Humanitarian Intervention as a 'Responsibility to Protect': An International Society Approach

Saban Kardas

Introduction

The issue of humanitarian intervention has been approached from different angles. The topic has been a subject of intense academic discussion in international law, ethics, political theory, and international relations. In the field of international relations, there appear to be two competing broad schools of thought on humanitarian intervention. Some see it as incompatible with the existing world order, based on Westphalian norms of sovereignty and nonintervention due to humanitarian intervention's disruptive repercussions on interstate affairs. Along the same lines, some view it as a resurrection of the traditional gunboat diplomacy where human rights justifications are used as a cloak to cover selfish national interests behind grand schemes to create a worldwide imperial order. Hence, humanitarian intervention as a part of Hobbesian world of power politics. In contrast, a competing school of thought treats it as a precedent heralding the down of a new era in world politics where universal values, such as human rights, are the benchmark of the emerging new world order. Hence, humanitarian intervention as a practice of the cosmopolitan world society.

A third approach posits humanitarian intervention somewhere between these two competing positions, which is also the position taken in this paper. The big puzzle that attracts my attention to study this topic is the question where we stand in the evolving balance between the normative order of human rights and the modern international system. I discuss humanitarian intervention within the context of the developments regarding the promotion of human rights on international level and their transformative impact on the existing principles of international order. I am driven by a normative concern to

allow for a greater room for humanitarian norms in international relations. Yet, in so doing, I also do recognize the enduring power, and the realities, of the current world order, which hinder a wholesale incorporation of humanitarian intervention within the framework of modern interstate system. Therefore I approach it rather as a limited practice whose life-course is stringently bound by the contingencies of the existing international order. Nonetheless, the fact that humanitarian intervention received recognition in state practice raises a theoretically interesting question. In order to explain the emergence and diffusion of this new norm in state practice, I address two questions in this chapter. First, what does the practice of and discourse on humanitarian intervention imply for the irresolvable dilemma between Westphalian world order and the promotion of human rights? Second, what theoretical approach to international relations can help explain this new practice and discourse?

I argue that although sovereignty versus human rights debate traditionally has been framed in dichotomized terms, the post-Cold War practice of humanitarian intervention illustrates the possibility of a *via media* approach to these competing normative claims. Further, I argue that English School provides a relevant theoretical framework to explain this new consensus on humanitarian intervention. Drawing largely on Hedley Bull's work on international society, I expand on how English School's concepts such as the primacy of the states, the international society of states, and shared norms offer a powerful explanation for the incorporation of humanitarian intervention in state practice.

Westphalian order versus human rights: two worlds of International Relations?

Humanitarian intervention may be defined as "forcible action by a state, a group of states or international organizations to prevent or to end gross violations of human rights on behalf of the nationals of the target state, through the use or threat of armed force without the consent of the target government, with or without UN authorization."[1] I treat humanitarian intervention as a practice pertaining to the advancement and protection of human rights.

Despite its moral appeal as a norm to promote universal human wellbeing, however, the humanitarian intervention debate cannot escape the wider political context it belongs to: military intervention in international relations. The question of intervention raises two complementary issues. First, the question of whether force can be used legitimately in international relations becomes the crux of any discussion about humanitarian intervention.[2] For, the organization of coercion has been the basic concern of any social structure, including international society. Therefore the place given to humanitarian intervention is directly related to the international milieu, i.e. the receptivity of the international community toward 'military' intervention. Although the idea to use force for other-regarding purposes has a long history in international law and politics, and is morally compelling, the application of the idea into state practice has been inconsistent, depending mainly on international rules and practices regarding the use of coercive force.[3] Since the principles of non-intervention and non-use of force underpin the current international system, the room allowed for humanitarian intervention has been limited.

Second, humanitarian intervention is closely interwoven with the international society's attitude toward intervention into 'domestic affairs.' Modern international relations have been characterized by a clear separation between the internal and external affairs of the states, basic actors of the international society. Traditionally it was the established practice to treat the relationship between a sovereign and its subject as one of internal jurisdiction; hence, outside the scope of interference by other governments. Moreover, issues such as human rights that were considered to fall within the domestic realm of state-citizen relationship were excluded from the subject matter of international relations. They were beyond the boundaries of legitimate intercourse between the states. Therefore, the debate about whether an issue falls within a government's exclusive realm of authority also determined the ways in which humanitarian intervention is perceived as it involves a dictatorial interference within the domestic jurisdiction of another state.

Why study these two questions?

As such, the questions I raised above are of theoretical importance. Behind the specific issue of humanitarian intervention lies a fundamental contradiction

between two different sets of moral concerns, and two different approaches to international relations[4]. From a cosmopolitan perspective, using force for stopping extreme human rights violations appears to be a higher ethical end because it aims at upholding the basic rights of human beings, the primary subjects of any social order. It however contradicts with the principles constituting the basis of the modern Westphalian international system that puts the moral priority on the preservation of the integrity of its actual members, nation-states, and the maintenance of the precarious world order. In other words, this is the tension between realism and idealism that had been the main divide through much of the history of the modern international relations theory.

The crux of this issue revolves around the incompatibility between the promotion of human rights on international level and the principle of non-intervention which is a derogative of the norm of sovereignty.[5] As Donnelly puts it, humanitarian intervention presents "a genuine moral dilemma in which important and well-established principles (human rights and nonintervention) conflict so fundamentally that reasonable men of good will may disagree on how that conflict is to be resolved."[6] Therefore it became almost a stereotype to talk about the legal/political tension between human rights and state sovereignty, non-intervention, and non-use of force in most of the scholarly works on humanitarian intervention. Moreover, this has been mostly presented as a dichotomic relationship.[7]

Due to its being situated at the center of this tense relationship, humanitarian intervention has important implications for international relations theory. Arguments based on the tension I identified constitute one of the major theoretical objections to humanitarian intervention.[8] As I will elaborate further below, humanitarian intervention as an assertive form of human rights promotion continues to create discomfort among the defenders of the existing world order in that humanitarian intervention would violate the doctrine of sovereignty, the organizing principle of the international order.[9] As Corten aptly puts it, "the doctrine of 'the right to intervene' is an attempt to challenge this traditional legal structure [of UN system of collective security] by calling into question the very concept of sovereignty it is based on."[10] In other words, the opposition to humanitarian intervention is not the result of a mere

indifference to human suffering elsewhere. But it is largely a reflection of different conceptualization of how to organize interstate relations, and what principles should guide the appropriate state behavior. As such the humanitarian intervention debate turns out to be a subset of the debate about the nature of the international society and its institutions; i.e., whether there exists an international society, what its organizing principle is, who its members are, and what norms underpin it.

