under the supervision of Dr. Vladimir Antwi-Danso, I further declare that no part of this work has been submitted anywhere else for any other purpose.

ANDY BOAKYE ADASI
(STUDENT)

DR. VLADIMIR ANTWI-DANSO
(SUPERVISOR)

DATE: ........................................ DATE: ........................................
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<table>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
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<tr>
<td>ASEAN</td>
<td>Association of South East Asian Nations</td>
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<td>CAR</td>
<td>Central African Republic</td>
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<td>CFSP</td>
<td>Common Foreign and Security Policy</td>
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<td>DSU</td>
<td>Dispute Settlement Unit</td>
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<tr>
<td>ECOSOC</td>
<td>United Nations Economic and Social Council</td>
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<td>ECOWAS</td>
<td>Economic Community of West African States</td>
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<tr>
<td>EEC</td>
<td>European Economic Community</td>
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<tr>
<td>EU</td>
<td>European Union</td>
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<td>EVD</td>
<td>Ebola Viral Disease</td>
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<tr>
<td>FDI</td>
<td>Foreign Direct Investment</td>
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<tr>
<td>FIFA</td>
<td>Federation of International Football Association</td>
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<td>GATT</td>
<td>General Agreement on Tariffs and Trade</td>
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<td>HIV</td>
<td>Human Immunodeficiency Virus</td>
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<td>ICC</td>
<td>International Criminal Court</td>
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ICT - Information and Communication Technology
IGO - Inter-governmental organization
IMF - International Monetary Fund
INGO - International Non-Governmental Organization
IO  - International Organization
IPCC - Inter-governmental Panel on Climate Change
MDG  - Millennium Development Goal
MERCOSUR - Mercado Comun del Sur
MERS  - Middle East Respiratory Syndrome
MNC  - Multinational Corporation
NAFTA - North Atlantic Free Trade Agreement
NATO  - North Atlantic Treaty Organization
PRSP  - Poverty Reduction Strategy Paper
R2P  - Responsibility to Protect
SADC - Southern African Development Community
SAP  - Structural Adjustment Programme
SARS  - Severe Acute Respiratory Syndrome
SDG - Sustainable Development Goal
UN - United Nations
UNCITRAL - United Nations Commission on International Trade Law
UNICEF - United Nations International Children’s Education Fund
UNSC - United Nations Security Council
VCLT - Vienna Convention on the Law of Treaties
WB - World Bank
WFP - World Food Programme
WHO - World Health Organization
WIPO - World Intellectual Property Organization
WTO - World Trade Organization
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ABSTRACT

Globalisation has been one of the most topical issues, attracting a wide range of discussions in between the intellectual recent times albeit fraught with ambiguities. In this study, globalization is discussed in its numerous manifestations. It has brought in its trails the inception of numerous international organizations whose activities have become somewhat indispensable in current dispensations. These activities as well as the existing mode of operation and instruments of some of these international organizations are held by many to challenge the sovereignty of nation-states. It is in the light of the above that this study attempts to analyse whether indeed the activities, operations, existing instruments among others stand to challenge the sovereignty of nation-states or otherwise. The study relied on facts from secondary data to aid it in its analysis. The findings of the research show that, though states enjoy territorial integrity and unfettered authority within their borders, activities, existing documents, instruments of some international organisations and Powerful States challenge the sovereignty of other states even on their internal issues. Thus, the study concludes that some international organisations and powerful states through their activities sometimes undermine the sovereignty of nation-states.
CHAPTER ONE
RESEARCH DESIGN

1.0 Introduction

This chapter encompasses the research design, presenting a background of globalization, illustrating the various manifestations of the phenomenon by exploring its forms. This is then followed by the problem statement that necessitated the research. The questions the research seeks to answer as well as the objectives of the work are further enumerated in this chapter.

1.1 Background to the Research Design

Globalization as a global phenomenon has been one of the topical issues widely discussed in contemporary international relations. Capital transfers, trade flows, as well as the overwhelming movement of people, owing to the relaxation or absence of immigration rules have been the experience in the twenty-first century, with an upsurge in the rate at which these interactions occur\(^1\). Reasons given for the above mentioned instances are the excessive fluidity of capital, intra and international migration, the innovative nature, and continuous development in the Information and Communication Technology (ICT), as well as advancements in the means of transportation. In essence, nation-states at large are interconnected and brought closer now, more than ever.

Held, McGrew, Goldblatt and Perraton define globalization as a process encompassing a transformation in the special organization of social relations and transactions-assessed in terms...
of their extensive intensity, velocity and impact- generating transcontinental or inter-regional flows of networks of activities.²

The network of nation-states around the globe creates a situation where events or happenings at one of its ends impact or shape others, miles away due to liberalization, internationalization and co-operation that characterizes Globalization.

From the above, one will observe that the current global dispensation has created seeming borderless states, enabling the relative ease with movement of people, goods, and services between states. Consequent upon this, it has occasioned the promotion of cooperation, interdependence, and integration between and among states to strive towards the attainment of common goals and objectives. This has led to the establishment of a number of international, multinational and supranational organizations that operate independently at the international level alongside states. The purpose of this research is to attempt to ascertain whether the sovereignty of states is undermined or otherwise with the pervasive nature and prominence of international and supranational organizations in a global dispensation.

1.2 Statement of Research Problem

Globalization is perceived as an unmitigated good by some scholars. However, the reverse is held by others. To buttress the latter, the negative impacts of globalization are perceived to have brought in its trail challenges to the nation-state, particularly state sovereignty. As an empowering entity, globalization connects and sustains various developments, providing information in contribution to the attempt towards the realization of a global village.
Economically, there is the assertion that in a globalized world economy, governments have no alternative but to adopt neoliberal economic policies of privatization, deregulation and a decrease in public expenditure.³

Owing to the unprecedented access to cultures, wider audiences with diverse background than ever before have the opportunity to see, hear, and experience phenomena that were hitherto inaccessible. These can result in misrepresentation and stereotyping of cultures among others. Again, as borders disappear, the mobility of people and goods become increasingly easier, states become closely knit fomenting the spread of diseases such as the Ebola Viral Disease (EVD), the Severe Acute Respiratory Syndrome (SARS), and the Middle East Respiratory Syndrome (MERS). The conditions created by the spread of such epidemics occasion the emergence and inception of international, multinational, supranational organizations in the light of cooperation, interdependence and integration to come together to seek lasting solutions to such challenges ensuring the sanity of the global economy, as well as maintaining international peace and security.

Although there is quite an amount of literature on the activities of states and international organizations coupled with the challenges that globalization poses to nation states, much attention has not been paid on how the activities and mode of operations of some of these international organizations as well as some “powerful” states pose challenges to the sovereignty of nation-states against the backdrop of globalization.
It is in the light of the argument supra that, this study attempts to examine States and some non-state actors, particularly international organizations to ascertain whether their activities indeed pose a challenge to state sovereignty against the backdrop of globalization.

1.3 Research Questions

- What is the phenomenon of globalization and what are the forces of globalization? What are some of its effects?
- What are non-state actors, particularly, international organizations? How do they function in the current global dispensation?
- Do the existence, activities, mode of operation and binding instruments of these non-state actors, particularly international organizations as well as states undermine or strengthen state sovereignty?

1.4 Objectives of the Research

The objective of this research is to gain a better understanding of the phenomenon of globalization, and its effects on nation-states. This research work is fundamentally and primarily to achieve the following objectives:

- To examine the phenomenon of globalization and explaining some of its forces, coupled with some effects of globalization.
- To explore what international organizations are, highlight their activities in a globalizing world.
• To analyse, whether the existence, activities, mode of operations and binding instruments of some international organizations, as well as powerful states, challenge the sovereignty of nation-states in a globalizing world.

1.5 Rationale of the Study

Discussions in academia and public debates have had the challenges that globalization pose to the nation-state as one of their topical issues. It is anticipated that this research will augment the literature and contribute to the body of knowledge in this subject area; particularly probing the activities of international organizations and some powerful states through their mode of operations, binding legal documents or instruments and their nexus with a promotion or otherwise of state sovereignty. The outcome of this study shall contribute to the broader re-shaping of the global governance and state autonomy.

1.6 Scope of the Study

Globalization as the increase in the interconnections, cooperation and interdependence of individuals and states basically encapsulates two interrelated elements, namely the opening of borders to allow movement of goods, services, finance, people across international borders, and the changes in institutional and policy regimes in the international and national levels that encourage flows alike.

The present study seeks to examine the challenges that globalization poses to the nation-state, specifically state sovereignty. In view of this, the scope of the study shall be limited to the activities, mode of operations, existing binding legal documents or instruments of some states
and international organizations and how they challenge the sovereignty of nation-states in the current global dispensation.

1.7 Theoretical Framework

Liberalism is the theory that guides this study. It also serves as an overarching theory embodying other sub-theories such as Idealism, Perpetual Peace theory, Pluralism, Liberal Institutionalism and Neo-Liberalism among others.⁴

Liberalism is based on four key assumptions, first, non-state actors are important entities in world politics. International organizations, for instance, may in some ways be independent actors in their own right. They are more than simply forums, within which states interact and cooperate with each other. International organizations also play a number of important roles in monitoring, formulating, implementing, and adjudicating disputes that may arise from decisions made by the constituent states of an organization. With time, such functions may make the international organization indispensable to member states.

Similarly, other transnational organizations such as Multinational Corporations (MNCs), Non-Governmental organizations (NGOs), Human rights and Environmental groups play significant roles in world politics. The development of transnational networks, established around common strategies and goals, typifies the rapid expansion of “sovereignty-free” actors and the coining of the term “Global Civil Society.”
Second, for the Liberalist, the state is not a unitary actor. They hold the view that a state is a fragmented entity composed of competing individuals, interest groups, and bureaucracies. Perhaps it may be suitable for newspapers and governmental representatives to refer to “decisions taken by the state as a single entity”, but the Liberalist believe it is better to speak of a decision made by a particular governmental coalition, bureaucracy, or a single individual. The decision is not made by some abstract entity called “a State” but by an amalgamation of actors within the foreign policy structure. A number of organizations, for instance, may have diverse perspectives on a particular foreign policy issue. Coalition building, competition and compromise will often engender a decision that is then announced in the name of a State.

Furthermore, this state decision may be the end result of constant lobbying carried out by such non-governmental actors as MNCs or interest groups or perhaps influenced by public opinion. To the Liberalists, it is a fallacy to perceive a state as a unitary actor because by so doing, it ignores a substantial fact, i.e the multiplicity of actors constituting the entity known as a state.

The third assumption of the Liberalists is the fact that the state is not a rational actor, obviously contradicting the realist view. Giving their fragmented view of the state, the Liberalists assume that the clash of interests, bargaining and need for compromise do not always make for a rational decision making process. Misrepresentation or bureaucratic politics may dictate decision making which may result in poor decisions, in terms of objectives sought. Statesmen may be tempted to dwell basically on public opinion polls, manifesting more concern for their personal standing or power position than for the good of the country as a whole. More so, pressure resulting from a
crisis situation may also defeat the notion of well-structured and calculated decision making process.

Finally, for the Liberalist, the agenda of international politics is extensive. Although national security concerns are important, Liberalism is also concerned with a number of economic, social and ecological issues as a result of the growth in interdependence among states and societies. Liberals, for example, emphasize trade, monetary, and energy issues, which have currently become topical and prioritized on the international agenda. They also examine international attempts to deal with international pollution, environmental degradation, world population problems and famine in parts of the Third World. To the Liberals, the foreign affairs agenda of states should not exclusively border on national security issues, narrowly defined militarily.

Economic and social issues often have a direct bearing on the security and welfare of a particular state. Because this is so, Liberals tend to reject the high versus low politics dichotomy accepted by the realists. Thus, they believe socioeconomic issues are as equally significant as military concerns.

