

Border Sovereignty in International Law

Yixuan Chen

Nanjing Tech University, Nanjing, Jiangsu, 211816, China

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Abstract: International law is based on the existence of the state, and sovereignty is the most important symbol of a country. Disputes and contradictions are inevitable in the exchanges between countries, especially near the borders. With economic globalization and close cooperation among governments, the traditional concept of national sovereignty has also been affected to a certain extent. As the international community and various countries have realized the non-renewable nature of certain natural resources and some historical problems, the problems between borders have not disappeared. In the face of border issues, it is necessary to make good use of sovereignty in international law. International law is the most effective way to resolve problems and contradictions between countries. Only by improving and clarifying the concept of sovereignty in international law can domestic law be effectively transformed. We should make good use of the status and influence of international law to resolve border disputes better and faster.

1. Introduction

The core feature of a country's existence and independence is sovereignty. With the increasing closeness of international exchanges, sovereignty has gradually developed into international relations and played an important role. However, some countries have shown that the traditional concept of sovereignty has hindered international exchanges and cooperation, and the emergence of international law itself will also have an impact on the concept of sovereignty. When faced with some disputes that cannot be resolved by both parties or multiple parties, a relatively independent part is needed to intervene, and at the same time, each sovereign state needs to cede some sovereignty to a greater or lesser extent. However, when the sovereignty of a country is shaken, it will not only affect the country internally, but also cause turmoil in the international community. Especially in issues arising near borders, once a contradiction occurs, it will be magnified and become the fuse of a major disaster. Therefore, it is necessary to make good use of sovereignty in international law to maintain the stability of the international community.

2. Sovereignty

An independent individual, whether human or state, could control and decide its own affairs. For a country, it is the highest symbol of power on its territory and has the right to exercise rights such as exclusive use and protection over the natural resources and people on its territory[1-3]. For example, it has the right to develop mineral resources and enact laws applicable to its citizens. The jurisdiction derived from this is that the state has full jurisdiction over all affairs of its territory and citizens.

Sovereignty is the power of a country itself, not given by the outside world. Sovereignty exists when the country exists and disappears when the country perishes. In fact, the main manifestation of jurisdiction is in the judicial field, such as the trial of cases and the application of legal documents. The importance of sovereignty to a country lies in its mastery of complete control of its internal affairs and the declaration of sovereignty in exchanges between countries and the international community. Only in this way can it prevent interference from other countries. Starting from a country gaining control, handling domestic affairs and protecting people, excluding any foreign interference, and establishing connections with the international community are the core of a country. The use and scope of sovereignty will not be rigidly fixed on the territory of a country. Sovereign states often expand the scope of sovereignty through legislation and international treaties to safeguard the security of the country and the people[4-6]. To protect the safety of people in various countries, even if the starting point is to protect the status of independent countries, sovereignty will have overlapping parts. For example, the International Criminal Court has enacted criminal laws for acts that endanger all mankind, such as genocide. The independence in the concept of sovereignty is comprehensive and exclusive. Territorial integrity, inviolable borders and the supremacy of state power are all aspects of sovereignty. The concept of sovereignty has been continuously revised with the development of history and society, forming the supreme power internally and the independent right externally. In this regard, all sovereign states can expand the scope of domestic criminal legislation to anyone who has committed such bad behavior. Sovereignty also represents the legitimacy of a country's rule and the authority of its political claims[7-9].