Humanitarian intervention in post-Cold War period

The emerging international system and the global wave of democratization have enabled human rights groups to exert more pressure and persuasion on liberal states and international organizations to take up the promotion of human rights. Moreover, the end of the Cold War and the emerging international system were characterized by the increasing possibilities for international cooperation among major powers. Therefore, in the new era the UN Security Council was able to realize its powers under the UN Charter and thus come closer to orchestrating the collective security system laid down in the Charter. Humanitarian intervention, as a result, made its way into the practice and study of international relations in the post-Cold War period.

Because the use of force is currently regulated by the UN SC, any humanitarian intervention can be categorized according to the existence of a UN-authorization. By interpreting its Chapter VII powers in an expanding manner, the SC was successful in accommodating humanitarian intervention within the UN system and providing it with a certain degree of legitimacy. Moreover, despite its unsettled legal position, the practice of humanitarian intervention without SC authorization also endured during this period and was received receptively on moral and political grounds by many actors. As a result, incorporation of humanitarian intervention into state practice has taken two distinct forms: UN Security Council-authorized, and unilateral interventions.

Although the latter is more controversial than the former due to its shaky legal standing, there is a growing international consensus around the concept. This consensus recently has been captured by the idea of 'sovereignty as

responsibility,' which has been advocated by the United Nations and some Western states in the form of the 'Responsibility to Protect' doctrine. Under the emerging norm of humanitarian intervention, extreme cases of human suffering, caused by a state's failure to respect or protect individual rights of its own citizens, could warrant intervention by the international community.

How did we get here? An International Society approach to humanitarian intervention

Through various practical and conceptual innovations that are largely covered in this volume, humanitarian intervention came to be recognized as a reality of modern interstate system. It was emphasized earlier that the problematic relationship between human rights and sovereignty is an offspring of different approaches to international relations. It was further underlined that traditionally this relationship was understood in dichotomic terms. That means prioritizing one norm over another was also understood as subscribing to two opposite notions of international system, or two interpretations of international relations. In this sense, the appearance of humanitarian intervention in state practice in the post-Cold War era was viewed as a substantial transition from a states-system based on respect for sovereignty and non-intervention to a cosmopolitan one where individual rights trump over a state's right to sovereignty, and where some sort of universal governance prevails.

Yet, despite the accumulation of state practice on humanitarian intervention and the erosion of the norms of sovereignty and nonintervention it is difficult to claim that we have moved beyond the state centric modern world system. Nor would it be an accurate description to call the current system a purely anarchic one. So it is my contention that we stand somewhere in between these two extreme positions. Similarly, although universal ideas have assumed increased importance in state practice, they did not transform the realist power politics where coercion matters. What we need therefore is a theoretical construct that will help us capture the actual reality in the grey zone. In what follows, I will draw on the English School scholars' discussion about the nature of the international society, the centrality of states, the importance of norms, and normative change to develop an explanation for the practice of

humanitarian intervention.

1. The nature of the international system, and the primacy of the society of states

The tendency to conceive humanitarian intervention and Westphalian international system as incompatible owes a great deal to the realism's legacy. Realism takes the international system as anarchical consisting of sovereign nation-states. It is anarchic in the sense that there is no overarching authority to govern the relations among the members of the system. Moreover, realists' understanding of the international system is also static, such that a system change is difficult to occur; hence they accept no room for normative/ideational change.

Scholars writing within the English School tradition question such rigid, sharp characterizations of the international system. They have a broader and more diverse perspective on international system, partly because of their emphasis on historical analysis. Hedley Bull's work, Anarchical Society, is the most widely known representative of English School.[11] Bull first defines a *system of states* (international system), which comes into being "when two or more states have sufficient contact between them, and have sufficient impact on one another's decisions, to cause them to behave –at least in some measure– as parts of a whole." This necessitates regular contact in the sense that the interaction between states is sufficient to make the behavior of each a necessary element in the calculations of the other. States could interact directly or indirectly, and this interaction could be in the form of cooperation or conflict. A *society of states* (international society) is formed "when a group of states, conscious of certain common interests and common values, form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions." As such, international society presupposes an international system, but an international system may exist that is not an international society.

In that sense it is the injection of a 'societal' element into a mechanical system that turns an international system into international society. Bull

identifies three apaches to the idea of international society: Hobbesian, Groatian, and Kantian, and adds that the Grotian idea of international society has always been present in intellectual thinking and state practice. Bull also notes that the goals of international society include a) the preservation of the system and the society of states itself, b) maintaining the independence – external sovereignty– of the states, c) goal of the peace –subordinate to the preservation of the states system–, d) common goals of the social life. I will return to these different goals while discussing humanitarian intervention below.

This way of approaching international system provides a better means for explaining how the practice of humanitarian intervention affects the nature of international relations. Although some advancement has been made to uphold universal values in a way to limit the autonomy of nation-states, it is more appropriate to define the current international system as one of a Grotian world, where a certain degree of norm-guided behavior coexists with states' drive for independent, autonomous action.

