

## The Westphalian Nation State System is A Tool for Colonialist Domination of Other States

The present state system was imposed on the whole world by the European countries and originated from the strife of the Christian Reformation. It reflected some of the salient features of the modern capitalist system, particularly the principle to compromise. Compromise was not achieved before there was a lot of blood spilt and Europe passed through centuries of war. The present system is based on states which are called Westphalian, because they are supposed to acknowledge the principles established at the Peace of Westphalia of 1648.

It should be remembered that the "Peace" was only so-called peace. It did not herald an era of peace but an era in which wars would no longer be fought by European powers on the basis of religion, but on the basis of the nation state. It only changed the basis of international conflict but did not stop conflict itself. It also meant an abandoning of the concept of a *Res Publica Christiana* ("The Christian Commonwealth"). The *Res Publica Christiana* was a response to the continual expansion of the Islamic Khilafah (Caliphate) state, which opened the lands of Europe to Islam. It should be noted that the Treaty of Westphalia also ended whatever remnants of control that remained with the Holy Roman Empire. It reduced the Emperor to one monarch amongst many others, although he remained powerful.

To understand Westphalia, it is necessary to go back to the Protest Reformation. The collapse of the Western Roman Empire had left behind a Christian patriarch (highest ranking bishop) in Rome. The other four patriarchs were all based in the Eastern Roman Empire, which continued until 1453, before the Khilafah (Caliphate) opened Constantinople to Islam. By the time that happened, the Patriarch of the West had developed into the Pope. The Pope was the head of the Church not just in the former Roman Empire, but also in the Germanic lands, where the religion was spreading among the pagan peoples. However, at the same time, many abuses had crept into the Church. A German monk, Martin Luther, who wanted the Church to return to its original roots, highlighted the abuse of the practice of clergy selling plenary indulgences. Luther's "Ninety-five Theses" or "Disputation on the Power of Indulgences" of 1517 was key to the Reformation. He connected with public opinion strongly and much of Europe followed. Even the defenders of the Pope conceded the need to reform many Church practices. He refused to renounce all of his writings at the demand of Pope Leo X in 1520 and then the Roman Emperor Charles V and so was excommunicated (excluded from the Church).

Europe was plunged into chaos by the ensuing split. In particular, the Roman Empire was deeply divided and it broke out into war. The war was ended by the 1555 Peace of Augsburg and the principle *Cuius regio, ejus religio* ("whose realm, his religion") was used. This was not really a formula for toleration. Once the ruler had chosen his religion, he was free to enforce it, no matter what his subjects believed. Europeans in that era took religion very seriously but the principle established compromise and that too on a matter of belief. It meant that the Catholic King of France was free to persecute the Protestant Huguenots, which he did in the St Bartholomew's Day massacre of 1572. A number of issues were not settled. For example, part of the Netherlands had become majority Protestant, yet it was ruled by the King of Spain and the Holy Roman Emperor, who were both Roman Catholic. The principle meant that even in that part of the

Netherlands, the majority Protestants would be driven underground. This set the stage for a rebellion by the Netherlands. One of the salient features of the Peace of Westphalia was the end of the Netherlands' rebellion and the end of the Eighty Years' War between the Netherlands and Spain. It also ended the Thirty Years' War, a Catholic-Protestant conflict which Augsburg failed to end.

An important test of the Westphalian concept came in the year after it was signed when England decapitated its King, Charles I. Charles I was a strange mixture. He had a Protestant father and a Catholic grandmother. He was married to a Roman Catholic. He himself was the father of one Roman Catholic, Charles II, who revealed his faith only on his deathbed and another, James II, who declared it openly. And he was the grandfather of Protestant women who ended the tinge of Catholicism in the British monarchy. His head was chopped off but the principle of non-interference in another state's affairs endured. So no revenge was openly taken, though Catholic countries maintained a hostile stance against the regime which executed him. In later years, if monarchs were toppled, no one intervened on their behalf.