3. Sovereignty in International Law

As the most important subject in international relations, the state is also the basis for international law. Sovereignty in international law is the granting of an internationally independent existence. A country without sovereignty is not a country in international law. Sovereignty in international law grants a country the right to exercise jurisdiction over its territory, its natural resources and people, and to exercise independent ruling and control through legislation. Sovereignty is the highest authority, which cannot be higher than any other country in the world, because the sovereignty of each country is equal. Sovereignty is of great significance to international relations. It is precisely because of the existence of sovereignty that this country is recognized in the international community and can use jurisdiction to prevent other countries from intervening in their own country. Sovereignty, as one of the important parts of national law, is the supreme power of a country in managing its territory and citizens. No country may implement external intervention in a sovereign state for any reason or in any form, that is, the sovereign state always has the absolute right to self-determination. Sovereignty in international law symbolizes the right to speak of a country. Obviously, in the communication of the international community, the degree of discourse power held by each country is different, but each country is still equal. Although it may not be fully realized in practice, such as some countries have a veto in the United Nations vote. It is stipulated by national law that each country enjoys an equal status to communicate. At least international law guarantees the equality of national sovereignty at the legal level. In international law, the essential feature of sovereignty is that a country enjoys the highest power status within itself and independence from other countries outside. The equality of national sovereignty required in international law further strengthens the authority of sovereignty. In addition to territorial scope, the ocean and the sky are also areas that countries attach importance to. The territorial scope stipulated in sovereignty in international law is determined by borders, but not all countries have clear and distinct territorial scopes. Within the borders, a country can exercise independent sovereignty, and it is an exclusive power[10].

Any power has its limits. Although sovereignty is the foundation of a country, it also means that

other sovereign states need to be respected. In practice, the most prominent limitation of sovereignty in international law is that countries cannot exercise any power granted by national sovereignty on each other's territory, except for contrary provisions. For example, military execution rights cannot be exercised outside the national territory and in the territory of other sovereign states and must request and obtain the permission of other sovereign states. Sovereignty in international law pays more attention to the jurisdiction of a country's territory and gives the country an independent personality in the international community. A sovereign state cannot interfere with or infringe on the existence of another sovereign state because the sovereignty of each country is equal in international law. Any act that exceeds the borders of one's own country and steps into the territory of other countries constitutes an infringement of national sovereignty[11].

4. Border Issues

Territorial issues in international law have always received great attention and importance. In the current international community, the territory of each country has been divided through wars and other forms and is basically in a stable state, but there are still legacy and new problems in some local areas. Borders are generally located in the marginal areas of the country. One of the components of sovereignty is the border. Although they are far away from the capital and key development areas, they are also related to transportation and trade issues. In the border issues that occurred in history, some countries chose to sign some treaties to solve them, but some treaties were not well implemented. Although modern border issues are no longer as frequent as in the historical struggle for the earth's plates, once there is a trace of turbulence on the border, the two countries on the border will fall into a tense situation. From the concept of sovereignty, the scope of the territory represents the scope of application of jurisdiction, which means the direction of a country's control range. Therefore, the division of borders will become particularly sensitive. Especially in the context of today's convenient transportation and the Internet era, it often becomes complicated for a country to exercise jurisdiction over its territory and citizens. The border issue seems to be a contradiction between two countries, but once it is triggered, it will have an impact on the entire international community. In the face of some serious problems that threaten the sovereignty and people's security of various countries, countries will use treaties to allow the exercise of certain sovereignty under certain emergency conditions, such as the right to hunt. In the process of globalization, countries may exile some jurisdiction over sovereign territory for development and international trade, but border issues are serious because they are directly related to national stability and people's security and cannot be compromised. Usually on border issues, the parties to the dispute always call themselves victims to maintain national territorial security. Often all evidence and remarks are in their interests, and both sides are unwilling to make concessions on sovereignty issues. In the face of economic globalization, developing countries always seek global cooperation on the world stage to achieve further development. At the same time, some scholars have proposed the need to build a world without borders. However, this kind of border is not the border for national sovereignty and security. Borders still have important significance in international law and need to be used to maintain the security of the country and the people. On the border, not all divisions are clear, especially some historical issues, which can only be handled by the relevant treaties signed by the two countries. The interpretation of the treaty by the two countries is also different. The treaty is also one of the sources of international law, but once the treaty violates the principle of sovereign equality, it is illegal and can be abolished at any time. Border issues generally last for a long time. It seems that there is no turmoil, but in fact it has always been a problem that has not been completely eradicated, and it is essentially a very complex problem. At the beginning of the division of the world map to form countries, armed aggression, and unfair colonial and occupation treaties became the way for strong countries to seize

