

# Quasi-States, Dual Regimes, and Neoclassical Theory: International Jurisprudence and the Third World

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## **ABSTRACT:**

There have been several "quasi-states" that have emerged as a consequence of decolonization, most notably in Africa and the Third World. These governments are independent mostly because of respect for other nations. They have a right to self-determination from outside sources, or negative sovereignty, but they haven't yet shown much internal potential for civil and successful governance, or positive sovereignty. They therefore reveal a new dual international civil regime in which the traditional empirical norm of the North and a new legal standard of the South coexist as standards of statehood. For the first time in modern international history, it may be argued that the biases in the fundamental laws of the sovereignty game presently benefit the weak. International theory must accept the notion that morality and law may sometimes exist in isolation from power in international relations if it is to explain this unusual scenario. This implies that Grotian rationality and the legal idiom must be considered alongside Machiavellian realism and the sociological language of power in current international thought.

## **KEYWORDS:**

International, Legal, Law, Political, Sovereignty, States.

## **I. INTRODUCTION**

Since the conclusion of World War II, we have been living through what now seems to be an international historical revolution in which sovereign statehood the guiding premise of international society has undergone profound upheaval. Most obviously, it can be seen in the UN's amazing contribution to the growth of new sovereignties all over the globe. In this essay, I contend that African nations are legal manifestations of a highly accommodative system of international law and politics, which is a manifestation of the anticolonial self-determination ideology of the 20th century. Important ramifications for international philosophy, in especially the current concern in sovereignty, stem from this civil system [1], [2]. The language of rules rather than roles, imposed standards rather than observed regularities, is the discourse feature of sovereignty as opposed to sociology discourse. In order to fully understand sovereignty, we must understand legal theory, international law, and international institutions in their fullest senses. What I refer to as the "civil science" method of studying politics. Neoclassical international theory, often known as political theory's companion, is what Hedley Bull refers to as "theorizing that derives from philosophy, history, and law" or what Martin Wight refers to as "a tradition of speculation about relations between states." The constitutional tradition often holds that theory is typically the child and not the parent of practice in political life, including Grotius, Burke, and Oakeshott as opposed to Machiavelli, Kant, and Marx. According to Hegel, the Minerva's owl only opens its wings when twilight is about to fall. Gilbert Ryle, an English philosopher, makes the same argument: "Intelligent practice is not a stepchild of theory [3], [4]."

Theorizing, on the other hand, is but one practice among many and may be done either wisely or foolishly. Further, he makes the case that "knowing that" (history) and "knowing why" (philosophy) are categorically distinct from "knowing how" (practice), much as how being an expert in baseball has nothing to do with being able to throw strikes or hit home runs. The opposite is also sometimes valid. Players often lack the verbal skills needed to describe their play to onlookers. Knowing how to operate is different from knowing how to instruct someone else how to work. A notable international theory is the unconventional diplomat, such as Machiavelli or Kissinger. This epistemology holds that the task of the practitioner is to mold the world, while the task of the scholar is to comprehend it and provide a coherent account of it.

After almost a century of European colonialism, the revolutionaries and nationalists, politicians and diplomats who carried out the twentieth-century struggle against the West were totally successful in transferring independent sovereignty to Africa and other non-Western regions. They created a set of international agreements in the process that, if not entirely new, are at least significantly different from the imperial ones that previously prevented the globalization of equal sovereignty [5], [6].

### **Civil regimes**

"Implicit or explicit principles, norms, rules, and decision-making processes around which players' expectations converge in a certain area of international relations" is one definition of an international regime. Although political economy has received a lot of attention in regime analysis, this term is quite compatible with civil international relations issues that are directly connected to sovereign states, such as recognition, jurisdiction, intervention, human rights, and so on. "General imperative principles which compel or authorise" behavior and which "may have the stature of law, of morality, of tradition or etiquette, or simply of operational procedures or 'rules of the game'" are akin to Hedley Bull's constitutional definition of rules in a society of states. The foundational tenet of the international civil system, sovereignty, is not only moral but also fundamentally a legal concept. According to Alan James, being a sovereign state means being legally independent from other states. "Constitutional independence" simply implies that a state's constitution does not form a part of a more comprehensive constitutional framework. Like any other human custom, sovereignty may be gained and lost, asserted or rejected, honored or violated, praised or decried, altered or abandoned, and so on. It has happened historically [7], [8].