The Westphalia Treaty marked a typical capitalist compromise in refusing to acknowledge religion as the basis of international relations. However, this meant that a substitute to religion had to be found. Westphalia spelt out the new basis. Countries had to observe the principle of non-interference in another's internal affairs. At that time, it meant not intervening between a ruler and his subjects of differing religions. It also laid the basis for settling differences at international forums. As for the principle on which states were to be organised, the Westphalian model called into being the concept of the nation-state.

The Netherlands were one example of a nation-state. The 19<sup>th</sup> century saw the Italian and German nations obtain states based on existing states. The 19<sup>th</sup> century also saw some European colonies achieving the status of states. The British colonies in North America obtained independence, the USA by war in 1783 and Canada more peaceably but much later in 1867. After the conquest of Spain and Portugal by Napoleon, their colonies in Central and South America also achieved the status of states. The new states had to be accommodated by the old ones and they did so on the basis of Westphalia. They were considered independent sovereign states who were all equal members of the 'comity of nations.'

After World War II, when the colonialist empires were dissolved, the Westphalian concept was again used. The newly independent states had to be fitted into the international system and were converted from colonies into sovereign states. However, these states did not necessarily represent nations based on ground realities. Instead, the states were made to secure colonialist interests through divide and rule.

Far from bringing stability, the international community emerging from Westphalia is inherently unstable. Persons sharing citizenship of a state may belong to a nation which has a different ethnic identity. Take one example, that of Sudan. It was recently split into two states, one retaining the name of Sudan and the other named South Sudan. Sudan contains an Arab-African people, while South Sudan is populated by purely African people. A recent outburst of violence on tribal lines potentially threatened the new state with a further split. The ethnic minority which obtained independence, turned out to be divided enough for another split to be possible. Pakistan is now facing ethnic strife within Baluchistan, Kyber Pakhtoonkhwa, Sindh and Southern Punjab.

As for the Westphalian doctrine of sovereignty, freedom from foreign intervention is clearly selective. One of the most prominent examples after World War II was the invasion of Cambodia by Vietnam, during the Vietnam War. Then India intervened in East Pakistan in 1971. Now the emerging concept of "contingent sovereignty" challenges the norm of non-intervention and has been used to justify US military interventions. The US invasions of Afghanistan and Iraq were conducted in clear violation of Westphalian sovereignty. As for the UN being a forum for settlement of disputes over intervention, it has been used as a tool to further US interests. Now, there is direct interference by the US in Iran, both over the issue of proliferation and in the more recent protests. There seems to be no respect for its sovereignty, even though the Westphalian principle had been applied to Iran in the 19<sup>th</sup> century.

As for humanitarian intervention, it does not seem to apply when Muslims are being slaughtered. At present, in Myanmar, there is military involvement in the 'ethnic cleansing' of Rohingya. Muslims are given the choice of being slaughtered or of leaving for refugee camps in Bangladesh. Instead of being subject to violation of Westphalian sovereignty for these crimes, the Myanmar regime is being congratulated for its progress towards Democracy. In previous incidents of 'ethnic cleansing' too, Muslims are massacred, but the Westphalian principle of non-interference is applied rigidly. In Bosnia in the 1990s, Serbs were massacring Muslims, but there was no intervention. Another example is that of Kashmir, where an uprising has been suppressed brutally. The lack of interference has been justified on the grounds of the sovereignty of India. The Indian state is massacring the Kashmiri Muslims but that does not justify intervention because India is embracing the US strongly. Pakistan is penalized heavily for any support of the Kashmiri Muslims.

So, while the US is careful to avoid any intervention in Kashmir or Myanmar, it was only too ready to violate the Westphalian sovereignty of Afghanistan. Even if it is accepted that Afghanistan had allowed its territory to be used to launch an attack on US soil was invasion of Afghanistan justified? Why was there no referral to the United Nations at least?

The Westphalian model is ignored by the US when it gets in the way of its interests and applied when it conforms with them. The US has given itself the right to violate sovereignty with impunity whenever it feels the need.