First of all, the aversion to humanitarian intervention is best captured by Hedley Bull's first fundamental goal of the international society: "the preservation of the system and the society of states." One implication of this primacy of world order is somehow reflected in the supposed tension between order and justice –i.e., realization of human rights– which I will discuss in greater length below. In the realist approach to international relations, due to their destabilizing effects, issues of secondary importance, such as promoting human rights, were sacrificed to the maintenance of international order. In his discussion about the limited place given to human justice in international affairs, Bull catches this point cogently. He comes closer to the realist position and argues that the framework of international order is inhospitable also to demands for human justice"

The same emphasis on the primacy of systemic stability also explains the changing attitude toward humanitarian intervention, and gives us important clues about the limitations on the applicability of this new norm. As will be explained in the next section on the changing interpretations of the conventional

norms of nonintervention and sovereignty, humanitarian interventions have not been justified on purely humanitarian –cosmopolitan– basis; instead, they were legitimized to the extent that they had some impact on international peace and security. As such, the practice of humanitarian intervention in the post-Cold War era has served the goal of preserving the 'precarious and imperfect' world order, by addressing the destabilizing effects of the civil wars, and humanitarian crises. This appears to be a *via media* solution, which endeavors to find a balance between concerns for maintaining the current system on the one hand, and allowing a room for humanitarian values on the other. The application of the concept, thus, remained selective, depending on the specific political conditions within which a humanitarian crisis emerged. As such, humanitarian intervention does not signify a transition to post-Westphalian system. Therefore, as will be further discussed, its application and future evolution will also be bound by the realities of the existing order, which will not allow a wholesale incorporation of the concept into state practice.

2. Element of society and the emphasis on common norms as regulating state conduct

Any theoretical framework to explain the practice of humanitarian intervention must be accommodative to the role of ideas and norms as affecting state behavior. In that sense, even the very idea of sovereignty or non-intervention can be seen as norms that govern state conduct. As we move our focus to human rights, the need to explain the place of universal ideas becomes even more pressing.

English School scholars accept that international society is anarchic in the sense that there is no common orderer. Yet they part company with those who reject societal dimension of international relations on the grounds that it is organized anarchically. For instance, Bull claims that the common belief that "states have to submit themselves to a common authority in order to realize a society does not apply to international realm." Thus an 'anarchical' society is always possible, and the element of society has always been present and remains present in the modern international system. It exists "because at no stage the conception of the common interests of states, of common rules accepted

and common institutions worked by them has ceased to exert an influence."

As underlined by Chris Brown, according to English School scholars, although international society is not a perfect one it is still bound and regulated by shared norms.[12] As Brown further notes, their approach to norms is both descriptive –is– and normative – should. For English School, norms have constraining and enabling impact on state behavior and strategies.[13] It is states that generate the norms to regulate their affairs. This is so because norm-governed behavior better serves the primary goals of international society. In his treatment of how order is maintained in international society, Bull argues that order is a consequence of common interests, rules, and institutions. Rules function to provide guidance as to what behavior is consistent with common goals of the international society.

This conceptualization of norms as regulating state behavior in a way to serve the common goals of international society provides English School with a powerful means to explain the practice of humanitarian intervention. In this sense, both the Westphalian principles and humanitarian values can be seen as different sets of norms, with differing degrees of relation to the basic goals of the international society. Hence, both set of norms play certain functions for the maintenance of order in an anarchic international society. The developments relating to those norms had important implications for the practice of humanitarian intervention. On the normative level, what happened throughout the 1990s was the coalescence of basically two complementary processes: a normative shift regarding the place of human rights, particularly as far as it relates to domestic-international distinction, and the redefinition of the norms of non-intervention and sovereignty.

a) Human rights as a legitimate international concern

In her constructivist explanation of the developments regarding intervention, Finnemore maintains that the shift in the 1990s cannot be understood without considering the changing normative context in which it occurs.[14] Because traditional legal/political interpretation of sovereignty confined the issues of human rights to the national jurisdiction of sovereign states, human rights was by default of no legitimate concern to other states; thus they

were dropped out of the agenda of international relations.[15] As the Cold War had made the non-intervention a universal norm, with the end of the Cold War, norms pertaining to the protection of individual rights have increasingly received a general acceptance within international community.[16] The achievements in the field of human rights have reached a stage where the question whether human rights is subject to international scrutiny is no longer controversial.[17] Consequently, the idea that the violations of these basic rights are no longer matters which are purely within the domestic jurisdiction of states, and therefore the nonintervention norm cannot be invoked as a barrier against international interference for the protection of these rights gained ground during this period.

These developments have been further strengthened by the growing belief that the maintenance of international peace and security and the protection of fundamental human rights are interdependent.[18] In the post-Cold War period, a consensus emerged that massive and widespread violations of human rights stemming from the repression of governments, internal conflicts, or failed states and the human suffering that they generate may constitute threats to international peace and security. Therefore, such matters do not fall exclusively within the domestic domain of states. The SC, acting as the representative of the international community, may take necessary measures, including the use of force to address such situations.[19] Against this background, the SC has assumed a more assertive role for the protection of human rights by invoking its powers regarding the maintenance of international peace and security, and orchestrated several humanitarian interventions. In so doing, the SC has engaged in a broader interpretation of what amounts to threat to the peace. Similarly, the interdependence between human rights and international security has been the basic driving motive of un-authorized interventions.[20]

The new normative concern on universal human rights has had an enabling impact for broadening the scope of intervention. Consequently, the international opposition to acts of intervention on humanitarian grounds has diminished in breadth.

b) redefinition of sovereignty and non-intervention

As stated, the post-Charter international state system was inspired by the so-called Westphalian legacy. The Westphalian norms, particularly sovereignty and non-intervention, which for a long time constituted an obstacle to the promotion of human rights, are derived from the anarchical conceptualization of international system.[21] Because anarchic international system is composed of sovereign units, states are granted exclusive jurisdiction over the territory they control and people living on this territory. The logical corollary of sovereignty is the norm of non-intervention which prohibits states from taking action in the internal affairs of other states.