Liberalism as used in International Relations, goes beyond the entrenchment of the rights and freedoms of citizens to add principally that there can be cooperation between states in the international system to solve their common problems. This immediately contradicts the realist position that states are selfish and as such there can only be a zero-sum game, thus a side loses what the other wins in the international system. Interdependence, also stressed in both Globalization and Liberalism, creates a platform where states, trade, support, protect each other
as well as interact with other non-state actors like Transnational Organizations, International Non-Governmental Organization in the international system.

Proponents of Liberalism such as Immanuel Kant believe in liberalization, cooperation between a multiplicity of actors in the international system, free movement of individuals between states. This obviously places a premium on the individual as well as the existence and importance of non-state actors in the international system.

Furthermore, in relation to the aspect of political economy, some assumptions underlying neoliberalism are free trade and capitalism proposing the state detachment from all means of production and trade to be controlled by the market itself through its forces, thus the principle of demand and supply as posited fundamentally by a Classical Liberalist, Adam Smith reinforcing the liberal concerns for individuals emphasizing the importance of the individual entrepreneur, who should be relatively unconstrained by the state. This emphasis on the primacy and significance of the individuals within states is perhaps best exemplified in Locke’s second treatise on Government in 1689.5

The preceding facts clearly discourage state regulation of the market, but rather place premium of the significance and well-being of the individual bordering issues of rights among others. Thus, they place much emphasis on popular sovereignty over that of the state.

There have been a number of criticisms leveled against Liberalism, thus realist thinkers for instance, assert that the international institutions serve the national interest of states rather than
international. Which goes to buttress the realist assumption of that the states are the principal and most important actors in the international system, making non-state actors one of lesser importance.

Furthermore Waltz, a realist thinker asserts that, the powerful states investing their resources for the creation, maintenance and expansion of international institutions are not premised on the belief of the importance and or significance of institutions, rather, these institutions are like vehicles created by powerful states to push their agenda and serve a state’s own interest. For the realists, the state is the most dominant actor in the international system, placing premium on the acquisition of power by building its military for survival. This, they believe, should be the prime concern of every state when it comes to security.

Susan Strange notes also that, “international organization is above all a tool of national government and an instrument for the pursuit of national interest by other means”, obviously contradicting that of Liberalism and all the other theories hinged on the assumptions of the individual being the key unit of analysis, the importance of non-state actors as well as the interest in the disaggregation of the state.

Despite the criticisms leveled above, Liberalism best guides this study because, in the international system, there are a multiplicity of actors whose significance cannot be overlooked. Non-state actors like International Organizations among others, are basically formed along the lines of integration for the purpose of co-operation between member states to seek solutions to
international problems. No member state can unilaterally take any action except in agreement with other states in consonance with the tenets of their agreements or treaties binding them.

1.8 Hypothesis

This study shall be guided by the following hypothesis:

Globalization challenges the sovereignty of nation-states.

1.9 Literature Review

David Alexander in his article, “Globalization of disaster; trends, problems and dilemmas”\(^8\), against the backdrop of the increase in worldwide travel and telecommunications, probes the global pattern of catastrophes combined with an in-depth analysis of modern systems of emergency preparedness and processes of disaster relief, with particular attention to the problems of creating resilience which weaves around moral and practical dilemma of prevention and response. Generally, the author explores the global impact of disasters with respect to changes in societal vulnerability and growing imbalances in economic development.

He further considers mass communications in relation to the symbolic significance of disasters and the pattern of donation to relief appeals. With a critical look at the logistical and organizational aspects of humanitarian relief, the article focuses particular attention on major events, such as the Atlantic Hurricane of September 2005, and south Asia earthquake of October 2005, and what they reveal about the international communities’ policies and practices regarding aid.
The study further explores disaster mitigation in relation to world economic trends and the changing structure of global financial power as well as the current international policy frameworks for catastrophe mitigation and its prospects for achieving positive change in the future. David Alexander opines that in the future, disasters will have a greater impact permeating the political, economic, social, demographic spheres among others owing to the rapid population increase. This is because, the population growth will outpace technological advancement to contain and mitigate the effect of disasters.

From the above, the study concentrates basically on disaster in a globalizing world where transborder operations are rife and happenings in one part of the world can shape others in another. In this case, an occurrence of a disaster in a country can have a rippling effect on others, in terms of its devastating effects, relief items, etc. This obviously captures the fact that, globalization poses challenges to the nation-state. However, the author fails to capture the link between these challenges that globalization poses to the nation state and how it leads to challenging the sovereignty of those states, a gap this study shall attempt to fill subsequently.

Sarosh Kuruvilla and Aruna Ranganathan in their article “Globalization and Outsourcing; confronting new human resource challenges in India’s Business Process Outsourcing industry”, basically focuses on the average Business Process Outsourcing in the Indian setting. They assert that owing to the rapid rate of growth in the outsourcing industry, employment opportunities are given the youth specifically the graduates who are basically believed to possess the requisite skills appropriate for specific jobs; this has obviously among others results in high labour turnover and shortages. The article maintains that, very high levels of labor turnover and the
diminishing supply of skilled graduates for the industry, which is a pervasive problem in the Indian outsourcing industry is gradually retarding its growth.

The authors explore the different standards in educational profile of employees in relation to the general nature of their jobs. For instance, call centres of client firms based in the United Kingdom and the United Kingdom demand a working proficiency in English, this basically means that, there has been a kind of criteria placed, so employers in view of this have no choice than to employ bi-lingual graduates who they believe to be more inclined to perform the duties satisfactorily. The authors further note that, while the problem of labour turnover is largely within the remit of the firms to control and find lasting solutions to, that of the supply of skilled labour requires the prompt attention and action of the state in conjunction with some relevant actors in the labour market.

The article categorizes the reasons accounting for the labour turnover into job related reasons stemming from the dissatisfaction with the immediate supervisor or the “lousy boss syndrome”, thus employees sometimes resign or leave behind their jobs because of their discontent with their bosses or other reasons.

The other reason contributing to high labor turnover is due to the demographic profile of the workers. This basically stems from employees’ inclination to change jobs from one organization to the other. Thus, instead of employees voicing out their grievances to their superiors through dialogue, they prefer to exit the jobs in hopes of finding another. Another reason is that, many
female employees leave the labour force for marriage in raising their family, this obviously results in labour constraints, both in the industry and posing a huge challenge to the state at large. The authors in their concluding remarks make some recommendations which they believe may resolve the problems stated above. First, the Indian government can introduce a number of courses of study in relevant government funded universities and colleges to help train employees to be professionals and also provide incentives for the private sector to train some employees in other languages which will enhance their communication skills for the industry as a way to meet the challenges posed by a globalizing world. Further, the government can also assist with decreasing the cost of recruiting and training for the Business Process of Outsourcing industry by screening college graduates to ascertain their willingness and readiness to join relevant industries.

The above article presents a study of a growing problem of an inadequate number of qualified personnel to be employed as well as the high rate of labour turnover within the Indian Business Process of Outsourcing Industry. This as the findings of the research contain, has shown to be crippling the industry, obviously posing a challenge to it and the Indian state at large. Despite the above, the authors do not capture the aspect of how these challenges contribute to the weakening of the concept of the state sovereignty of India.

Muna Ndulo in the article “Legal education in the era of globalization, the challenge of development”\textsuperscript{10} this research examines the challenges globalization poses to the legal education in Africa, thus the article discusses challenges in the legal education in a globalizing context. The author asserts that, the legal practice in a globalized world requires a body of knowledge both
complex and interdisciplinary. It takes a critical look at the traditional approaches to the legal education and its capacity to meet challenges of development. It further examines in view of developmental challenges, the contributions and developmental efforts of the legal education to improve the living standard of Africans. The article further evaluates Africa’s capacity to undertake the necessary legal reforms to meet the increasing challenges of globalization and development.

Ndulo opines that the seeping of international law into domestic and municipal laws is not only through international agreements but also through the creation of supranational and intergovernmental organisations etc. These include organisations such as the World Trade Organisation (WTO), the World Intellectual Property Organisation (WIPO), the United Nations Commission on International Trade Law (UNCITRAL) as well as various regional and economic bodies or organisations like the European Union (EU), the Association of South East Asian Nations (ASEAN), the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) among others.

The author maintains that these international organisations and bodies play significant roles in the development of laws in the current global dispensation. Thus they increasingly adopt international conventions which have direct impact and influence on domestic and municipal laws, creating tribunals that adjudicate cases between member states as well as its citizens. Generally, the foregoing sum up the fact that challenges to the legal education brought about by globalization requires an informed, organized and well-structured responses.
In its recommendations, the article suggests that, for Africa to find lasting and effective solutions to the myriad of challenges posed by globalization, there should be the availability of standard teaching and educational materials, for instance, internet access to aid in research. Again the author points out the fact that experienced and highly trained law teachers must be retained, thus to aid in the impartation of world class knowledge into students, which will go a long way to remedy some defects caused by globalization.

The above focuses on the African legal education in a globalizing world, thus challenges the legal practice and education in Africa faces. The article also touches on the ability to make reforms to meet the growing demands of globalization in a bid to improve the living standards of the Africans. Basically the article features challenges of globalization bedeviling African states in its legal education. But the author did not show the nexus between the challenge and how it can contribute to the vitiation of state sovereignty.

Philip Attuquayefio’s “Between Conflict and Co-operation; Globalization and the Future of International Relations” examines the cooperative aspect of globalization and some positions that points to the possibility of increased conflict in international relations. The article discusses the challenges arising from globalization of political values as well as culture, threats from the internet, challenges of social injustice and international terrorism. It further explores the cooperative and interdependent aspects of globalization. The author agrees that the misconception about the absolutely positive aspects of globalization must be discouraged, thus globalization has both positive and negative effects with the latter posing challenges to the nation-state.
Even though the author provides facts proving that globalization has positive effects and also brings along negatives, there was no connection as to how the challenges posed by globalization to the nation-state affects state sovereignty.

In the article, “The Hidden Cost of Ubiquity: Globalisation and Terrorism”, Krug and Reinmoeller explore the effects of terrorism on intrastate firms and organizations. The authors note that terrorist attacks on these firms decreases bilateral trade between countries. There was also the mention of asymmetric effects of globalization, which points to the fact that, while terrorists benefit from globalization in the form of higher efficacy, such as damage per attack, firms face higher risks and rapidly increasing deterrence costs. Basically the article features how globalization provides a platform in fostering terrorism, particularly on firms within states for reasons such as gaining media and worldwide attention or as a reprisal attack on a state. Terrorist attacks on firms within a state obviously pose serious challenges to that state; this is because apart from the state gaining a negative image internationally, will lead to the loss of Foreign Direct Investment, since no investor will want to invest in a terrorist prone state.

Again, these attacks place a serious financial burden on that state, owing to the life and properties lost in such attacks. The state will have to incur costs to replace most of the damaged properties and also in procuring gadgets and putting measures in place to forestall and avert future attacks.12

From the above, the article affirmed and explored one of the negative effects of globalization that poses a challenge to the nation-state thus, terrorism. However, the author fails to touch on the
point that, with the rapid growth of globalization, no nation can single handedly arrest and deal permanently with this menace. It takes the assistance and co-operation of regional bodies such as international organizations with funds, personnel, logistics among others to effectively deal with it. This eventually will lead to the loss of state sovereignty, since decisions will not be taken unilaterally by that state, but multi-laterally by regional bodies or international organizations.

Earl Conteh-Morgan in “Globalization, State Failure and Collective Violence: The Case of Sierra Leone” analyzes the link of issues of negative globalization, state failure and collective violence with particular emphasis on how globalization brings about the negative effects such as political, economic challenges etc, evolving into a collective violence or uprising in a state. The article further features the weakness of the Westphalian origins of modern African statehood as a long term factor in Sierra Leone’s state failure and collapse. The author basically attributes these challenges to the state to neoliberal international economic organizations whose activities have had significant detrimental impact on states in the developing world. The author believes these neoliberal policies owe to theories such as the dependency theory.

Earl Conteh-Morgan also notes that in the early systems before 1980’s the world political economy has been under the regulation of the nation-state, save globalization, where the state is playing either a very secondary or no role at all in aspects of socioeconomic, cultural and political lives of its subjects.
Despite the above, the article fails to show how the challenges pose to the nation-state by globalization through international neoliberal policies diminishes or rob these nation-states of their sovereignty which is a gap that my work will attempt to fill.

