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The United Nations, Sovereignty and Intervention: A New Social Charter?

This paper addresses the problem of the relationship between states and communities and an emerging world society in the context of globalisation processes that are diminishing state autonomy and obliging reconsiderations of the concept of sovereignty. The paper rejects both statist and communitarian solutions and proposes an addition to the expanding international rights regime through the adoption of a new Social Charter to encompass community rights. The United Nations will continue to play a significant role in the system of global governance, in standard setting for human rights and in authorising international responses to conflict when basic rights are denied or violated. Rather than a strictly legalistic foundation for a Social Charter, its underpinning would be a translation of the domestic concept of the social contract to an international dimension that would emphasise reciprocity between community, state and universal rights. States are increasingly compromised by international standards and norms. To assist them in managing the dynamics of sovereignty they can be expected to consider a kind of Faustian deal over community rights that provides safeguards as part of a regime in which incentives to comply would take precedence over coercive measures.

(work in progress)

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