I noted that there is a tension between these twin-norms and human rights, and traditionally, this tension has been resolved in favor of the nonintervention side of the dilemma. The norms of sovereignty and nonintervention were treated as sacrosanct principles. It was traditionally understood that intervention into each other's domestic affairs did not belong to the proper behavior of sovereign equals; hence be prohibited, however laudable the motives might be. Therefore, the strongest criticism against humanitarian intervention has been implicitly based on this 'statist paradigm' which prioritizes the rights of states over the rights of individuals, thus norms of sovereignty and non-intervention over protecting human rights.[22] The defenders of the Westphalian principles, including English School scholars, note the important functions of these norms for the maintenance of world order and point out the disruptive implications of humanitarian intervention. As such they draw our attention to the factors that constrain the place of humanitarian intervention. They, however, also recognize the prospects that with the changes in international relations, the rationale underlying these norms might also be altered. In such cases of change, in order to better serve the maintenance of world order, these norms might be subjected to reinterpretation.

Nonintervention

As a historical fact, the idea that nonintervention holds a primary place had a distinctly utilitarian rationale. The norm of state sovereignty and its corollaries, which are the products of centuries long Western historical development characterized by the atrocities inherent in wars for ideological and

religious purposes, have important moral standing, and nonintervention principle has not served badly in maintaining world order since the enactment of the UN Charter.[23] As Bull argues, nonintervention is part of the rules of coexistence in an anarchic society as it serves important purposes. As analyzed by Damrosch, nonintervention has two principal functions; to minimize interstate conflict and to preserve a state's autonomy. On the issue of autonomy, Bull writes:

> there is the goal of maintaining the independence of external sovereignty of individual states. From the perspective of any particular state what it chiefly hopes to gain from participation in the society of states is recognition of its independence of outside authority, and in particular of its supreme jurisdiction over its subjects and territory. The chief price it has to pay for this is recognition of like rights to independence and sovereignty on the part of the other states.[25]

Similarly Vincent underlines that nonintervention allows a degree of pluralism and variety within the states,[26] which strengthen and protect the autonomy of the state. As such this principle also upholds the right of the people living within this state to self-determination. This idea goes back to John Stuart Mill and is advocated in modern times by Michael Walzer. His idea of communal integrity leads to the conclusion that states are moral entities and should therefore enjoy the right of nonintervention.[27] By endeavoring to restrain the use of armed force and reduce war among states, nonintervention norm implies somehow an orderly world, where different societies may coexist in a relatively peaceful atmosphere of harmony and concord. This set of norms, therefore, was enshrined in the UN Charter and gained a wide acceptance among the international community as the fundamental values to be upheld. These principles were treated so valuably that they could allow no room for humanitarian intervention in breach of the international order even for the purpose of alleviating human suffering. This position is best summarized by Wheeler and Morris. They note that, from a realist perspective, the main weakness of the defenders of humanitarian intervention is that because they focus on individual cases of human suffering, they fail "to see that issuing a license for humanitarian intervention is likely to bring about a generalized

erosion of the norms of non-intervention and non-use of force, and with it a long-term reduction in general well-being."[28]

Yet, in the current era of spreading ethnic conflicts and state collapses resulting in extreme human suffering on the one hand, and growing global awareness and increasing possibilities for international cooperation on the other, a need for revisiting this dilemma is obvious. As noted, UN Charter also advances norms pertaining to human rights. Then the question can be put as follows: What happens when these two sets of values are in conflict with each other and the nonintervention norm stands as an obstacle to justice and the realization of basic human rights? Hence, the question posed by Adam Roberts:

> can that rule [of nonintervention] really apply when the situation is so serious that the moral conscience of the mankind is affronted? What is the ethical or logical foundation of the rule that make it so rigid, so uncomprehending of misery, that it cannot allow for exceptions?[29]

Or, as Hoffmann starkly puts it, refusing unilateral intervention at all may improve global social order, yet, by allowing grave injustices to persist, it could also harm justice which is another respectable value for the world community.[30] For this reason, in certain conditions a blind attachment to the norm of non-intervention would create inconsistencies with the real world and put the very idea of nonintervention norm into question, and this weakness has been the primary concern expressed by the scholars and practitioners about the scope of the principle of nonintervention.

Cognizant of the tension between order and justice and the relationship between this tension and the norm of nonintervention, Bull devotes a chapter to this problematic relationship.[31] He highlights the incompatibility between demands for individual/human justice and cosmopolitan justice and world order. He thinks that only interstate justice can be accommodated within the current system. Although his realist side dominates and he sees order as a precondition for the realization of other values, including justice, he still concedes to contextual judgments; i.e., the decision about order versus justice should be evaluated on the basis of the merits of a particular case. This leaves

international society an important avenue to accommodate concerns for justice.

Along the same lines, he later observed that non-intervention norm in its absolute meaning does not reflect the reality and therefore begs for being modified and adapted to meet the particular circumstances and needs of the present time.[32] As Hoffmann points out, "there are many cases in which the effects of nonintervention might be worse than those of intervention, either on political or moral grounds".[33] Against this background, Roberts notes that, "one might even say that if a coherent philosophy of humanitarian intervention were developed, it could have the potential to save the non-intervention rule from its own logical absurdities and occasional inhumanities".[34]

A coherent, and universally agreed-upon philosophy of humanitarian intervention has not been developed yet.[35] But, the developments in the post-Cold War period amount to a significant shift in this direction. The achievements regarding the internationalization of human rights and the contracting scope of domestic jurisdiction have already been noted. The emergence of the practice of UN-authorized humanitarian intervention was also quite influential in undermining the absolute interpretation of the norm of nonintervention. This practice made it clear that under certain circumstances of extreme humanitarian emergency, traditional norms of sovereignty and nonintervention can be overridden by the international community for the purpose of ending human suffering, provided that political conditions allow for realization of such an intervention. This has been, moreover, the common theme expressed by three successive UN Secretaries-General in the 1990s,[36] and thus paved the way for the new consensus on humanitarian intervention.

Indeed, the developments in the post-Cold War period that culminated in R2P were basically a reconsideration of the principles of nonintervention and state sovereignty. As a result, though these developments did not transform the norm of nonintervention, they created conditions favorable to the emergence of humanitarian intervention as an acceptable form of policy instrument at the disposal of the international community to end human suffering.[37] As such, they also helped redefine the norm of nonintervention and make it better fit to the realities of the current world politics.