According to Musa Jega Ibrahim, in his work, “The Effects of Globalization on the Development of Underdeveloped Economies”, there are existing wide inequalities between the developed and underdeveloped economies which make globalization a tool for stultifying the industrialization process, in effect, retarding the growth and development of underdeveloped economies. Ibrahim asserts that the dimension of international trade has given rise to the contemporary challenges posed by globalization. International bodies such as the international monetary fund, the World Bank, the World Trade Organization among others, are cited to impose policies inimical to the industrialization of the underdeveloped economies.

The author also maintains that the governments of most underdeveloped countries place premium on satisfying the needs of the developed industrialized countries, while the needs of their citizenry are given secondary consideration. Furthermore, globalization infringes on the ability to implement internally cohesive macroeconomic policies for developing countries since they are to adhere to the basic rules of international economic system. Basically, this article notes that globalization ascribes functions to various economies; thereby creating an international division of labor that accentuates the disparity between the most developed and industrialized countries and the underdeveloped ones.
The above facts averred by the author, buttresses the assertion that globalization poses challenges to the nation-state. But what the author fails to account for was the contribution of the factors above towards the loss of state sovereignty, a gap to be filled subsequently.

Diane Stone explores the concepts of global governance and Global public policy in the work, “Global Public Policy, Transnational Policy Communities and their Networks.” According to Stone, the challenges internationalization of policies pose, increased economic and political interdependence worldwide meant that events and discussions in one part of the world can have significant repercussions in others. Public Policy issues, for instance environmental protection and refugees are increasingly “transnationalised”, requiring joint management by government, private concerns and the citizens concerned.

Furthermore, globalization has considerably impacted on the ability of national governments to deal with what were previously purely domestic policies. Circumstances of complex multilateralism bring additional considerations of how global activists and networks by-pass national and intergovernmental policy making processes to influence international organizations, private regimes, etc. the global agora is a public space although it is one where authority is diffused, decision making is dispersed and semi-privatized and sovereignty is muddled by the recognition of joint responsibility and collective action.

It can be deduced from this article that the global authority and decision making is gradually undergoing transformations. Previously, states could unilaterally take decisions within their territories but that is nearly impossible now, due to globalization. In spite of the above, the
author failed to provide the nexus between global policy space and the loss of state sovereignty, which is the gap that my work seeks to fill.

Kelley Lee in the article “The impact of globalization on public health; implication for the UK public health medicine”\textsuperscript{16} defined Public Health as a focus on the collective health of populations requiring a variety of intersectoral activities; globalization can be seen to have particular significance. In the work, public health is the collective action taken by society to protect and promote the health of the entire population” such activities are concerned not only with the control of infectious diseases, but also with the regulation of the conditions which entail not only population, legislative but also changes in individual behavior.

According to the article, the vital features of this broad perspective are that, public health is primarily concerns itself with the health of population groups and that the promotion of public health of practice encompasses a range of intersectoral activities from the provision of the health care services, to the advancement of changes in human behavior, to improve the environmental determinants of health. Generally, globalization can be defined as a process that is changing the nature of human interaction across a wide range of scopes for instance, social, economic, cultural, political etc.

The author also documents how globalization, driven by a variety of forces, can affect the determinants of health and in turn key areas of public health. Basically complex linkages between globalizing forces, the determinants of health and public health are only beginning to be
explored and a clearly defined research and policy agenda to understand and respond to challenges needed.

However, the existing gap that my work seeks to fill is to clearly show the nexus between the above mentioned factors posing challenges to the United Kingdom and how these challenges contributes to the erosion of state sovereignty.

1.10 Methodology and Sources of Data

This work shall rely on the qualitative method of data collection and analysis, substantially based on secondary materials, such as books, journal articles, and magazines relevant to this topic. Data gathered shall be analyzed to give insight on the challenges of globalization to the nation-state and subsequently make recommendations based on the outcome of the study. The Balme and LEICIAD Libraries as well as the internet were extensively utilized. The study basically analysed and reviewed the literature gathered on globalization and the activities of non-state actors challenging state sovereignty.

1.11 Arrangement of Chapters

With the guide of the objectives, this study is organized into four chapters.

Chapter one comprises the research design.

Chapter Two is the general overview of the concept of globalization and non-state actors illustrating its manifestations and mode of operations respectively.

Chapter Three constitutes how the mode of operations of non-state actors challenges state sovereignty.

Chapter Four contains the summary of research findings, conclusions and recommendations.
ENDNOTES

11 Attuquayefio, P., (2011) “Between Conflict and Co-operation; Globalisation and the Future of International Relations”.
CHAPTER TWO

THE PHENOMENON OF GLOBALISATION

2.0  Introduction

Indeed globalization is a one of the most hotly debated issues currently. It however remains not as rigidly defined a concept. For some, it is a phenomenon promoting capitalism and imperialism, interpreted by many as an imposition of the principle of capital and the market on more regions of the world. Its critics see globalization as detrimental, causing an increased domination and control by the developed and industrialized states over the poor and underdeveloped ones, consequently increasing the hegemony of the “haves” over the “have-nots.”

That notwithstanding, others perceive it as succinctly as the growth in free trade and increase in Foreign Direct Investments (FDI). In this chapter, the study explores the general background of globalization by tracing its history through to its core forms or types, thus how globalization permeates states such that occurrences in one state affect other states. It generally probes the myriad of manifestations of globalization against the backdrop of the concept of the states and non-state actors in a globalizing world.

2.1  Background

The term globalization dates back in time and have long historical roots many of which were regional rather than worldwide. It involves intricate interactions among economic, political,
cultural and biological factors, with each intertwining and having effects on the other. Although no consensus exists, historians and social scientists have proposed different starting points in the history of globalization. Scholars of diverse academic disciplines, particularly economists are inclined to shorter time frames while historians are likely to describe a much longer process. Despite the disciplinary inclinations, debates about its commencement, sometimes reflect ideological debates, Marxism to mention a few.

Other arguments have also proven how discussions of globalization connect to or mirror earlier debates about modernization, underdevelopment and the development of the West. Most projected beginnings focus on one of three historical events, namely, the integration of Asia around 1000 or earlier, western maritime expansion around 1500, or the industrial revolution around 1800 thereafter.4

Many analyses peg the relevant beginnings in very recent times. Friedman in his book “The Earth is Flat”, shifts the date forward to the beginning of the 21st century.5 Those dates certainly are for globalization properly so called. He passively notes that the larger process went back to 1945, when the world was able to recommence economic and political strives at integration around the early 1800s that had been disrupted by the world wars and the great depression.6

Humans have interacted over long distances since time immemorial. With nascent stages of globalization, it proved challenging for states to interact with others that were distant. Ultimately, technological advances enabled states to learn of the existence of other states giving way for the development of globalization into another phase.7 As the 20th Century came to its expiration,
developments in the world continued to make the process of contemporary globalization a subject to explore. There have been a number of writings on the topic with some still ongoing. Social scientists and policy makers have different understanding of globalization making its investigative processes almost confusing.

According to Ogoko, the political idea of globalization is the buildup of accommodating nations in the world into a community where there is the dissolution of territorial boundaries into ideological inconsequentiality while maintaining their political sovereignty as independent nations. In essence, countries remain sovereign and autonomous, and in practice the obstacles, restrictions and cross border problems that tend to hamper easy integration and cooperation among nations are cleared; encouraging cross border flows of capital, goods and services and other social activities that encourages full integration and cooperation.

Krasner categorizes sovereignty into four kinds, legal sovereignty which is the juridical independence and parity between states. The Westphalian sovereignty, describing the arrangement of the international political arena based on the division of the world into territorial exclusive units and includes the right to exclude external actors, whether other states or international organisations, from interfering in domestic political structures. The third category of sovereignty opined by Krasner is the Interdependence sovereignty, which is the ability of public authorities to regulate the flow of information, ideas, goods, people, pollutants or capital across the borders of their state. The final kind is the Domestic sovereignty, this is the kind manifested when states exercise power and control within their territories.
On the threshold of a new millennium, mankind has been monitoring with bewilderment the acceleration of a process that is increasingly transforming the world into a single community; characterizing the phenomenon of globalization. Policy makers, social scientists, business analysts, management theorists, journalists and commentators, all use the term globalization in an attempt to describe the sophisticated world of the twenty-first century; the notion itself is however riddled with contradictions and ambiguities.

### 2.2 Information and Communication Technology

An obvious development over these years, contributing to the transformation of the world into a global village has been the advancement and dynamism of Information and Communication Technology (ICT). In varying degrees, it has contributed enormously by influencing the process of governance in politics, to the general revamping of the current academic schemes, researchers, service delivery strategies, innovative ideas in mechanisms and nature of service among others. These are all in contribution towards finding lasting solutions to, among other some socioeconomic, political challenges that nations-states encounter.

In spite of the myriad of constraints accompanying the beneficial trails of ICT, it has largely been considered as the remedy for most of the current global challenges. The Information and communication technology within the framework of globalization is basically characterized by global knowledge access, participation and governance in the information age.\(^{11}\) It has extremely altered views about boundaries both between nations and within regions. ICT noticeably like any other, has both its benefits or otherwise, but it has to be ensured that the cost that comes with it does not outweigh its benefits.
The new trends in the world market economy have brought to the fore the debate on the impact of liberalization, privatization and globalization. This impact is visibly in the developing country setting as it incisively downplays its drawback and emphasizes its advantages. If on the one hand, globalization has precipitated the onward march of ICT, the growing successes in ICT initiatives have also brought the global communities closer. As stated earlier, globalization has radically transformed our views about the boundaries between and within states. With the gradual shift from an automated data processing to a subsequent automated decision making and further on the current mobile telecom age, the countries across the globe find themselves encircled by the supposedly new paperless, borderless, corruption-less, and interactive world electronic governance (e-governance).

For instance a developing economy like India is one of the top ten in the list of ICT leadership and initiative. The most visible of all technological advancement is the internet, which is believed to have the ability to redefine and fundamentally alter the economic, political, cultural, sociological landscape. As a product of globalization, the internet connects computer users around the world contributing to an exponential surge in access to information and internet searches.

The impact of the ICT paradigm is intensified by the parallel emergence of new economic relations at the global level subsumed under the concept of globalization. As captured by Shangquan, the increasing growth in significance of information in all types of productive activities and marketisation are the two major driving forces of economic globalization. In other words, the fast globalization of the world’s economies in recent years has largely been based on
the development of science and technology.\textsuperscript{13} ICT also has made tremendous impact in the fields of education and health. On the issue of education, it is trite that the knowledge capital within a population is progressively influenced by developments in global communication and mobility.

The widespread of knowledge and information in the era of information technology has facilitated the globalization of education. The introduction of computers, the internet and other technology mediated learning by web pages, emails; digital libraries among others, have helped in the dissemination of information and knowledge to millions around the world. Its emergence has reformed the teaching and learning process. For instance, through the digital library, a researcher can access books, articles, journals and research works done in other parts of the world without necessarily having the need to travel saving time, money, energy etc.

Millions of people globally have and are still acquiring knowledge from trans-world textbooks, due to the supraterritoriality in publishing. Owing to technological advancements, most colleges and universities are able to work together with academics from different backgrounds and countries; students have sufficient opportunities to study abroad as well as capitalize on the opportunity created by the development of ‘virtual campuses’. The spreading of new technologies and ideas allow researchers to collect, analyse and process data in no time resulting in increased amounts of empirical data.\textsuperscript{14} Thus new technologies have broadened the character and nature of literacy.

Scholte corroborated the above with his assertion that, the ability to use computer applications and the likes, for instance software programs have become as vital as the ability to read and write
with pen and paper, if not more. In addition, television, film, computer graphics and video conferencing, creating platforms for students to learn in a myriad of ways needless to be physically present in an educational facility or institution for the acquisition of knowledge, greatly enlarging the visual dimension of communication.\textsuperscript{15} Thus the above goes to buttress and attest to the impact that ICT is making in the educational sphere contributing to global development.