Sovereignty may be viewed quite properly in terms of a game: an activity structured and governed by rules. This is because sovereignty is really a legal system and fundamentally requires rules. It is important to differentiate between constitutive (civil) and instrumental (organizational) principles since they are conceptually distinct yet sometimes confounded. In contrast to instrumental rules, which are maxims developed from experience and contribute to successful play, constitutive rules specify the game. The foundational tenets of the sovereignty game include legal equality of nations, reciprocal recognition, nonintervention, the creation and observance of treaties, diplomatic behavior that adheres to established norms, and other civil international relations. On the other hand, among the most important tools used by politicians to further their goals are foreign policy, whether it be open or covert, and similar stratagems, as well as the state structures that correspond to them. Realism as an international philosophy and classical reason of state logically belong to the instrumental side of the sovereignty game. The constitutive component, with which this paper is primarily concerned, includes classical rationalism [9], [10].

As natural barriers were overcome by technology, international relations grew, and statesmen subjected their external actions to customary practices that over time came to have the status of law, sovereignty evolved from its origins as an independence de facto between states in Europe to an independence de jure, or what is referred to as "sovereignty" properly. States met along the way had to finally be categorized as the system extended internationally into new continents and seas. Before Britain invaded the ancient West African kingdom of Ashanti in the late 19th century, it was in reality independent. The Gold Coast, a British colony to which the kingdom was subordinated, lacked legal independence from Great Britain and hence was not a sovereign state. Contrarily, it was legally a part of the British Empire. Ashanti continues to be subjugated to Ghana, which has been the Gold Coast's successor state since 1957. Ghana is legally independent of not just Britain but also of all other sovereign governments. Such status changes are characteristic of how international civil regimes evolve over time.

As the revolution of Third World ant colonialists against the West in the 20th century dramatically shown, sovereignty is a very significant political value in and of itself. Just for this reason, it is important. But it also has implications for other political goals, both national and international, such justice, order, and economic wellbeing. Like all governing principles, sovereignty has major unforeseen and intentional ramifications. For international attorneys who practice the law of sovereignty as a field, the norms are fundamentally fascinating. However, sovereignty is a language that those who study international theory can comprehend. Usually, the directions that the rules take are more significant than the rules themselves. The unintended effects are sometimes the most intriguing conceptually since they are unanticipated and reveal something like to the debunking of a scientific premise. The unexpected civil and socioeconomic hardships that many African jurisdictions experienced after gaining sovereignty serve as a good illustration for this point.

Similar to other fundamental principles, there are key factors that determine whether sovereignty is possible or not in a given situation. For instance, in 1885, it was both impossible and unimaginable for African governments

to achieve constitutional independence. The laws and the circumstances had drastically altered a century later. Of course, differences in state strength and income are among the most significant factors influencing changes in the sovereignty game, but other key factors include dominant international moralities and ideologies. The latter in certain circumstances could be the most important, as I argue below when considering the expansion of sovereignty to tropical Africa. By now, it should be clear that colonialism is a socioeconomic phenomenon as well as an international civil regime based on the law of sovereignty in many significant and even basic ways. Therefore, the terms "colonization" and "decolonization" refer to shifts in the values and norms that regulate how people are governed: their transition from one regime to another. However, a fundamental shift in regime that has occurred in relation to colonialism is more substantial than this: it is known as an international regime change. Decolonization is a kind of fundamental historical transformation that we may have become used to accepting but which yet signifies a major shift in the underlying foundations of sovereignty, especially with relation to the Third World periphery.

## II. DISCUSSION

### Decolonization

Decolonization was originally referred to be "a worldwide declaration of independence" by President John F. Kennedy. This is unquestionably true in sub-Saharan Africa, where there were only three sovereign nations there in 1955: South Africa, Ethiopia, and Liberia. There were 31 by the end of 1965, and even in southern Africa's so-called "white redoubt," decolonization was rapidly approaching. Apart from Namibia, the whole continent was independent by 1980. A supreme example of "rationalism" in Michael Oakeshott's definition of politics "as the crow flies," African decolonization, like the division of the continent three-quarters of a century earlier, is a straight line in international history. It is a political artifact that is largely and in some cases almost entirely divorced from substantive conditions. It is not only possible, but also commonplace, to see 1960 as the historical dividing point between the era of European colonialism and that of African independence. This was the year of Prime Minister Harold Macmillan's infamous "wind of change" speech and the decolonization of the entire French African empire. Only 1884–1885, when the continent was divided internationally in accordance with guidelines set by a convention of mostly European governments held in Berlin, comes close to matching that year.