This was in a sense the realization of what Bull observed about the future of intervention in world politics: intervention through multilateralism and collective action. He notes that "if, however, an intervention itself expresses the collective will of the society of states, it may be carried out without bringing that harmony and concord (of the society of sovereign states) into jeopardy".[38] In the same vein, it is noted by Damrosch that the shift from unilateral intervention to collective involvement allows the preservation of the values of conflict containment and autonomy implicit in nonintervention norm.[39] The practice of the UN, as the expressed will of the international society, helped eliminate the objection to humanitarian intervention. Although the opposition to unauthorized intervention still continues, the fact that the post-Cold War cases of humanitarian intervention without authorization from the SC were also conducted by different regional organizations or a group of states which enjoy a great legitimacy among the society of states should be kept in mind. These interventions were also carried out in a multilateral fashion and therefore they come closer to Bull's observation. They express the collective will of at least a certain part of the society of states. Their multilateral character puts important checks and balances on the way the intervention is conducted and therefore does not let the interventions jeopardize the order. For this reason, these acts of intervention were realized without posing any serious threats to the international order.[40]

Sovereignty

The objection to humanitarian intervention is also justified with reference to an absolute understanding of the principle of sovereignty. Within such a conceptualization, sovereignty is the basic guarantee for the enjoyment of the basic rights of the people, due partly to the autonomy principle inherent in sovereignty, discussed above. If there will be attempts to promote and implement international human rights, according to this way of thinking, they must pay due attention to the principles of sovereignty and non-intervention.[41] Therefore, an intervention amounting to the breach of sovereignty is also seen as the violation of the basic rights of the people. Or, foreign interference is seen as a greater evil than the violation of some of the rights by the sovereign authority itself. Although they accept the importance of human rights, the supporters of this view stress that the main and sole responsibility for the

realization of these rights rests in national states. This view is nowadays voiced by non-Western countries as well. As Chinese President Zemin put it, sovereignty provides the best guarantee for human rights.[42] For this reason, concerns for human rights cannot override sovereignty.

The idea that individual justice can only be achieved through the agency of states, and the implementation should be confined to domestic level is also recognized by Bull. Otherwise, it may lead to disorder in international society. As such, English School provides a strong explanation for the inherent tendencies among the states against the incorporation of humanitarian intervention into state practice.

I noted earlier that humanitarian intervention is a subset of the debate about 'military intervention.' When it comes to the humanitarian intervention debate, under the existing realities, the terms in which sovereignty and intervention are debated need to be altered. It has been increasingly agreed that humanitarian intervention is different in essence from other forms of intervention. This can be best stated by an analytical distinction between internal and external aspects of sovereignty. Intervention in general aims at the external dimension of sovereignty in order to affect the relations of the target state with the other sovereign counterparts. Humanitarian intervention, however, relates to the internal aspect of sovereignty.

It is true that for the citizens of a state to be free and enjoy their rights there must be an independent political space for them, thus the state in question must be free from external interference in order to provide its citizenry with a space as such. This is what external aspect of sovereignty and nonintervention norm assure. As discussed above, besides minimizing interstate conflict these norms also aim at the preservation of a state's autonomy. Yet, in the post-Cold War era a common understanding emerged that the preservation of the autonomy should not be seen as an end in itself. Rather, it is a means for the realization of the basic human rights of the individuals living within the boundaries of sovereign states. For instance, Kofi Annan reflected this new understanding by maintaining that

> State sovereignty, in its most basic sense, is being redefined--not least by the forces of globalization and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa. At the same time individual sovereignty--by which I mean the fundamental freedom of each individual, enshrined in the charter of the UN and subsequent international treaties--has been enhanced by a renewed and spreading consciousness of individual rights. When we read the charter today, we are more than ever conscious that its aim is to protect individual human beings, not to protect those who abuse them.[43]

Seen from this perspective, the question of humanitarian intervention has little to do with the external aspect of sovereignty; rather it is related to the internal aspect of sovereignty and how it is constructed. Indeed, humanitarian intervention is about the very essence of the relation between sovereign authority and its citizenry. As it is pointed out by the liberal political theory,[44] the internal aspect of sovereignty is built on the assumption that the sovereign authority is charged with the duty to create a suitable atmosphere for the people living within its jurisdiction to fulfill their basic rights. The problem, then, starts when the sovereign authority fails to provide the conditions essential to the fulfillment of basic rights –the problem of failed states– or itself abuses these rights –the problem of oppressive governments. Humanitarian intervention, in this light, aims at rectifying the relationship between the government and the governed and the way the internal aspect of sovereignty is constructed. In other words, it has no direct bearing on the external aspect of sovereignty.

Thus the argument that sovereignty is prerequisite for the fulfillment of the basic rights of the individuals has undergone an important transformation, without undermining the power of the sovereignty norm itself. Today, most of the humanitarian emergencies are taking place in countries where the sovereign authorities are unable to provide the basic conditions for the enjoyment of basic rights. Although decolonization process created a great number of new states and there was nominally a Westphalian system throughout the Cold War years, in reality most of these states lacked the attributes of internal sovereignty. Most of the time they lacked domestic cohesion and the central authorities were hardly able to monopolize the use of force, which is the defining character of

being a 'sovereign.' Yet, the Cold War politics helped them avoid confronting underlying problems. With the shield provided by the Cold War conditions is over and the globalization process is underway, the discrepancy between the real conditions prevailing in the developing world and the absolute interpretations of sovereignty has become more and more visible. As a result, the world is now faced with a range of "totally or partially failed, troubled or murderous states whose claims to sovereignty are either unsustainable or unacceptable."[45] This is actually where the dilemma of nonintervention starts. The rulers which lost the internal legitimacy by their inability to provide an autonomous domestic sphere have been mostly protected by the external aspect of sovereignty, which was expressed by the principle of recognition in the international community. They stayed in power at the expense of the society as a whole and this led to the protection of injustice by the nonintervention norm itself.