### 2.3 Globalisation and the Economy

During the 19\textsuperscript{th} century, globalization advanced towards its modern form as a direct result of the industrial revolution. The advent of steam ships reduced the cost of international transportation significantly, with railroads that made inland transport cheaper, enhancing traveling.\textsuperscript{16}

The concept of globalization has varied definitions contingent on the context or issue under consideration. In international economics, it has a basic definition, although with a fundamental effect occasioned by the integration and interconnectedness of the markets of different countries via economic transactions transcending national borders.

Other scholars also assert that the intensification in economic integration and interdependence of national economies across the world through a rapid increase in cross-border movement of goods, services, capital among others lead to the realization of a global market.\textsuperscript{17} Shangquan opines that economic globalization refers to the growing interdependence of world economies as a result of the mounting scale of cross border trade of commodities and services, flow of international capital and extensive and rapid spread of technology.\textsuperscript{18}
After the Second World War, there was an agreement by some major governments to lay down the framework for international monetary policy, commerce and finance to promote integration by successively reducing their restrictions on international trade in goods and services as well as barriers to foreign investment thus governments were impressed upon to refrain from or reduce the rate of adopting protectionist policies and embrace that of a free trade. This consequently saw the founding of several international institutions intended to facilitate economic growth multiple rounds of trade opening simplified and lowered trade barriers.

Initially, the General Agreement on Tariffs and Trade (GATT) led to a series of agreements geared towards the reduction or removal of some trade restrictions or barriers. GATT’s successor was the World Trade Organization (WTO), a rule based and member driven organization providing a framework for negotiating and formalizing trade agreements and dispute resolution process. The membership of the WTO comprises almost every country in the world with each member committed to the reduction of tariffs while engaging in periodic negotiations to reduce trade restrictions. Members also open their markets to international suppliers of particular services like banking, insurance, transportation retailing among others. An increasing number of developing and developed nations have to a large extent liberalized their trade and market rules with the permissibility of investment by international enterprises in their markets. This has basically contributed to the recent ease with which firms situate their affiliates in countries that offer the best combination of natural resource, labour skills, public infrastructure and other factors that encourage Foreign Direct Investments for the general development of states.
Many countries unilaterally opted to liberalize their markets to enhance consumer welfare and growth prospects. Others were also directed to take such decisions by international institutions such as the International Monetary Fund (IMF) which usually attach their lending programs to economic liberalization and trade reforms. Another major force that has contributed to the decrease in trade restrictions is Regional Preferential Trade Accords such as the North Atlantic Free Trade Agreement (NAFTA) which includes United States, Canada etc. and Mercado Comun del Sur (MERCOSUR) also made up of some countries like Brazil, Argentina, and Paraguay among others.\textsuperscript{23} Basically, these regional trade accords eliminate tariffs on trade within the region and require laxation of specific investment barriers as its means to enhance inter-state trading activities.

The world is highly interconnected by an array of intricate economic transactions, social and environmental problems, international political collaborations and conflicts. Examples of global economics are found in the news on a daily basis. According to Feenstra, Mattel buys its plastic and hair raw materials from Taiwan and Japan, assembles them in Malaysia and Indonesia, purchases it’s moulds as well as the decorating paints of the doll from United States with the clothing of the doll from China.\textsuperscript{24} Again, China’s emergence as a world leading exporter of manufactured goods has had profound impact on wages of underdeveloped, developing and developed nations.\textsuperscript{25} This goes to attest to the fact that, globalization, accounting for the facilitation of inter-state interactions, increase in international and cross border flows of capital, humans, goods and services has created the opportunity for certain countries to come to the aid and develop others.
Shangquan notes that, the increasing nature of the globalization of world economies in recent years is largely grounded on the rapid development of science and technology resulting from the environment in which the market economic system has been fast spreading throughout the world developing on the basis of increasing cross-border division of labour penetrating down to the level of production chains within industries of different countries. For instance, Ford’s Lyman car is designed in Germany, its gearing system produced in Korea, pump in United States of America and its engine in Australia.

Summarily, falling trade barriers and advancement in inventions coupled with access to new forms of technology have broadened the possibilities for international transactions of various kinds. The basic means by which people, institutions, organizations etc. of diverse nations interact with each other economically are through varying transactions such as international trade in goods and services, capital flows, foreign direct investment, contracts for technology and labour migration to mention a few. These serve as the basic conduits by which integration of market binds countries more closely together to pursue mutually beneficial objectives for global development.

2.4 Globalisation and Governance

Globalization has also tremendously impacted global governance enhancing its nature and structure of the international system. Since the end of World War II, the world has experienced an impressive incidence of political disintegration. Indeed, the number of independent countries has almost quadrupled since 1945. On the other hand, there are also examples of the opposite process. International political and economic integration occurring in Europe, where nation states
have imposed limits on their sovereign use of certain policies (e.g. Fiscal policy), have delegated control over some relevant competencies, such as trade policy and antitrust, to the European Union and are debating further political integration.

The Westphalian international order was a coherent system with a well-defined structure. The international system had hitherto been state centric, thus at the time, making states the most dominant, if not the only actors in the international politics and the only subjects of public international law.\textsuperscript{28} There was a clear distinction between the public and government spheres of politics and the private sphere of markets and economic transactions.

Furthermore, it was strictly geographic based on borders, thus mutually exclusive territorial jurisdiction and sovereignty. The final characteristic of the Westphalian system is that, it was anarchic in nature, lacking any central authority.\textsuperscript{29} The sovereign territorial state, which was the primary “container” of politics, provided a territorially bounded space in which “the struggle for democracy the nurturing of social solidarities and constitutional forms of government could develop within the framework of the rule of law.”\textsuperscript{30}

International politics, which entailed interactions among states as governments and the international economy was comprised of discrete cross border transactions. The only public international interests were state interests “the public domain, the interstate sphere and the realm of governance were largely coterminous.”\textsuperscript{31} Nye and Keohane foresaw the emergence of a transnational order defining world politics as “all political interactions between significant actors in the world system in which a significant actor is any somewhat autonomous individual or
organization that controls substantial resources and participates in political relationships with other actors across state lines.”  

Subsequently, there was a paradigm shift from the state centric approach to that of the people centred leading to the inception of the concept of human security particularly focusing on safeguarding the vital core of all human lives from critical pervasive threats, in a way that is in tandem with long term human fulfillment. It primarily recognizes that people and communities are fatally threatened by events well beyond their control; a financial crisis, a violent conflict, AIDS, a national policy weakening public and private investments in health care, a terrorist attack, water shortages, pollution in a distant land among others.  

Human security is most often associated with the 1994 Human Development Report on Human Security drafted and championed by Mahbub ul Haq, albeit the term itself was earlier in circulation. It is intended to ensure freedom from want and freedom from fear, as prioritized by the United Nations. Thus the international structure was no longer a strictly state centric, it saw the springing up of International Organizations thus Intergovernmental and NGOs, MNCs such as the WTO, IMF emerging as significant non-state actors in international politics imbued with varying levels of autonomy contributing to global development. 

Ruggie buttresses the above that this evolving order as a newly progressing global public domain is no longer in line with the state system. It exists in transnational, non-territorial spatial formations, grounded on norms and expectations as well as institutional networks within across and beyond states.
Globalization and the revolution in information technology have also had its effects transforming the economic and political meaning of space. Borders are transcended rather than crossed, relations become increasingly “supraterриториал” as distance, borders and geographical space itself lose economic and political significance. Generally the scope of governance has changed over the past century. The pattern of change has also been influenced chiefly by globalization. Before 1914, the world experienced a wave of governance which was increasingly focused on national governments, subsequently industrialization and economic integration provoked construction of narrowly defined international institutions that responded to cross border infrastructure demands.

A second wave of international institution building, capped by the League of Nations, occurred in the wake of World War I. Those institutions, unable to influence a declining and nationalistic economic and security environment, gradually faded in the face of economic closure, military insecurity, and war after 1930. Governance was once again claimed by powerful national governments.

The third wave in global governance that evolved after 1945 continues to shape ideas about global governance and its institutional framework. This wave of institution building, however, responded to a disintegrated world with the existence of relatively few sovereign units. In both respects economic integration and sovereign claim to authority, governance in the twenty-first century confronts a very different world.
As globalization has increased, so has the recognition of transnational problems requiring global attention and regulation, from climate change, to proliferation of weapons of mass destruction, the spread of diseases among others. Dealing with these transnational issues has led to the explosive growth of transnational and global forms of rulemaking and regulation. This is evident in both the expanding jurisdiction of international organizations such as the International Monetary Fund, the International Civil Aviation Authority, the EU, International Criminal Courts (ICC) etc.

2.5 Globalization and Health

Diseases have been the unwelcome companion of trade, since the plague of Athens in 430 BC, which accounted for the near extermination of their total population. The black rats, which carried the bubonic and pneumonic plagues to Europe in 1347, were most likely carried by trade ships. More than three hundred years later, the city-states of Northern Italy developed the first system of national and international public health in their effort to control recurrent episodes of diseases.\textsuperscript{39} Thus, diseases have travelled with goods and people since the earliest times, going to buttress the fact that globalization, a facilitator of inter-regional an international trade and interaction among people of different regions had been in existence for a long time.

Acemoglu, Johnson and Robinson argue that trends of colonization were shaped by mortality of white imperialists, so that in places where it was unwholesome for colonists to settle, the imperial powers set up plantations or mining companies, for whom the health of the native inhabitants were of little or no significance.\textsuperscript{40} Thus white imperialists established plantations and mining companies in perilous regions which later became known as the colonies of exploitation.
and settled in conducive areas also termed as colonies of settlement. The movement of these imperialists from their states into other continents or regions either for settlement or exploitative purposes also facilitated globalization.

Global health is the health of populations in a global context that transcends the perspectives and concerns of individual nations. Good health for all populations has developed into an accepted international goal, which has resulted in the broad improvements in life expectancy over the past century. As the world becomes progressively interconnected and complex, human health is increasingly perceived as the integrated outcome of its ecological, socio-cultural, economic and institutional determinant.\textsuperscript{41} Thus, human health can be interpreted as a significant level, integrating index that reflects the state and in the long term sustainability of our natural and socioeconomic environment.\textsuperscript{42}

The series of events leading to a number of health effects includes both proximal and distal causes, with the former acting as direct causes of diseases and health gains while the latter and its likes are further back in the causal chain acting primarily through a number of intermediary causes.\textsuperscript{43}

The principal international organization charged to oversee global health is World Health Organization (WHO). Other important agencies with impact on global health activities, among others, include United Nations International Children’s Emergency Fund (UNICEF), World Food Programme (WFP) and the World Bank (WB). The latter also plays an indispensable role particularly in the field of global health governance as it recognizes the importance of good
health for economic development by focusing and assisting other relevant international organisations on attaining the Millennium Development Goals (MDGs) and its subsequent strive toward Sustainable Development Goals (SDGs).\textsuperscript{44} The WB also in conjunction with the International Monetary Fund (IMF) via its Structural Adjustment Programmes (SAPs) has influenced global health related policies.\textsuperscript{45}

It is worthy of note that the WTO through its policies also increasingly influences population health. Fidler, from an international legal perspective, maintains that the centre of power for the global health governance has shifted away from the WHO to the WTO.\textsuperscript{46} Another important development is the growing number of Public-Private Partnerships for health, as governments increasingly attract as well as contract intra and international private sector companies to undertake tasks that were formerly the responsibility of the public sector. At the global level, the public-private partnerships are more and more perceived as the possible new form of global governance.\textsuperscript{47} All these prove the myriad of changes and developments that has emerged due to globalization.