A most striking example of double standards is that of Palestine. Palestine has had its territory occupied by the Jewish entity. Its Arab majority was converted into a minority. Arabs were forced to flee or be slaughtered by Jewish terrorist gangs. The resulting refugee population was then not allowed to return home.

The Palestinian example is part of the general violation of Westphalian sovereignty that took place in the fragmentation of the Ottoman Caliphate after World War I. The division did not take into account the wishes of the people of the Caliphate but only of the Western Entente powers. Arab lands were carved off the Caliphate and occupied by the British or French. After the occupation of the Ottoman Caliphate took place, Arab lands became a number of states and protectorates. The protectorate of Palestine was given to Britain and it was ultimately given independence in 1948. The Zionists immediately took over and established the usurping Jewish entity. Three decades of British rule had enabled Zionists to converge on Palestine. This was an invasion which is not permitted under Westphalian concepts of sovereignty because it is a change in a place's

demography by immigration. However, it is a colonialist interest to honour the Jewish entity's Westphalian right not to have any interference in its internal affairs. The Western states support the Jewish entity despite its usurping of land and continued aggression against Arab Muslims and Christians, as seen recently in the relocation of the US embassy to Jerusalem from Tel Aviv.

It should be clear that the Western powers, which developed the concept of sovereignty from the Peace of Westphalia, have not observed them when it has gotten in the way of their interests. Clearly, the Westphalian concept of non-interference in a state's internal affairs is not a source of protection for weak states. It is merely a tool for stronger states to control the weaker. It prepares the citizens of such states to accept the domination by stronger states. It allows their governments to make more concessions to stronger countries, than they would in a non-Westphalian world.

The colonialist states will prevent the Westphalian model from collapsing as much as they can. They fully endorse its inherent bias towards stronger and older states. It is upon the Muslims to establish the Khilafah (Caliphate) to impose a non-Westphalian alternative. In the Caliphate there are no borders between Muslim territories. Stretching from the Atlantic to the Pacific, it will be the world's largest state. It will not ignore the religious affiliation of the people of any land. It will value religion above all over standards. It will condemn division on partisanship based on tribal, ethnic or nationalist grounds. Allah (swt) said, ﴿يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ عِنْدَ اللَّهِ أَتْقَاكُمْ ۗ إِنَّ اللَّهَ عَلِيمٌ خَبِيرٌ ۝﴾ **"O mankind, indeed We have created you from male and female and made you peoples and tribes that you may know one another. Indeed, the most noble of you in the sight of Allah is the most righteous of you. Indeed, Allah is Knowing and Acquainted."** [Surah Hujrat 49:13]. RasulAllah (saaw) said, «لَيْسَ مَنْ دَعَا إِلَىٰ عَصَبِيَّةٍ وَلَيْسَ مَنْ قَاتَلَ عَلَىٰ عَصَبِيَّةٍ وَلَيْسَ مَنْ مَاتَ عَلَىٰ عَصَبِيَّةٍ» **"He who calls others to partisanship does not belong to us; and he who dies upholding partisanship does not belong to us."** [Abu Dawood]. The re-establishment of the Caliphate (Khilafah upon the method of the Prophethood) will result in the abolition of the Westphalian concepts that keep the Muslim lands divided. The Caliphate will ensure that the Muslims will be unified within one state. The Caliphate will not use Westphalian sovereignty and non-interference as an excuse for inaction, if Muslims are slaughtered in lands outside of its authority. It will undertake negotiations, establish treaties and establish stances based on the reality of the non-Muslim states. It will enter treaties with states that are not belligerent in order to facilitate their entry into Islam. It will adopt a war stance with those that are belligerent, thereby preventing them from harming its citizens in origin. And on the world stage it will incite states to reject the Westphalian model, by exposing its double standards and exploitation by the colonialist states. And it will compel the belligerent states to abandon their Westphalian pretence because they are clearly pragmatic underneath it all. Indeed, if a power emerges which established a different basis for relations, they will have no compunction in using it. Indeed, if it suits them, they may use it to order their own relations with each other.

**Written for the Central Media Office of Hizb ut Tahrir by**

**Afzal Qamar – Pakistan**