the territory of weak countries. However, in modern society, most of the treaties signed before having lost their legal effect, and the time of colonization and occupation has passed, and unequal treaties are essentially illegal and cannot be used as evidence or reasons. In border issues, countries have the obligation not to use force to resolve disputes, and other foreign countries have the obligation not to interfere with sovereignty. If the border issue cannot be thoroughly resolved, it will always affect the normal cooperation and exchanges between the two countries. The existence of borders is not stable and will change with the development of history and countries. Borders often involve the entry and exit of people and goods. Because of the constant changes and the establishment of the global village, people are further thinking about how to properly solve border issues, borrowing the concept of sovereignty in international law to adapt to the practice of the contemporary context[12].

5. Solve the Problem by Using Sovereignty

In the Democratic Republic of the Congo v. Uganda, Congo sought compensation for damage to In the face of border issues, the most used method in history is to use force. However, according to experience, although the unrest is quickly quelled by using force to suppress, the border problem will become more serious. In history, the moment when the colonies broke away from the fate of being colonized and became independent, coupled with the international recognition of national sovereignty, the definition and division between national territories were separated. Borders are formed by historical behavior and political emergence. Determining borders based on historical events and signed treaties is not an absolute and optimal solution. International law needs to maintain the stability of any country's borders because borders are related to national security and the stability of the international community. The development of international human rights law in recent years has also made the international community realize the importance of border issues. For example, whether a person is protected by a country depends on whether he was born within the territory of the country, that is, within the borders. Sovereign states have the discretion to exclude non-nationals from their borders. Therefore, border issues become important and complex. Whether it is a new country or a region, winning international recognition of sovereignty is the best and least questionable way to solve border problems. However, some scholars have pointed out the shortcomings of the sovereignty method, that is, the stability of sovereign rule needs to be maintained, which requires not only stability but also continuity.

In past practice, the concept of sovereignty in international law is that a country has independent rule over its territory and guarantees that it is not interfered with by other countries. Sovereignty in international law also represents the right to self-determination, and it is through internationally recognized power. As the international community pays more and more attention to human rights, it has abandoned war as a means of solving problems. Therefore, in the face of border issues, only by using the concept of sovereignty, coupled with the intervention of international law and the United Nations, can a peaceful and rapid solution be achieved. The first thing affected by border issues is territory, and the inviolability of territory is the most important thing in sovereignty. The concept of sovereignty is defined by international law, and law is not only a means of ruling. The significance of international law is to resolve international disputes and maintain the stability of the international community[13].

Any country must respect the sovereignty of other countries while being protected by international law. Therefore, in the face of border issues, sovereignty over territory is the best solution. What is the reason for the contradictions and conflicts between the two countries? Both sides are unwilling to make concessions for the sake of interests or status. Only international politics can play a role in easing the tension. The concept of sovereignty should not only exist on paper, but also play a real role. The most primitive solution to border issues is usually to sign a treaty, but whether the treaty

can be effectively implemented is a question mark. Sovereignty in international law requires that the territory of each country is owned by treaty, occupation, or natural succession, and that the ruler's control over the territory is effective, continuous, and peaceful.

6. Conclusion

This paper attempts to explore the concept of sovereignty in international law when facing border issues. Nevertheless, the survey conducted in this paper does not mean that all border disputes can be resolved. National sovereignty plays an important role in maintaining the stability of the international community, and borders are the defense line to protect national territorial security. Land is sometimes more important than the natural resources on it. Border issues are not simply issues of national sovereignty, but more importantly, they involve the safety of the people. The best outcome of resolving border issues is to provide a win-win result. As the international community recognizes the importance of human rights and the horrific consequences of war, border issues are best resolved through the sovereignty principle in international law, and then through treaties and negotiations. It is not advisable to only follow the treaties signed in the past when facing border issues, especially unfair treaties. International law plays an important role in resolving problems and disputes between countries. It is necessary to reasonably apply the concept of sovereignty in international law to determine who has exceeded the scope of one's territory, to resolve problems peacefully, and to avoid violent means.

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