Generally, health services are increasingly influenced by globalization-induced changes in healthcare policies, economic development and trade, knowledge and migration. The spread of HIV/AIDS was certainly hastened by the ease and increased rate of travel. On the other hand, it can also be contended that the same speeding up of communications makes the response to diseases faster and more effective, for instance the WHO description of the response to Severe Acute Respiratory Syndrome (SARS) and the Ebola Viral Disease (EVD). Increased technological knowledge resulting from the diffusion of information can further improve the
surveillance, treatment and prevention of all kinds of illnesses and diseases. Thus the health and life expectancy of the vast majority of mankind, whether in developing or developed states depend on ideas, techniques and therapies developed elsewhere, so that is the spread of knowledge that is the fundamental determinant of population health.

Wilson states that responses to diseases require a global conceptual and geographical perspective as the current global situation facilitates the outbreak and rapid spread of infectious diseases. As a result, the policies and actions undertaken by the WHO are becoming increasingly important in controlling infectious diseases at a global level. For instance, the WHO played a critical role in controlling and managing SARS by means of global alerts, geographically specific travel advisories and monitoring.

2.6 Globalization and Culture

Culture can be defined as the way of life of a particular people or society. It therefore refers to the sum total of things, for instance, religion, roots of people, symbols, languages, songs, stories, celebrations, clothing and dressing, and all expressions of our way of life. According to Fridah, culture is a continuous process of development, which constantly offers a community its sense of identity, dignity, continuity, security and binds society together.

Basically, culture is not genetically transmitted, but rather by the process of absorption from the social environment, through deliberate instructions, or the process of socialization. Another fact about culture is that it is dynamic, and never static. Thus, every now and then there is a gradual transformation of culture. Berger and Huntington identify four streams of contemporary global
culture with significant historical antecedents; a global business culture, global academic culture, global religious culture and a popular secular culture.\textsuperscript{52} Basically, this is a fact to prove that; culture is dynamic, influencing almost every aspect of human existence.

In the process of international interactions, it provides a platform for cultures to come into contact. In this way, it allows for the facilitation of cultural diffusions among nations. For instance, through borrowing and incorporation of aspects of a culture into another, like words, style of dressing, food, etc. On the rise of global culture, some aspects of western norms and practices are gradually being transmitted across the globe as the standard and accepted way of behaviour. This has accounted for the dilution of the hitherto rich, dynamic, and cherished African culture.\textsuperscript{53}

Obioha opines that, globalization has accounted for the phasing out of backward and primitive practices, beliefs and customs which were hitherto sacrosanct in Africa. Thus Africa is undergoing a relatively fundamental phase of cultural change. Tomlinson asserts that the contemporary assumption that the globalization process certainly involves a form of cultural imperialism, thus the diffusion of western, particularly American culture which has permeated every part of the globe, and the consequent threat of the loss of distinct non-Western cultural traditions. What is feared is that the total domination of the global culture through the unopposed advancement Hollywood movies, rock music, fast foods etc.\textsuperscript{54}

The globalization process cannot be over emphasized; making tremendous impacts on aspects of human life, particularly education. The twenty first century has experienced the upsurge of
growth and development in the developing countries with reference to education and its facilities owing to the entry of international institutions. Along with its wave, western universities realized the opportunities available in third world countries, particularly Asia and Africa as a result of globalization, which were once the colonies of the west, to open campuses there. Many foreign universities and colleges came to sell their education, hence degrees and diplomas to the local students in the developing countries which generate huge sums of profit for their educational enterprise. For instance, the exportation of ideas and policies from countries such as Britain, the United States of America and Australia to countries such as Hong Kong and Singapore.

The establishment of foreign universities and the usage of software developed in the western countries, the internet and other technology related learning have made learning and mastering of languages like English an inevitable thing for the people in the developing and underdeveloped world. For instance, in 2003, the government of Malaysia in its bid to meet the challenges of globalization, introduced the teaching of mathematics and science using English as the medium of instruction, impacting the nation positively on its development, especially in the educational sector.

Indeed the effects of globalization on education have resulted in the rapid revolution and development in technology and communication, resulting in the diverse changes within learning structures across the world as values, knowledge and ideas keep transforming the roles of students and teachers, causing a change in industrialized societies.
According to Tomlinson, the wide spread of education globally as a result of globalization has had tremendous influence on cultures worldwide. To him, the capitalist societies worldwide with undergirding free trade policies are impacting others in the educational sector with the growing inclination of becoming profit oriented.\textsuperscript{58} This has caused universities and colleges to compete in a global capitalist market and engage in entrepreneurial activities as a form of sustenance in an increasingly uncertain world. This move engenders the homogenization of cultures making people global citizens rather than that of their enclave; intelligent people with an array of knowledge and skill to apply competitively in an information age.\textsuperscript{59}

2.7 Globalization, the Environment and the Ecosystem

Globalization is transforming the health of the planet generally affecting the global environment. Global environmental changes can have had profound effects on the provisions of the ecosystem goods and services to mankind.\textsuperscript{60} The Intergovernmental Panel on Climate Change (IPCC) concludes that it is expected that climate change can result in significant eco-disruptions and threatens substantial damage on the earth’s natural systems.\textsuperscript{61} However, it is still unclear which ecosystem functions are primarily important to sustain our physical health. Basically the following types of health functions can be distinguished. First, the ecosystem provides us with basic human needs like food, clean air, soils and water. Secondly, they prevent the spread of diseases through biological control. Finally, ecosystem provides us with medical and genetic resources, which are necessary to prevent and cure diseases.\textsuperscript{62}

Globalization has both positive and adverse effects on the environment. This is to say, the same forces can improve as well as worsen existing environmental problems and create new
Economic integration and trade liberalization can create new avenues that permit and enhance investments in environmental protection by facilitating a wider dissemination and transfer of technologies and new policy ideas among others towards solving global problems. Environmental choice can likewise influence the path of globalization. National regulatory choices may act as barriers to liberalized trade, or they may prompt a convergence towards harmonized international standards. This has occasioned the comprehensive nature of trade and environment disputes at the WTO over beef hormones, genetically modified foods, asbestos regulations, endangered sea turtles and shrimp fishing, to name a few. For policy makers the fundamental challenge is hinged on finding a suitable blend of market forces and intervention, competition and cooperation, economic growth and environmental protection.

National or domestic environmental enactments and activities may cause global repercussions. Thus, in an increasingly globalizing world, environmental harms such as greenhouse gas emissions left unchecked and unregulated at the local or national levels may result in global scale complications such as global warming, rising of the sea level, intensified storms and alterations in rainfall patterns that may come to pass as a result of climate change. The need for cooperation of countries in a common response represents a much more difficult problem to address than a national-scale environmental protection.

Globalization is in part an ecological fact; with the existence of a series of global environmental challenges. Dwindling fisheries, polluted waters and the threat of climate change are all happenings aggravated by globalization, because, as hinted earlier, the phenomenon allows for
events in one region to have rippling effects on others. Further, ecological realities can affect the progress and pattern of globalization. In this way, inadequate environmental resources such as water, shape countries’ perception of their independence or interdependence and as a result, influences their economic and political relations within the global community. Protection of the global resources like the ocean, the atmosphere, etc. generates a cause for the convergence of INGOs and IGOs aiming to promote worldwide collective action. An in depth understanding of the significance of ecological system's interdependence contributes to the creation and the entrenchment of a more resilient and robust global environmental regime.

Clearly, local communities and national governments are primarily responsible for environmental protection, save the fact that some environmental problems are undeniably regional or global in scope and cannot be solved without international cooperation. International cooperation is helpful in finding lasting solutions to common local problems across the globe of grave concern to policy makers around the world. Such problems, including the regulation of the amount of air and water pollution, issues on waste disposals etc. should be dealt with by national or local authorities.

For instance, The 1997 Kyoto Protocol to the 1992 climate change convention is the core agreement to the climate change regime. It requires developed countries to reduce emissions of six greenhouse gases by five per cent (5%) below 1990 levels between 2008 and 2012. If achieved, emission level in 2010 will be 20 per cent lower than without the protocol. Not all governments have the same targets, the EU agreed to reduce emissions by 8 per cent below 1990 levels, the United States seven per cent (7%), Japan and Canada 6 per cent. However, developing
countries were exempt from legally binding commitments in the Kyoto Protocol, although some like India and China set voluntary reduction targets. This goes to prove the fact that many countries encounter common problems necessitates the need for cooperation, the potential to gain from sharing data, information and policy experiences.

Generally, an increase in population and other human activities like deforestation, release of poisonous fumes into the atmosphere, etc. have had an adverse effect on the environment, particularly the ecosystem, resulting in the extinction of some species of animals causing the distortion in the patterns of nature. This caused states to come together to enact national, regional and global policies and laws aimed at conserving the ecosystem. These growing concerns amplified around the 1960s and 1970s. Experts met in 1968 at the United Nations Biosphere Conference to discuss global environmental problems through the signing of treaties, conventions, etc. It is worthy of note that, the first earth day was held in the United States in April 1970.

As stated above human activities are altering the relative volumes of greenhouse gases such as carbon dioxide, methane, etc. in the earth’s atmosphere, causing a rise in atmospheric temperature, sea levels displacing millions in low lying coastal areas like Bangladesh.

2.8 Conclusion

The above presents an exposition of the phenomenon of globalization highlighting some of its main forms, highlighting the tremendous impacts it has been making on the international plane. Globalization has had a myriad of influences in aspects like ICT, in the sense that, it allows for
the facilitation of the easy flow of knowledge information and technology transfers between states. This has resulted in countries learning from the ingenuity of others for their development. Also, these advancements in ICT, by virtue of globalization have seeped into the territories of other states relatively easier to improve upon sectors like education, health, governance etc. of countries through the relaxation of border controls. Again, globalization has also enhanced global interdependence and cooperation between nations in aspects of economics and finance. With the emergence of International Organizations, countries can now come together to pursue policies that will economically inure to their benefit, and again, other countries can also come to the aid of financially distressed ones in times of need. The impact of globalization through interdependence, cooperation, negotiations of states in global health cannot be overemphasized. Currently, with the emergence of Supranational Organizations, issues beyond a nation can now be collectively approached and tackled on a regional or global level for development. Further, the research has presented the fact that globalization has accounted for the seeping of aspects of one culture into others. This has contributed to the dilution and subsequent phasing out of some backward and primitive aspects of some cultures. Others have also adopted some cultures as a sign of improvement with time.

Globalization in view of finding solutions to global problems led to the establishment of International Organizations, which has acted as the platform as non-state actors or hub for the states to deliberate and reach agreements in preserving the health of the globe. This has resulted in the number of treaties establishing protocols regulating certain aspects of activities on the environment in a bid to protect and conserve the ecosystem to support life.
A deduction from the above will prove that it is undoubted that the process of globalization began long ago and has accelerated basically by cash transfers, cross border human mobility, trade flows, the emergence and rise to prominence of non-state actors like International Organisations vested with some powers and autonomy in the spirit of integration, cooperation and interdependence to help solve global problems and encourage states to cordially cooperate to achieve mutually beneficial goals for development.
ENDNOTES

2 Ibid.
6 Ibid.
10 Ibid.
12 Ibid.
20 Ibid.
21 Ibid.
27 Ibid.
29 Ibid.
56 Ibid.
59 Ibid.
CHAPTER THREE

INTERNATIONAL ORGANISATIONS, STATES AND NATION-STATE SOVEREIGNTY

3.0 Introduction

This chapter discusses the relationship between globalization and state sovereignty, here, the focus is on how the autonomy of states as enshrined in the concepts of state sovereignty has been undermined or strengthened by globalization and its features. To this end, this chapter discusses how state sovereignty has been affected by intergovernmental organizations (IGOs); international non-governmental organizations; international regimes; and multi-national corporations. Similarly, the discussion also looks at how states and individuals in their capacity as actors in the international system have, as occasioned by globalization, affected the sovereignty of states.

3.1 Intergovernmental Organizations (IGOS).

According to the Union of International Associations, an Intergovernmental Organisation is an organization comprised of sovereign member states, or of other intergovernmental organizations. They are progressively perceived as an important part of public international law established by treaties or other agreements which act as a charter creating the group. Examples include the United Nations, the World Bank, and The EU.¹

Volgy, Fausett, Grant and Rodgers define IGOs also as entities set up with the required organizational structure and autonomy to offer formal, multilateral processes of decision making.
between states, coupled with the capacity to implement and achieve the collective goals and objectives of its member states. IGOs, in the light of liberalism, basically thrive on co-operation, coalition, competition and interdependence. A treaty as stated in Article 2 of the Vienna Convention on the Law of Treaties (VCLT) 1969 reads:

A treaty is an international agreement concluded between states in written form or governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.