Generally speaking, there are no indigenous influences on the political map of Africa. The colonialists subjugated or absorbed all previous political systems with the exception of a relatively small number. Rarely did their status rise as a consequence of decolonization. Most of the boundaries in Africa are the result of diplomatic agreements, and they often consist of that horror of scientific geographers: the straight line. According to a significant research, "the final decisions in the allocation of territories and the delineation of borders were always made by Europeans" throughout colonial Africa. The political map of Africa was created in Europe, but post-colonial African countries recognized it in its totality. The Organization of African States declared in a resolution from 1964 that "all Member States pledge themselves to respect the borders existing on their achievement of national independence" and stated that "the borders of African States, on the day of their independence, constitute a tangible reality." A fundamentally imperial and multinational construct is political Africa.

It is also misleading to refer to colonial administrations as "states," given they were never extremely powerful or intimidating. They were more akin to tiny provincial, county, or municipal administrations in European nations than to states. If we think of them as emerging or future national states, we risk falling victim to the historical fallacy of retrospective determinism. The British colonial service in Africa is referred to as "the thin white line" by A. H. M. Kirk-Greene. When we talk of a colonial administration in Africa, we typically only mean a few hundred and, sometimes, a few thousand European officials, especially in the bigger dependencies like Nigeria and the Belgian Congo. Colonies were not sovereign; rather, they were components, sometimes minor parts, of a much larger transoceanic imperial state that supported the colony, which allowed for their limited population. However, their presence was extremely necessary and allowed the tiny governmental structure to continue operating. These administrations were never significantly indigenized at the decision-making levels before to independence, in contrast to the Indian civil service. In all actuality, they served as the colonial state.

Decolonization entailed, in essence, the resignation or retirement of European administrators, which meant that the essential operational element of empirical statehood was eliminated. Of course, it also required the removal of the imperial backstop. Because there was no group of Africans with equivalent expertise administering a modern government, the new rulers often could not replace the operative component. Following the departure of the Europeans, the newly formed nations therefore acquired the unintended traits of "quasi-states," which are enumerated below. For instance, the Congo crumbled in 1960 when the Belgians left abruptly, and only a

massive UN rescue operation was able to bring it back to a minimal level of structured statehood. Most other ex-colonies degenerated towards pseudostatehood more gradually. The new accommodative rules of global society have largely retained them all in this state.

Therefore, the attainment of independence was not the consequence of individual colonies growing to the point where they satisfied the traditional empirical requirements for statehood. Instead, it arose from a relatively abrupt and broad shift in attitude about colonialism's international legitimacy, which led to and brought about its extinction as an international institution. Colonialism became contentious and ultimately untenable in principle during and after World War II. During the same time period, self-determination for former colonies was elevated to the status of a universal human right. Decolonization was, among other things, a "revolutionary" transformation in the international order of things, in the words of Puchala and Hopkins. Because it essentially just needed agreement or acquiescence on a new international legal framework that regarded all colonies that wanted independence as incipiently sovereign, independence could come widely and quickly throughout Africa. It was basically a legal transaction in which colonial rulers gave African elites the right to self-government; this transfer was widely acknowledged, in fact pushed and applauded, by the international world, especially the UN General Assembly.

### Quasi-States

The degree to which the majority of modern African governments deviate from prevailing ideas and expectations of statehood is instantly apparent when we examine them. It's not that they, like all other states, fall short of their aspirations in some way. Instead, it is that they conceal the empirical elements that are often used to identify genuine states. The elements of a common or public sphere are typically lacking in African states: the political community is heavily racially divided into several "publics" as opposed to one, state positions have ambiguous power, and government institutions are incompetent and corrupt. The result is a dangerous amount of political duty confusion: This claim reveals what is unquestionably the basic problem with statehood in Africa: that it exists almost solely as an exploitable resource devoid of moral worth. Furthermore, the average African state's system of government is not well-organized, unlike well-established authoritarian nations. Almost all government agencies are infested with corruption and ineptitude, which not only hinders but often undermines state capability and autonomy. African politics are characterized by corruption, not only sometimes. Politics is the pursuit of personal gain and factional or personal agglomeration. In the odd sense that they are rife with cronyism, favoritism, bribery, extortion, and other personal or underhanded interactions, many "public" organizations are totally "privatized." The word "kleptocracy" that Stanislaw Andreski uses to describe African political systems has become a contemporary classic.