In this regard, the post-Cold War practice of humanitarian intervention reflects a new understanding of the twin principles of sovereignty and nonintervention. Rather than going beyond the traditional Westphalian norms, this new way of thinking seeks to reconcile the international intervention with the traditional state sovereignty in what Francis Deng first called 'sovereignty as responsibility'.[46] As discussed above, this concept has also influenced most of the conceptual attempts to generate a consensus on the issue. This approach underscores a state's responsibilities and accountabilities to domestic and international constituencies. Accordingly, in order for a state to claim the prerogatives of sovereignty it must meet internationally agreed responsibilities which include respecting human rights and providing life-sustenance to its citizens. What is important in this conceptualization is that the first instance for the protection of individual rights is still the state in question. As such, this approach represents an attempt to allay the concerns of developing countries, mentioned above. Only in case a state fails to meet such obligations, then it becomes legitimate for the international society of responsible states[47] to intrude in and even undertake military intervention.[48]

The culmination of the post-Cold War practice of the UN showed that when such an act is carried out by the SC the opposition seems to dissolve. Despite the

continuing opposition, in cases of extreme human suffering there is also a growing support for, or at least acquiesce to, unauthorized intervention. Therefore, it could be concluded that post-Cold War practice of humanitarian intervention approaches the notion of sovereignty as responsibility and offers a promising amendment to the unrestricted interpretation of nonintervention and sovereignty.[49]

As such, this reinterpretation also serves to consolidate international system, rather than undermine it.[50] Despite his warnings against incorporation of human justice, noted above, Bull nonetheless admits that the continuation of states system necessitates that the element of international society in it should be preserved and strengthened. This requires maintaining and extending consensus about common values, as well as common interests.[51] Moreover, he also believes that prospects for international society are bound up by the prospects of a cosmopolitan culture, which will increasingly need to absorb non-Western traditions. To the extent that it helps advance common values, and generates a universal consensus on minimum standards of behavior, the practice of humanitarian intervention is likely to enhance the societal dimension in international system; hence strengthen it.

This practice also realizes the last goal of international society, identified by Bull: upholding the "common goals of the social life." Unlike many realists, Bull does not isolate international society from domestic realm; rather he treats it as an extension of human social life. In Bull's understanding, the elementary goals of social life include securing life against violence, keeping the promises and observing agreements, and ensuring the possession of things. By securing life against violence, humanitarian intervention thus becomes an important instrument in realizing the goals of international society, hence further contributes to its proper functioning.

3. State-centrism and restoration of actorhood

As the foregoing treatment of the English School suggests, state is the primary actor in the international society. Bull maintains that "world political system is currently system of states but there is nothing to suggest that it may

not be transformed one day. There could be new forms of universal political organizations." Although English School Scholars recognize the possibility of alternatives to states system, they also point at strong tendencies that perpetuate contemporary states system. Therefore they put emphasis on the maintenance and strengthening of the existing society of states. This state-centrism is a source of strength that adds to the explanatory capability of the English School. This applies to both ends of intervention: the actors and objects of intervention.

The actors: State-driven process

Indeed, a careful examination of the new consensus on humanitarian intervention suggests that states and state-controlled institutions are still the major actors in the intellectual and practical aspects of humanitarian intervention. Despite the involvement of NGOs, and UN Secretary-General, the main push for the responsibility to protect approach came from some liberal Western states. Although the UN SC has the legal authority to authorize interventions for humanitarian purposes, actual decision to intervene and the conduct of interventions still remains dependent on the policies of states, particularly great powers. Especially the conduct of interventions is still bound by the availability of effective means of armed coercion, which is still under the sole possession of individual states, or regional alliances, such as NATO. So, as expressed by Bull, in the absence of a supreme government or solidarity among themselves, states took the initiative for the realization of common rules. States are, in that sense, the primary institutions or agents of the international society. Bull underlines specifically that the realization of individual justice and protection of human rights can be realized only through the mediation of states. He also notes that protection of human rights will be selective and through the mechanisms of international politics.

The nation-states are still around and will continue to be with us for some time to come. Therefore, they would oppose to a process which will eventually lead to the emergence of supranational authority structures above themselves, hence undermine the current system drastically. For this reason, despite the enhanced place given to humanitarian intervention, it still remains as an exception rather than a rule. States opposed to the emergence of a norm that

would create legal and political obligation to intervene in every case. As argued earlier, currently the decision to intervene is still conditional on the political conditions, i.e. the readiness of the states to bear the material and human costs of humanitarian intervention. As a result, post-Cold War norms on humanitarian intervention are permissive rather than binding. Looking at this situation we can argue that the application of the concept will continue to be selective, depending on the specific political conditions within which a humanitarian crisis has emerged. Thus some human rights violations will still remain untouched, as in Chechnya. The declining interest in humanitarian intervention in the post-September 11 era, and the inability of the international community to stop the bloodshed in Brundi and Darfur for a long time are reminders of how untenable the new consensus on humanitarian intervention is. As the American commitment to global norms has been eroded by the concern to counter threats to US national interests, the use of force has assumed a new rationale, the international community has developed aversion to permissive uses of force and the global hegemon itself has become the violator of the fundamental rights, the post-September 11 period witnessed the declining place for humanitarian intervention.

Objects of intervention: restoration of sovereignty

In my discussion about reinterpretation of sovereignty, I underlined how humanitarian intervention came to redefine the internal dimension of sovereign statehood. With its emphasis on the primacy of the state as the main actor in world politics, English School has an analytical superiority over cosmopolitan approaches. As I argued above, under the current consensus, the state becomes the first instance to address the rights of individuals. Only after it fails to fulfill its obligations can international society step in to enforce the rights of individuals.