In contrast with ordinary treaties, a treaty establishing an IGO creates a new entity whose organs in turn, may enact new legal acts, for example, by way of resolutions, decisions, and recommendations, among others. States have transferred or ceded a considerable amount of functions and powers to these organisations. To the extent that these institutions become actors in their own right and exercise some measure of authority and control, establishing a new dimension in the international community.

In view of the above, state sovereignty or autonomy can either be upheld or challenged by virtue of activities, mode of operations, legally binding documents or instruments of such organizations as well as that of some powerful states.

3.1.1 The United Nations (UN)

The United Nations (UN) is an organization set up in 1945, committed to the preservation of global peace through international cooperation and collective security. The UN has a current membership of about 193 countries. It is worthy of note that, when states become members of the UN, they agree to accept the obligations of the charter. The United Nations is not a world government, it doesn’t make laws, it does, however, provide the means to help resolve international conflicts and formulate policies on issues of global concern. It is one of the
international organizations settled on by this study, to aid it in its analysis, thus how its activities, documents and instruments uphold or challenge the sovereignty of nation-states against the backdrop of globalization.

The United Nations in Article 2 (1) of its Charter clearly states that, the organization is based on the principle of sovereign equality of member states. This substantiates the UN position that promotes and strengthens the autonomy of states against the arbitrary actions of other states or organizations. For instance, every member state of the UN in its General Assembly has a vote, thus no country has more votes than the other.

Coupled with the foregoing the UN Charter in Article 2(4) enjoins all member states to desist in the relations and interactions with other states on the international stage, from the threat or use of force against the territorial integrity or political independence of other states, or in any other form that does not go in tandem with the rules, purposes and provisions of the charter. The Charter, again, in its Article 2(7) undergirded by the principle of non-intervention precludes states from intervening in the domestic affairs of other states, but goes ahead to state that this shall be subject to the provisions of measures in chapter VII. The basic idea behind it is to ensure individual states enjoys their independence and absolute control of their territories without any external interference, obviously concretising state autonomy.

That notwithstanding, at the UN World Summit in 2005, all member states came to a consensus and accepted the responsibility that each state has the primary responsibility to protect its population and inhabitants from war crimes, genocide, ethnic cleansing, and crimes against
humanity. Consequent upon the inability or reluctance of any state to prevent such acts in its territory, the international community under “the Responsibility to Protect” (R2P), owes it a duty to help protect such threatened population. Should there be a conspicuous failure of peaceful means through diplomatic and humanitarianism, the international community shall timeously through the United Nations Security Council (UNSC) in accordance with the UN Charter take actions to intervene and protect the population from harm. For example the UNSC unanimously adopted and officially made reference to the responsibility to protect in April 2006 in resolution 1674 on the protection of civilians in armed conflict focusing on women and children in Darfur, Sudan.

Also on March 17th, 2011, following the mass displacement of Libyans from Benghazi, coupled with the radio broadcast of the then leader of Libya Qaddafi on the imminent raid and massacre of the opposition stronghold by his troops, the UNSC in its attempt to clamp down on mass atrocities in Libya voted on resolution 1973 calling for a “no fly zone” and a cease fire. It subsequently authorized member states to take all necessary measures to protect the citizens and inhabitants within the Libyan territory under threat.

The Security Council once again, in the Seleka rebel uprising in 2013, intervened in the internal affairs of the Central African Republic (CAR) by emphasizing the importance of the authorities in Central Africa to ensure the protection of its citizens as well as impressed upon the authorities to respect international human rights, humanitarian and refugee laws in its resolution 2121.
Furthermore, the UN Charter seems to be ambivalent on the issue of promotion of state sovereignty and territorial integrity in the sense that, in as much as it upholds and promotes the sovereignty and territorial integrity of member states, for instance in Article 2(7), that provision is thus subject to the provisions of chapter VII of the Charter vesting the power of the determination of the existence of threat to international peace and security, breach of peace and acts of aggression as well as its restoration to normalcy in the Security Council.

In this vein it obliges member states to make available their armed forces to support the UNSC in maintaining international peace and security. Coupled with the above, the UN charter also in its chapter 1, Articles 5 and 6 respectively, stipulates that member states shall assist the UN in actions it takes in accordance with the charter as well as ensure that states that are not members of the organization act in accordance with the provisions of the present charter in a bid to maintain international peace and security. This obviously leaves states little or no option than to cooperate with the directives of the UN through the UNSC.

3.1.2 North Atlantic Treaty Organisation (NATO)

The North Atlantic Treaty Organisation (NATO) is a political and military alliance of 28 North American and European countries bound by common democratic values that have joined together to best pursue security and defence. NATO is a collective defence, international organisation. Founded in 1949, NATO played a unique role in maintaining international security and stability in the transatlantic area during the cold war. Since the end of the cold war the alliance has transformed itself to meet the challenges of the new century, continuing with the adoption of a new NATO strategic concept at the Lisbon NATO Summit in 2010. In a similar
light as the UN, NATO has also been tagged as having strengthened and undermined state sovereignty in its operations underpinned by its charter. As a collective defence pact, Article 5 in its charter clearly stipulating that:

The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.  

From the above, it is clear that the said chapter can undermine and uphold state sovereignty in the sense that, NATO shall collectively defend the territorial integrity of member states and in the same vein is empowered by the provisions of the charter to combine forces and attack any state that attacks any of its member states, because an attack on one shall be interpreted as an attack on all. For instance, a press release by the North Atlantic Council on the 12th September, 2001, a day after the Al-Qaeda terrorist attack on the United States stated that:

If it is determined that this attack was directed from abroad against the United States, it shall be regarded as an action covered by Article 5 of the Washington Treaty, which states that an armed attack against one or more of the Allies in Europe or North America shall be considered an attack against them all.  

This was interpreted by scholars like Chossudovsky as NATO’s legal argument justifying its invasion of Afghanistan, undermining its sovereignty. According to him, NATO completely disregarded the “if” preceding the statement and waited until 3 days to declare war on Afghanistan, a country he described as “an impoverished country which by no stretch of imagination could have launched an attack on a member state of the ‘North Atlantic area.’”

Further, some scholars like Falk perceive the NATO military intervention in Kosovo as a necessary humanitarian operation geared towards protecting the rights of the ethnic Albania in
Kosovo. Others like Chossudovsky view that action as a breach of international law, while setting a bad precedent for others in their quest in achieving their strategic objectives and also ultimately undermining the territorial integrity and sovereignty of Yugoslavia.

3.1.3 The European Union (EU)

The EU is a unique economic and political union between 28 European countries. It was incepted in 1958 as the European Economic Community (EEC) after the Second World War to foster cooperation through trade and economic interdependence to decrease the likelihood of conflict eruption. The union thrives on the principles of the rule of law founded on treaties, voluntarily agreed upon by member states.

The EU member states have ceded part of their sovereignty to the institutions of the union increasingly with most decisions made at the European level. It is geared towards building a common free-market in Europe for people, capital, goods and services. It has undertaken the reconstruction and rebuilding of conflict areas and communities as well as improving lives in Afghanistan among others. The EU also supports a number of efforts in ensuring peace and stability in the Middle East, contribute to global efforts control nuclear proliferation and promote good environmental standards. The union, through its legal and security operatives cooperates with states like the United States combat transnational crimes and terrorism.

The EU is widely known to challenge a number of elements in modern day politics, Reznick asserts that the EU has clearly demonstrated that states can collectively come together to share currency, security and law, aspects that usually characterize nation states. Consequent upon the
above, sovereignty has been challenged in recent years\textsuperscript{25} For instance the treaty of Lisbon is noted as one that has challenged the sovereignty of the EU member states in the sense that, it increased the powers of the European Parliament and varied the institutional and voting of the union.\textsuperscript{26}

In a recent move by Greece a member of the EU led by its Prime Minister Alexis Tsipras to secure a third debt relief, the union championed by some European leaders confronted the Greek government with a draconian package of austerity measures entailing a surrender of fiscal sovereignty as a price of avoiding financial collapse and being ejected from the single currency bloc. Under the terms set for Greece, the parliament has to endorse the entire package and pass several pieces of legislations by Wednesday the 15\textsuperscript{th} July, 2015, including pensions reform, new VAT regime before the Eurozone will agree to negotiate a new three-year rescue package.\textsuperscript{27}

It is also instructive to note that for certain laws to be passed, it needs a number of consultations, negotiations and compromises of other member states. The efforts of individual member states to maintain some central obligations in the region may not materialize without the cooperation of its neighbours, proving the fact that the EU thrives on cooperation and compromises as actions taken by individual states is likely to affect others within the union.

Despite the above, the EU has been perceived to encourage member states’ sovereignty, through instruments such as the Common Foreign and Security Policy (CFSP). This is because military and foreign policy issues are some of the issues under the strict control and management of state government. Also, legislative instruments with regards to CFSP do not necessarily need member
states consent; more so, the Court of Justice, unlike Regulations, regular decisions and directives does not have the capability to review CFSP decisions.\textsuperscript{28}

From the above, it presents the facts that the European Union in one breadth promotes state sovereignty and undermines it in the other.

### 3.1.4 The International Monetary Fund (IMF)

The International Monetary Fund (IMF), also referred to as The Fund, is an International Organisation conceived in July 1944 at a UN Conference in Bretton Woods, New Hampshire, United States subsequently incepted in 1945.\textsuperscript{29} It is accountable and governed by its 188 member countries, charged with the responsibility of ensuring stability of the international monetary system, thus the system of international payments and exchange rates aiding countries and its citizens to transact with each other. The IMF’s mandate was in 2012 varied to include all macroeconomic and financial sector issues bordering on global stability in a bid to ensure and foster global monetary cooperation, stabilise international finance, encourage high employment, facilitate international trade, contribute to global economic sustainability and growth as well as minimise global poverty rate.\textsuperscript{30}

The IMF originally was created not to interfere with the domestic affairs of member states but with time it was realised that the barrier between the domestic and international policies could not be maintained after the IMF loaned funds to industrialised countries.\textsuperscript{31} By serving as the final dispenser of funds to debtor countries under financial constraints, the IMF’s economic policy intervention is contingent upon a number of conditionalities that a debtor country will have to satisfy to be eligible for instance the debtor country among others will have to have prepared an
interim Poverty Reduction Strategy Paper (PRSP) which is an economic plan of action containing the policy and institutional reforms the IMF wants to see implemented in a debtor country over a period of time.\textsuperscript{32}

Furthermore, the debtor country is required to carry out key structural and social reforms as agreed upon at the decision point and implement a full PRSP satisfactorily for a year which qualifies the country to receive the full amount of the debt relief.\textsuperscript{33} This can be interpreted as an influence in the domestic affairs of states, because although the IMF does not directly effect and implement such policies like structural adjustment, it is a condition to satisfy to qualify a debtor state for debt relief, thus the IMF indirectly influences internal affairs of states seeking relief eventually undermines their sovereignty.

3.2 International Non-Governmental Organisation (INGOS)

Generically, an NGO is any voluntary, non-profit organisation formed on a local, national or international level. It basically thrives on and motivated by a common interest. They engage in a myriad of activities around health, human rights, humanitarian, political by influencing policies of certain governments, etc. They also provide expertise and analysis, assisting to monitor the formulation and implementation of international agreements.\textsuperscript{34} For the purpose of this study, the focus shall be on NGOs engaged in international operations, in this case, INGOs.