Therefore, rather than being a place where the public is concerned, the state in Africa is more of a personal- or primordial-favoring political system. Government is more of a source of privilege, riches, and power for a tiny few who dominate it than it is a tool to offer political goods like law, order, security, justice, or welfare. If political scientists agree on anything, it's probable that the state in Africa has neo-patrimonial characteristics. People who hold state posts—civilian or military, high or low—tend to regard them more as things than as positions; they tend to live off their rents—in some instances extremely opulently—and use them to reward individuals and groups who support their authority. "West African governments represent in themselves the single biggest danger to their population, regard the rule of law with disdain, and create quick public shemes meant only for their own individual and communal gain," an honest study claims. In these conditions, "development" is meaningless talk, "a world of words and numbers detached from material and social realities."

The realization of modern statehood depends on the ability of large segments of national populations probably a big majority in most cases to make the essential distinction between office and incumbent, between the authority and responsibility of officials and their personal influence and discretion. Many countries struggle to enforce their laws over their whole area. The majority of African nations, even the smallest ones, resemble medieval Europe in that they are loose patchworks of various allegiances and identities, but with one crucial difference: regardless of their internal circumstances, they are defined and supported on the outside by the institutional framework of sovereignty.

Can we meaningfully discuss African "states" in such a setting? It may be argued that we cannot since they certainly do not yet constitute significant realities in how people and public servants behave. The majority of them are nominal: abstractions embodied in written constitutions, rules, regulations, and the like that yet have insufficient influence over conduct to achieve the requirements of empirical statehood. The anti-public and non-statal behavior that was briefly stated is fact. To emphasize the fact that these nations are states mostly out of international "courtesy," some international theorists refer to them as "nascent," "quasi," or "pseudo" states. Bull

and Watson note that while they have equal sovereignty, they lack well-established legal and administrative structures that may restrain and outlive the people who hold such positions; moreover, they "do not reflect respect for constitutions or acceptance of the rule of law."

African nations are states by courtesy, but the fundamental issue is why this courtesy has been extended so far and consistently in spite of the absence of any factual standards for statehood. It is undoubtedly due to the introduction of a new approach into the selection and maintenance of statehood on the periphery of international civilization. Although the new nations lack much in the way of empirical statehood, as shown by a capability for efficient and civil rule (positive sovereignty), they do have "juridical statehood" derived from a right to self-determination. Juridical statehood might be interpreted, among other things, as the international institution that integrated Africa and other very undeveloped regions of the globe into the international community on the basis of equal sovereignty rather than some kind of associate statehood. It was created because, perhaps, it was the only way these regions could quickly achieve constitutional independence in accordance with the new international norm.

### **International Law's Concept of a Judicial State**

By taking a quick look at the relevant international law on the issue, we may start to explain the legal framework of African nations. Despite the fact that "juridical statehood" is not a legal term of art, there are established legal conventions about the requirements for statehood. The Montevideo Convention on Rights and Duties of States (1933), which states that "The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with other States," is the usual starting point for analysis of these criteria.<sup>31</sup> According to Ian Brownlie, a stable political community in a region with a well-established legal system is the fundamental legal concept of a "state." The strongest indicator of a stable political community is a competent government with centralized administrative and legislative institutions.

These empirical standards have replaced traditional positive international law, which placed emphasis on requirements for membership in the community of states. The main difference from earlier doctrine (late 19th and early 20th century) is the absence of the "civilization" standard criterion, which was developed in support of European expansion into the non-Western world to address both the practical issue of safeguarding the lives, property, and liberties of Europeans living in non-Western nations as well as the philosophical problem of determining which governments to recognize as "authentic" sovereigns. However, by the 1930s, that distinction was debatable and the focus had turned to "effective government." Defenders of colonialism often invoked the latter criteria to reject requests for rapid self-government from African nationalists.