What is important, however, is what happens to the state in question after intervention. One important consequence of the cases of humanitarian intervention in the post-Cold War period has been the post-conflict reconstruction of the target states.[52] In none of the cases did the intervening states attempt to occupy the country in question, but rebuild it.[53] I think this has important implications for the tension between sovereignty and humanitarian

intervention. Humanitarian interventions aimed at strengthening, not overcoming, state and state sovereignty. The target states were provided a helping hand to (re) emerge as sovereign states. On this point, English School also has superiority over realism, which similarly emphasizes the primacy of state. What happened during this process was consolidation but at the same time *redefinition* of sovereignty. While strengthening the norm of state sovereignty, the new practice also added important qualifications to it, discussed before.[54] In this new understanding, sovereignty does not guarantee a state an automatic right to protection under nonintervention norm. In order to claim this right, a state now has to fulfill its duties, which is to respect fundamental human rights of its own citizens. In other words, the legitimacy of state is redefined to include respect for individual rights. This new normative condition now constitutes one of the basic conditions for the membership into international society. From this perspective humanitarian intervention becomes an important tool for restoring state authority to create more respected members of the society of states. By rectifying the weak states possessing little attributes of sovereignty, this process in fact strengthens the existing states-system, based on sovereign nation-states. The idea that a state's right to enjoy the privileges of sovereignty depends on its possession of certain qualifications has always been underlined by the scholars of English School. This idea dates back to the founders of modern international law –natural law tradition–, such as Grotious, Wolf, and Vattel, who English School scholars highly value.[55]

Conclusion: Why English School?

I have endeavored to make a case that existing Wesphalian order has built-in brakes against the incorporation of humanitarian intervention. Yet, post-Cold War developments regarding the place of conventional norms of sovereignty and nonintervention in world politics on the one hand and the growing space for the protection of human rights on the other have eased the worries about the prospect for order in international system and created a suitable environment for the inclusion of humanitarian intervention without jeopardizing that order. On the contrary, through the reinterpretation of the Westphalian principles in light of the new realities of international relations, such as increased intrastate violence, and the linkage between human rights and security, which were the

underlying reasons behind the post-Cold War cases of humanitarian intervention, humanitarian intervention contributed to the precarious world order and enhanced the prospects for the preservation of the states-system, rather than undermining it. Post-Cold War practice of humanitarian intervention thus can be considered as a via media solution, which endeavors to find a balance between concerns for maintaining the current system on the one hand, and allowing a room for humanitarian values on the other.

I have tried to show that the international society approach, particularly Bull's discussion about the fundamental goals of international society and the regulating norms of sovereignty and nonintervention, provides important insights for our understanding of the place of humanitarian intervention in conceptual discussions and state practice. English School directs our attention to both enabling and constraining factors, and as such there is both promise and caution about the prospects for humanitarian intervention. By highlighting the primacy of the world order, and the primacy of the nation states, it explains the existing tendencies for the opposition to wholesale incorporation of humanitarian intervention and alerts us that this incorporation will never fully take place. Similarly, by studying the power of the founding norms of the existing Westphalian order, and their function for the preservation of the society of states, it further underlines the difficulties involved in the incorporation of humanitarian intervention. On the other hand, it also highlights the importance of maintaining the peace and common goals of the social life, and the need for shared values for strengthening the societal element of international system. As such, it points out the factors that are permissive to the 'limited' incorporation of humanitarian intervention. Likewise, by highlighting the prospects for reinterpretation of the traditional norms of non-intervention and sovereignty, it shows the likelihood for the accommodation of humanitarian intervention within the confines of existing international society, without necessarily transforming it in a cosmopolitan direction.

Notes

1 For more on the definitional issues, see: Kardas, Saban, "Humanitarian Intervention: A Conceptual Analysis," *Alternatives: Turkish Journal of International Relations* (Vol.2. No.3-4, Fall-Winter 2003), pp.21-49.

2 Oudraat, Chantal de Jonge, *Intervention in Internal Conflicts: Legal and Political Conundrums* (Washington: Carnegie Endowment for International Peace, Working Paper 15, August 2000), p.4.

3 Abiew, Francis Kofi, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague: Kluwer Law International, 1999); Finnemore, Martha, "Constructing Norms of Humanitarian Intervention", in Peter Z. Katzenstein (editor), *The Culture of National Security: Norms and Identities in World Politics* (New York: Colombia Univ. Press, 1996).

4 Welsh also underlines that it is a debate about the boundaries of moral community, the consequences of intervention, and the density of values that underpin international society." Welsh, Jennifer M., "Taking Consequences Seriously," in Jennifer Welsh (editor) *Humanitarian Intervention and International Relations* (Oxford: Oxford University Press, 2004), p.53.

5 Kardas, Saban, "Human Rights Policy and International Relations: Realist Foundations Reconsidered," Paper presented at ISA-West 2005, Las Vegas: September 30-October 1 2005.

6 Donnelly, Jack, "Human Rights, Humanitarian Intervention and American Foreign Policy: Law Morality and Politics", *Journal of International Affairs* (37, Winter 1984), p.320.

7 Kelly, Kate, and David P. Forsythe,"Human Rights, Humanitarian Intervention, and World Politics," *Human Rights Quarterly* (Vol.15, No.2, May 1993), p.312; Dagi, Ihsan, "Human Rights, Foreign Policy and the Question of Intervention," *Perceptions* (Volume VI, Number 2, June-August 2001), pp.105-119.

8 For a detailed analysis of the critics against humanitarian intervention, see: Welsh, *op.cit.*, pp.51-68; Holzgrefe, J.L, "The Humanitarian Intervention Debate," in J.L. Holzgrefe and Robert O. Keohane (editors), *Humanitarian Intervention: Ethical, Legal, and Political Dilemmas* (Cambridge: Cambridge University Press, 2003), pp.15-52.

9 Abrams, Elliott, "To Fight the Good Fight," *The National Interest* (Spring 2000), p.70.

10 Corten, Olivier, "Humanitarian Intervention: A Controversial Right," *UNESCO Courier* (Vol.52, No.7, July/August 1999), p.58.