The United Nations Economic and Social Council (ECOSOC) defines an INGO as any organisation that is not established by an intergovernmental agreement, including organisations
which accepts members designated by government authorities, if such memberships do not or will not hamper or curtail the free views and expressions of the organization.\textsuperscript{35}

3.2.1 The Federation of International Football Association (FIFA)

The Federation of International Football Association (FIFA) was formed in 1904, with the aim of governing association football internationally. Based in Zurich, it has a membership of 209 associations governed by Swiss law.\textsuperscript{36} FIFA is basically charged with the responsibility of ensuring the continuous development and improvement of football. It is worthy of note that FIFA is an independent organization, self-financed through internally generated funds. There are ongoing debates suggesting that, FIFA through its operations, some way undermine state sovereignty.

For instance, in 2014, FIFA banned Nigeria from international football, citing the government for interference in the running of its national federation by sacking the president of the Nigerian football federation, Aminu Maigari, on grounds of financial misappropriation, misapplication and maladministration. This ban meant that no Nigerian team, including club level can engage or partake in regional, continental and international competitions.\textsuperscript{37} This goes to undermine the sovereignty of Nigeria, since a sovereign state is autonomous overseeing happenings within its borders. Nigeria in this case was exercising its sovereign rights by sacking its federation president after investigations proved that there was a mishandling of finance etc. However, FIFA upon a forewarning went ahead to ban the Nigerian team from any international, regional or continental competition.
Furthermore, according to the Wall Street Journal, FIFA banned Indonesia in 2015 from playing international soccer including World Cup qualifiers. This was because of the report that the Indonesian government had taken over soccer activities in the country by getting involved in the country’s domestic league. This move by FIFA precludes Indonesia from competing in the 2018 World Cup qualifiers as well as the 2019 Asian Cup.

Meanwhile the Indonesian government has been reported to have accepted the responsibility for the ban occasioned by the government’s “effective takeover” of football activities in the country after it suspended the national league following a dispute bordering on the eligibility of teams to compete. This is obviously a clear affront to the sovereignty of the Indonesian state, because it reserves its sovereign right to administer the internal affairs of Indonesia.

In 2014, FIFA warned that Ghana risks an international ban if the country proceeds with its government ordered a commission of enquiry into its World Cup campaign. This follows the preceding stretch of an argument that operations of some INGOs like FIFA sometimes undermine state sovereignty.

### 3.3 International Law and Regimes

Krasner succinctly defines an International Regime as “set of principles, norms, rules, and decision making procedures around which actor expectations converge in a given issue area of international relations”. Keohane emphasises that international regimes encourage cooperation leading to the realisation of mutually beneficial goals. On the international plane, regimes have been perceived to uphold and promote state sovereignty as well as contribute to undermine it.
3.3.1 The World Trade Organisation (WTO)

The WTO is a ruled based and member driven organization incepted in 1994 and came into operation in 1995 in Marrakesh, Morocco. It is instructive to note that the bulk of the WTO’s current work comes from the 1986 to 1994 negotiations called the Uruguay Round and earlier negotiations under the GATT.\textsuperscript{44}

The organization is currently host to new negotiations, under the Doha Development Agenda launched in 2001. It has been charged to relatively ensure fair trade through trade liberalization, settlement of trade related disputes; serving as a platform for negotiations, etc. It is the only global international organization that deals with the rules of trade between nations with current membership base of about 161 nations. At its core, the WTO agreements are negotiated and signed by the bulk of the world trading nations and ratified by their respective parliaments where feasible.\textsuperscript{45}

This international organization has also been perceived to reinforce as well as undermine state sovereignty. On the issue of reinforcing state sovereignty, Raustiala argues that international institutions are now the primary means by which states may prosper and achieve social objectives. Consequently, they are the primary means by which states may reassert or express their sovereignty.\textsuperscript{46} Further, membership in the WTO can be as much about acceptance by the international community as it is about the specific trade benefits the WTO can deliver, for example, the membership of Cambodia and Nepal. For many states the WTO will provide them with the ability to exercise aspects of sovereignty that they did not previously have the power to exercise.\textsuperscript{47}
However, the sovereignty of states is interpreted to be undermined when states willingly consent to be members of the WTO. Thus, there is the requirement of consent before a state can be bound by international treaty obligation which expresses a state’s legal sovereignty. Because consent is an expression of a state’s legal sovereignty, the WTO gains some level of legitimacy in its operations because it was consented to and presumably has the legal backing by its member states.

The extent to which the WTO membership affects states legal sovereignty is dependent upon the application of the “revocability based conception” of state sovereignty or a “veto-based conception”. Under the veto-based conception, membership in the WTO implicates states legal sovereignty, when membership “creates a process that generates rules or decisions that they cannot veto ex post”. As a result of the negative consensus rules in Articles 16.4 and 17.4 of the Dispute Settlement Understanding (DSU), states legal sovereignty is affected by membership in the WTO, because they are unable to veto panel and appellate body decisions. Panel and appellate body decisions can move member states closer to the formal equality of underlying legal sovereignty by shifting power away from the older GATT 1947 style diplomatic settlement of trade disputes in which processes and outcomes were more likely to reflect the power imbalances among states.

Strengthening the rule-based trading system, has to some extent, contained the role of power in the trading system because the same WTO laws apply to all member states. Therefore the legalization of the state’s trading relations under the WTO has helped legitimate WTO membership by reducing the ability of member states to take advantage of existing power
asymmetries. States Westphalian sovereignty is undermined as a result of membership in the WTO. One of the fundamental norms of Westphalian sovereignty is nonintervention in the affairs of another state.

However, Westphalian sovereignty is a question of authority not control. As a result, the negative consensus rule, which leads to the automatic adoption of WTO appellate body reports, affects states Westphalian sovereignty. For example, when member states are required to alter domestic legislation in order to comply with adverse appellate body rulings, it gives the WTO authority over state’s decision making processes.\textsuperscript{55}

3.3.2 International Criminal Court (ICC)

The International Criminal Court was established by the Rome Statute of the international criminal court, so called because it was adopted in Rome, Italy in July 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the establishment of an International Criminal Court. The Rome statute is an international treaty, binding only on those states which formally express their consent to be bound by its provisions. These states, then become parties to the Statute.

The Court is a permanent international court established to investigate, prosecute and try individuals accused of committing the gravest crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression.\textsuperscript{56} It is based on a treaty, joined by 123 countries effective as of 1 April 2015.\textsuperscript{57} The ICC is the court of last resort. It will not act if a case is investigated or prosecuted by a national
judicial system unless the national proceedings are not genuine, for example, if formal proceedings are undertaken solely to shield a person from criminal responsibility.

In addition, the ICC only tries those accused of the most heinous crimes. In all of its activities, the ICC observes the highest standards of fairness and due process. The jurisdiction and function of the ICC are governed by the Rome Statute.\textsuperscript{58} In all of its activities, the court relies on international cooperation, in particular from the states. State parties are obliged to cooperate fully with the court in its investigation and prosecutions. State parties may cooperate in, among others arresting persons wanted by the court, providing evidence for use in proceedings, relocating witnesses, and enforcing the sentences of convicted persons.

The court may also receive cooperation from non-state parties and may enter into agreements or arrangements to provide cooperation. International organisations also provide important support to the court. Foremost among these is the UN. On 4\textsuperscript{th} October, 2004, the President of the ICC Philippe Kirsch, and the then UN’s Secretary General Kofi Annan empowered by Article 2 of the Rome Statute concluded the negotiated relationship agreement between the ICC and the UN. This agreement provides for institutional relations, cooperation and judicial assistance between the court and the UN while reaffirming the independence of the court.\textsuperscript{59}

The ICC has been cited to be one of the regimes that state sovereignty and in the other breath consolidate it. In strengthening the sovereignty of states, the ICC through its Paragraph 7 of its preamble, reaffirms the purposes and principles of the UN Charter, barring all states from the threat or use of force against the territorial integrity or political independence of any state, or in
any manner inconsistent with the purposes of the UN. The next paragraph states clearly, precluding all state parties from intervening in, any armed conflict or in the internal affairs of any state. However, the ICC is said to undermine state sovereignty by virtue of the provisions of the paragraph 6 of its preamble through the common resolve of states to guarantee lasting respect for the enforcement of international justice.

Article 86 obliges state parties to cooperate fully with the court in its investigations and prosecution of crimes within the jurisdiction of the court. More so, Article 88 contains the provisions that states agreed to ensure that there are procedures available under their national law for all of the forms of cooperation which are specified under this part.

Coupled with the above, Article 89 obliging state parties to surrender persons to the court for prosecution stipulates that:

The court may transmit a request for the arrest and surrender of a person, together with the material supporting the request outlined in Article 91, to any state in the territory of which that person may be found and shall request the cooperation of the state in the arrest and surrender of such a person. State parties shall, in accordance with the provisions of this part and the procedure under their national law; comply with request for arrest and surrender.

For instance, in June 2015, a South African High Court barred the President of Sudan, Omar al-Bashir from leaving South Africa after he attended an African Leaders Summit in Johannesburg in accordance with the order for his arrest by the ICC. Although the South African authorities failed to arrest him, it goes to implicate the sovereignty of both South Africa and Sudan, because the crimes committed by President Bashir were within the Sovereign territory of Sudan. Again South Africa as a sovereign, but for the Rome treaty should not be under any obligation to surrender President Bashir.
Article 12 (1) of the Rome Statute stipulates the preconditions for the exercise of jurisdiction. Thus, by becoming a party to the statute, states automatically accept the jurisdiction of the court with respect to Article 5. Finally, Article 120 of the Rome Statute stipulates that there shall be no reservations to the Statute. This means that, once a state becomes a signatory or state party to the Statute, it foregoes all rights to object to any provision of the Statute, and shall be bound by all provisions. This is the extension of the logic that states by becoming parties to the Statute, agree to abide by the provisions therein to the latter.

The above clearly presents the facts buttressing the assertion that the ICC by the Rome Treaty and its activities promotes and at the same time challenges the autonomy of states.

### 3.4 State Power Asymmetry

According to Eijaz there is the view that America is the only superpower, therefore, the balance of power in the world suits America. It should not go against any nation. Contrary to this, it is waging a war against weaker nations and spreading terror by killing, maiming and threatening innocent people of Afghanistan and Iraq and admonishing Iran and South Korea. Their foreign policy still pursues its designs of capturing global economic resources in the guise of the so called war against terrorism. That is a direct corollary of American fears of becoming impoverished economically in future. It is preparing itself to have a sustainable economic development that based on fulfilling the needs and demands of the present generations without depleting the needs and demands of the future generation. Pursuing such ventures will have an impact in Asia and especially in South Asia. The US so called war against terrorism is in fact a source of bullying the weaker nations of the world.
According to Koechler, the United Nations Security Council (UNSC) has been used to legitimize wars, euphemistically called “armed enforcement measures”. That if formal authorization cannot be obtained, the US resorts to unilateral measure ironically carried out in the name of “International Community”, for instance the US war against Iraq in 2002. As the sole superpower, the United State arrogates to itself the right to act on behalf of mankind, a right that is under the charter of the UN, exclusively reserved to the UNSC. The concept of “Preventive War” as advanced in the new strategic doctrine of the US is not in any way compatible with the United Nations charter. The charter explicitly and unequivocally bans all uses of force in international relations except in self-defence or by way of a chapter VII resolution of the UNSC. Smaller and medium sized states to either submit themselves to the hegemonial state or risk being sidelined or declare enemies of humanity. Huntington in his understanding of the US position in diagnosing its unilateral tendency as an element of the new world order asserts that America quite naturally tend to act as if the world were unipolar. They boast the American power and virtue, hailing the US as a benevolent hegemon. They lecture other countries on the universal validity of American principles, practices and institutions. Under the present circumstances, national sovereignty though guaranteed by the United Nations charter has been reduced to a state’s freedom to define itself vis-à-vis the only super power.

The United States has actively sought to quell terrorism and state support for it since the 1970s. American citizens, embassies and soldiers were frequent targets of terrorist attacks in Europe and the Middle East, making this an issue of US self-interest. The Export Administration Act of 1979 required that the State Department annually publish a list of states believed to be supporting terrorist groups by providing them with financial support, military training or weapons,
diplomatic privileges or sanctuary and it designated sanctions to be applied towards these states.  