But there are problems with this standard. Conceptual issues contribute to the challenge. Governments are "institutional" rather than "brute" truths into which our notions of governance must fit. Effective governance is ultimately determined by legal and political practice, not the other way around. And a major shift has occurred in these procedures. In the practice of law, the issue is revealed. When the Belgians abruptly left Zaire (the Congo) in the early 1960s and the government essentially fell apart, James Crawford writes: Other factors were obviously more significant than this one. In reversal circumstances, the criteria is likewise troublesome. For instance, Rhodesia had a functioning administration at least until 1975, when the civil war started to weaken it in response to the independence of neighboring Mozambique. There can be no denying that Rhodesia would have been an independent state had the standard criteria for independence been followed, says Crawford. These tests, however, are no longer valid and have been replaced by new ones. Crawford draws the following conclusion: "Modern experience does not support the premise that statehood must always be linked with effectiveness.

If the criteria still has any relevance today, it has less to do with real effectiveness and more to do with the right to wield power within a certain region. Although this is a "category mistake" in theory, it is just an expedient in international legal and political practice. Even while most ex-colonial countries in Africa now claim the designation, very few are genuinely functional over their whole geographical realms. Some's efficacy is seriously questioned. A new international practice is one in which substantive political systems are denied legal personality while quasi-states are granted it. According to this approach, substantial civic unrest, a breakdown in law and order, political inaction, or any other shortcomings are not seen as taking away from sovereignty after it has been attained as a result of independence from colonial authority. We see the relaxing of the factual requirements for sovereign statehood as international law adjusts to the new, inclusive, pluralistic, egalitarian, and dispersed community of states. It is impossible for there to be anything other than sovereign states in a world devoid of all colonies, protected states, associate states, and other non-sovereign entities.

This shift may be attributed to the emergence of a highly accommodative international morality, which places the principle of self-determination as an unalienable human right of all former colonial peoples at its core. The 1960 UN Declaration on the Granting of Independence to Colonial Countries and Peoples, which stated that "all peoples have the right to self-determination" and that "inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence," may be the document that best demonstrates it. Later, it was revealed by a number of UN Resolutions that denounced colonialism as not only unjustified but also unlawful and supported anticolonial uprisings. In other words, it is impossible to have both institutionalized international law and empirical limitations on statehood at the same time. To transition from outdated facts to modern rights, decolonization was required.

Today, legal independence based on the right to self-determination, which is obviously a legal and not an empirical prerequisite, is one of, if not the only criteria for statehood, at least in Africa. The historical practice is virtually precisely the opposite of this. As a matter of fact, sovereign nations are independent of one another. States understood it "primordially" when they said: "The nature of the sovereign state as constitutionally insular is analogous to that of the individual as a developed personality, dependent indeed upon society, yet at the same time inner-directed and self-contained." Similar to the pre-democratic vote, traditional sovereignty recognized inequality since it was based on abilities and capabilities.

Positive international law from the eighteenth century still relied on the premise that a recognized political body was innately capable of running a modern, civilized government when sovereignty and recognition were coupled. Recognition served as "a kind of legal baptizing." The fair assumption that the person being baptized has the qualities and characteristics of a state makes the parallel ring true. The lower number of autonomous political systems relative to dependent political systems was evidence of this. In other words, statehood came before recognition. Even the "constitutive recognition" method was an acknowledgement of important political truths that justified the baptism of certain political entities but not all of them. In other words, sovereignty was not a right of the many, but rather a luxury of the few in its initial form. This association is now reversible in Africa. Instead of an internal unique reality, independence is largely founded on an external universal right. It is now clear that judicial statehood, which is apart from the factual circumstances of states, has a position in international law.

### III. CONCLUSION

It's possible to connect the dots between these comments at this point. Although I've already said that both realism and revolutionism are significant, rationalism is the classical international theory that applies the best to African quasi-states and the current external order that keeps them in place. In contrast to classic European rationalism, which was far more empiricist and realist, current rationalist views of Third World governments tend to be inverted and idealist in nature. If this observation is accurate, rationalist theory today, at least as it relates to sovereignty in the Third World, is primarily revealed as a constructivist theory intended to create political value and develop new states rather than a Grotian theory concerned with preserving the intrinsic value of existing states. The theories of international relations have long-established positions for rationalism, realism, and revolutionism. Finding their proper and relative location at any historical era is the key. It would be unfair to overly restrict the topic of international theory by reducing it to a single modality. It would be like attempting to function successfully in real-world politics using solely the language of authority, the law, or morals. The good life and many political ideals would be out of reach. The current constitutional democratic state, which necessitates the use of all these languages, cannot be achieved in reality. Although methodological pluralism plainly forgoes simplicity and elegance, it more than makes up for it by providing balance and thoroughness.

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