Within the hours of 9/11 attacks, US government experts had ascertained that the attacks were committed by the Al Qaeda terrorist group. The strategic logic of linking state sponsors of terrorism and the terrorists themselves was immediately evident. The US could do little to punish terrorist organisations without attacking the territory of the states that were supporting them in this case Afghanistan. Moreover, Vice President Dick Cheney pointed out states made easier targets than did amorphous terrorist groups. The United States clearly intended its response to 9/11 to have a compelling effect on states believe to be supporting terrorists. Thus, the second goal in attacking Afghanistan was to get the attention of these states, and to compel them to change their policies.

**Conclusion**

To conclude, it can be gleaned from the above that the autonomy of states as enshrined in the concept of state sovereignty though seems to strengthen the states and direct their actions on the international level, has in a myriad of ways undermined the same sovereignty it seeks to protect. Thus basically through the operations of some intergovernmental organizations (IGOs); international non-governmental organizations (INGOs); international regimes; multi-national corporations (MNCs) and activities of some powerful states, arising out of the pervasive nature of globalisation, the sovereignty of some other states are undermined.
ENDNOTES

3 Vienna Convention on the Law of Treaties 1969
7 UN Charter.
8 Ibid.
9 Ibid.
14 UN Charter.
16 NATO Charter
23 Ibid.
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CHAPTER FOUR

SUMMARY OF FINDINGS, CONCLUSION AND RECOMMENDATIONS

4.0 Introduction

This chapter basically encompasses the summary of findings, conclusions deduced from the research and some recommendations which can help other researchers venturing this area of study. The present research was conducted to assess the challenges that globalization poses to the nation-state. The study thus specifically aims to examine how the activities of International organisations and some states through their mode of operation and binding legal documents or instruments challenge the sovereignty of nation-states. The analysis basically focused on how the activities of International Organisations thus Intergovernmental Organisations, International Non-governmental Organisations, Supranational Organisations among others as well as activities of some states challenges the sovereignty of nation-states in an increasingly globalizing world.

Consequent upon the above the research analysed the operations, charters and other activities of these states or International Organisations and in the light of a fair analysis, provided facts that will either prove whether indeed the emergence, establishment and rise to prominence of international organisations through their activities coupled with that of certain “powerful” states owing to globalization strengthens or undermines state sovereignty.

In view of the comprehensive nature of the concept of globalization it necessitated the adoption of the theory of Liberalism, a relatively broad theory encompassing a number of other theories in international relations catering for the explanations for the operations, activities and dealings of states and international organisations in a fast globalizing world in the light of cooperation,
interdependence, integration, modernization etc in search for solutions to common problems, or the attainment of mutually beneficial objectives.

4.1 Summary of Findings

The study finds out how globalisation poses challenges to the nation-state, particularly how the existence, activities, mode of operation and legally binding documents or instruments of International Organisations and some states promote or undermine the sovereignty of nation-states. The study as stated earlier analysed International Organisations thus IGOs and INGOs as well as activities of states.

The research under the category of IGOs analysed the mode of operation and binding legal documents or instruments of Organisations such as the UN, the NATO, the EU, and the IMF.

With the analysis of the UN, the findings revealed that the organization basically functions with the principle of sovereign equality in the sense that, all the member states of the organization are equally recognized as autonomous which is sanctioned by the UN Charter Article 2(1). Again, Article 2(4) also bars states from the threat or use of force against the territorial sovereignty of states in their international relations. Further, Article 2(7) which sanctions the principle of non-intervention, precludes states from intervening in the domestic affairs of other states.

However, the findings also show that, the sovereignty of nation-states can be undermined when states are unable or reluctant to protect its population or inhabitants from war crimes, genocide, ethnic cleansing, etc. the international community through the United Nations Security Council (UNSC) owe it a duty to enter the territory of that state and protect the population from harm.
under the principle of the “Responsibility to Protect (R2P)”. For example the UNSC in March 17th, 2011, following the mass displacement of Libyans from Benghazi, coupled with the radio broadcast of the then leader of Libya Qaddafi on the imminent raid and massacre of the opposition stronghold by his troops, the UNSC in its attempt to clamp down on mass atrocities in Libya voted on resolution 1973 calling for a “no fly zone” and a cease fire. The UNSC subsequently authorized member states to take all necessary measures to protect the citizens and inhabitants within the Libyan territory under threat. Further, a similar thing happened in 2013 in Central African Republic (CAR).

Again, Article 2(7) is subject to the provisions of the Chapter VII of the Charter vesting the power of the determination of the existence of a threat to international peace and security, breach of the peace and acts of aggression as well as its restoration to normalcy in the Security Council. Coupled with the above, the UN charter also in its chapter 1, Articles 5 and 6 respectively stipulate that, member states shall assist the UN in actions it takes in accordance with the charter as well as ensure that states that are not members of the organization to act in accordance with the provisions of the present charter in a bid to maintain international peace and security. This obviously leaves states little or no option than to cooperate with the directives of the UN through the UNSC.

The analysis of the North Atlantic Treaty Organisation (NATO) backed by article 5 of its chapter, member states are to collectively attack any state that attacks any of its member states. For example, NATO justified its invasion of Afghanistan by quoting article 5 of its charter, when the United States, a NATO member was attacked by Al-Qaeda on September 11th, 2011; an
attack which the United States believed was supported covertly by the Afghan State. Further, the
NATOs intervention in Yugoslavia in its quest to protect ethnic Albanians in Kosovo was also
noted to undermine the sovereignty of Yugoslavia.

The European Union (EU) is noted to have undermined member states sovereignty through the
treaty of Lisbon, which increased the powers of the European Parliament and varied the
institutional and voting of the union. The research also revealed that, sovereignty is undermined
by virtue of membership of the EU in the sense that for certain laws to be passed; nation-states
have to consult, lobby, and negotiate with other states to consent to their motions or views. This
is due to the fact that, any decision taken there affects all the other states in the union.

That notwithstanding, the EU upholds the sovereignty of member states through the Common
Foreign and Security Policy (CFSP), leaving military and foreign policy issues for the individual
states to regulate and administer.

Subsequently, the findings from the research on the International Monetary Fund pointed to the
fact that although it was originally created not to interfere with the domestic affairs of states, it
has over the years intervened and influence state policies and structures through its structural
adjustment programs. Further the findings also revealed that, the IMF through its
conditionalities, like the preparation of the interim Poverty Reduction Strategy Paper (PRSP)
debtor countries to qualify them for a debt relief package. This has been perceived to undermine
state sovereignty because, states will be given a number of conditions and reform packages to
fulfil, the funds will be released based on the fulfilment of those conditions proffered by the IMF.

After the research on how intergovernmental organisations uphold or undermine state sovereignty, the study further analysed International Non-governmental Organisations and how their activities, mode of operations, binding legal documents or instruments uphold or challenges the sovereignty of nation-states. The INGO analysis, commenced with the analysis of the Federation of International Football Association (FIFA). It has the mandate of ensuring the continuous development and improvement of football globally. FIFA has been reported to have challenged the sovereignty of some states, the research cited countries like Ghana, Nigeria, and Indonesia who either faced sanctions or were warned of an impending sanction when or if certain actions were taken. The logic behind this is that, these aforementioned states are supposed to be sovereign states that enjoy complete sovereignty within their territories, but FIFA barred these states from undertaking certain decisions.

The research on its third main category sought analyse International law and regimes that challenge or protect the sovereignty of states through their dealings and binding legal documents or instruments. The first regime or institution analysed was the World Trade Organisation (WTO). From the research, it was established that, this is a ruled based and member driven organization, that seeks free and fair trade through the encouragement of trade liberalization and settlement of trade related disputes. On the issue of the protection of state sovereignty, Raustiala opined that international institutions are the primary means by which states prosper and achieve certain objectives. Making them the primary means by which states express and reassert their
sovereignty. From the research, Steinberg also cited Nepal and Cambodia as states that have had their sovereignty boosted with their membership to the WTO.

Despite the above, it was established by the findings that, states automatically assent to cede part of their sovereignty to the WTO when they accept to be members of the organization. Among others, the research also revealed that member states cannot veto panel and appellate body decisions, which bind them. This is believed to be a strain on their status as sovereigns.

The next International regime that the research analysed was the International Criminal Court, in the light of the promotion or undermining of state sovereignty. The Court was established by the findings to be a permanent international court established to investigate, prosecute and try individuals accused of committing the gravest crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression according to the Rome Statute.

The ICC also has documents sanctioning the principle of state sovereignty, thus Paragraph 7 of the preamble of the Rome Statute reaffirms the purposes and principles of the UN charter, which bars all states from the use of threat or force against the territorial integrity or political independence of states. In spite of the foregoing, Articles 86, 88 and 89 undermines state sovereignty by obliging state parties to fully cooperate with the court in the prosecution of cases within its jurisdiction, make provisions in the respective national laws to sanction their cooperation with the court and enjoins states to submit or surrender persons to the court for prosecution respectively. The study cited the case of a high court in South Africa ordering for the
arrest of the President of Sudan, Omar al-Bashir when he attended an African Leaders Summit in South Africa in accordance with the order from the ICC calling for his arrest.

The final category of the research analysis was centered on the asymmetric powers of states. Thus, some powerful states are believed to be bullies in the international system, undermining the sovereignty of other states in their relations with them. The findings were that, a powerful state like the United States of America, infringed on the sovereign rights of other states like Afghanistan and Iraq, against the stipulations of the UN charter barring all states from the threat or use of force against the territorial integrity of other states.

4.2 Conclusion

Globalisation, as earlier expatiated in preceding chapters means different things to different people in the sense that, there is a considerable degree of divergent and conflicting views about what the phenomenon really is. It has been described as the process of increasing interconnectedness between societies such that events in one part of the world more and more have effects on people and societies far away.

The findings of the research show that the Westphalian system of sovereignty is still in existence, some of the binding legal instruments and operations of some international organisations uphold the sovereignty of states. For instance, the provision of the article 2(1) of the UN Charter goes to prove that it thrives on and respects the principle of sovereign equality. Further, Article 2(4) also bars member states from the threat or use of force against the territorial integrity of states.
Certainly these go to buttress the claim that some international organisations uphold and respect the sovereignty of nation-states.

However, in as much as international organisations uphold and enjoin other states and organisations to also respect that, sovereignty of states is challenged when states sign, ratify and consent to be members of a Supranational organization, international organisation etc. For instance, state parties to the Rome Statute in article 120 are barred from making reservations to any provision of the Statute; this goes to restrain the powers of state parties thereby challenging their sovereignty. With membership to Intergovernmental organisations which consists of states as members, sovereignty of states are challenged because, there, a state cannot unilaterally decide, rather, it will have to negotiate, compromise and lobby other states to support it before changes may be made.

These are all occasioned by globalisation since from the research it was established that globalisation encourages, the free border flow of information, capital, goods and services, with some of these, states begin to cooperate with each other and interdepend on each other to solve problems and pursue mutually beneficial objectives. It is in the light of integration, cooperation, interdependence, all features of globalisation that some international organisations were and are established which eventually poses challenges the sovereignty of nation-states.

On the issue of powerful states undermining the sovereignty of other nation-states, for instance, Al-Qaeda was believed to attack the US with the aid of ICT among others. Again, because globalisation has made travelling to other countries relatively easier, through the laxation of
immigration laws, the 9/11 terrorists would have had it quite challenging to enter the US to carry out the attack. The US’ intervention in Afghanistan can be said as proved a challenge to the sovereignty of Afghanistan.

### 4.3 Recommendations

Powerful states must be impressed upon by International Organisations and other states to conform to the provisions of the UN Charter, particularly, respecting the territorial sovereignty of states and prioritise the adoption of diplomatic means of resolving disputes before the states can refer the issue to the UNSC to intervene. Since any arbitrary act of force against the territorial integrity of any other nation-state could result in the eruption and aggravation of war, defeating the purpose of the establishment of the UN.

Some less powerful states must try to refrain from supporting acts of terrorism. Noting that, such an act could result in acts of war leading to human and infrastructural loss.
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