11 Bull, Hedley, *Anarchical Society* (New York: Columbia University Press, 2nd Edition, 1995).

12 Brown, Chris, "World Society and the English School: An 'International Society Perspective' on World Society," *European Journal of International Relations* (Vol.7, No.4, 2001), p.427.

13 Brown, *op.cit.*, p.437; On norms and power, see: Wheeler, "Humanitarian Responsibilities of Sovereignty," in Welsh (editor), *op.cit.*, pp.30-32.

14 Finnemore, *op.cit.*, p.154.

15 Donnelley, Jack, *Universal Human Rights in Theory and Practice* (Ithaca: Cornell University Press, 2003), p.157.

16 Danish Institute of International Affairs, *Humanitarian Intervention: Legal and Political Aspects* (Copenhagen: 1999), p.36; Weiss, Thomas G., "The Politics of Humanitarian Ideas", *Security Dialogue* (Vol.31, No.1, March 2000), p.13.

17 Rodley, Nigel S., "Collective Intervention to Protect Human Rights and Civilian Populations: The Legal Framework", in N. S. Rodley (editor), *To Loose the Bands of Wickedness* (London: Brassey's ltd, 1992), p.24; also see: Abiew, Francis Kofi, *The Evolution of the Doctrine and Practice of Humanitarian Intervention* (The Hague: Kluwer Law International, 1999), pp.98-99.

18 Schnabel, Albrecht, "Humanitarian Intervention: A Conceptual Analysis", in S. Neil Mac Farlane and Hans-Georg Ehrhart (editors), *Peacekeeping at a Crossroads* (Clementsport: The Canadian Peacekeeping Press, 1997), p.27; Dagi, *op.cit.*

19 Abiew, Francis Kofi, "Assessing Humanitarian Intervention in the Post-Cold War Period: Sources of Consensus", *International Relations* (Vol.XIV, No.2, August 1998), p.62.

20 In the case of Kosovo, except two NATO members, no reference to purely humanitarian concerns were attempted. NATO members rather relied on previous SC resolutions, which defined the situation in Kosovo posing threats to regional peace and security.

21 Vincent, R. J., *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986), pp.113-114.

22 Jackson, Robert H., "Armed Humanitarism", *International Journal* (XLVIII, Autumn 1993), pp.582-583; also see Welsh, *op.cit.*, pp.63-67.

23 Roberts, Adam, *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum* (London: The International Institute for Strategic Studies, Adelphi Paper 305, 1996), p.20; Fisher, David, "The Ethics of Intervention", *Survival* (Vol.36, No.1, Spring 1994), p.52.

24 Damrosch, Lori F., "Introduction", in Lori F. Damrosch (editor), *Enforcing Restrain: Collective Intervention in Internal Conflicts* (New York: Council on Foreign Relations Press, 1993), p.8; also compare Hoffmann, Stanley, "Sovereignty and the Ethics of Intervention", in Stanley Hoffmann, *The Ethics and Politics of Humanitarian Intervention,* (Notre Dame: University of Notre Dame Press, 1996), p.12; moreover see Roberts, *op.cit.*, p.19.

25 Bull, *op.cit.*, pp.16-17.

26 Vincent, *op.cit.*, p.117.

27 Walzer, Michael, *Just and Unjust Wars* (New York: Basic Books, 3rd edition-2000). Also see: Welsh, *op.cit.*, pp.60-62.

28 Wheeler, Nicholas and Morris, Justin, "Humanitarian Intervention and State Practice at the End of the Cold War", in Rick Fawn and Jeremy Larkins (editors), *International Society after the Cold War: Anarchy and Order Reconsidered* (London: Macmillan Press Ltd., 1996), p.166; see also Holzgrefe, *op.cit.*, pp.23-24.

29 Roberts, *op.cit.*, p.20.

30 Hoffmann, "Sovereignty and the Ethics of Intervention", p.22; also see Garrett, Stephan A., *Doing Good and Doing Well: An Examination of Humanitarian Intervention* (Westport: Praeger Publishers, 1999), p.51.

31 Bull, Chapter IV.

32 Bull, Hedley, "Conclusion", in Hedley Bull (editor), *Intervention in World Politics* (Oxford: Clarendon Press, 1984), p.187; for the shift in the approaches to nonintervention also see Ortega, Daniel, *Military Intervention and the European Union* (Paris: Institute for Security Studies, Western European Union, Chaillot Paper 45, March 2001), p.23; Abiew, *The Evolution*.., p.73; A good account of the challenge against non-intervention can be found in Little, R. "Recent Literature on Intervention and Non-intervention", in Ian Forbes and Mark Hoffmann (editors), *Political Theory, International Relations and the Ethics of Intervention* (London; Macmillan Press, 1993), p.24.

33 Hoffmann, "Sovereignty and the Ethics of Intervention", p.20.

34 Roberts, Adam, "The Road to Hell: A Critique of Humanitarian Intervention", *Harvard International Review* (Vol.16, Issue.1, Fall 1993), p.11.

35 See Weiss, Thomas, "The Sunset of Humanitarian Intervention? The Responsibility to Protect in a Unipolar Era," *Security Dialogue* (Volume35, No.2, 2004), pp.135-153, for a critical account.

36 de Cuellar, Javier Perez, *Report of the Secretary-General on the Work of the Organization: 1991*, (1991);[36] Ghali, B. B., *An Agenda for Peace* (Report of the Secretary-General on the Work of Organization: UN Doc. A/47/277 - S/24111, 17 June 1992); Annan, Kofi, "Two Concepts of Sovereignty", *The Economist* (18 September 1999), p.49. Also see his: Annan, Kofi, Secretary General's Speech to the 54th Session of the General Assembly, 20 September 1999, Press Release SG/SM/7136 GA/9596, 20 September 1999.

37 The idea that the Westphalian structure is being modified, but a new one has not emerged is advocated by Weiss, "The Politics of." He also notes that "non-intervention, the organizing principle of international relations since Westphalia, is not what it once was". pp.13, 19.

38 Bull, "Conclusion," p.195. For his remarks on the impact of "the growing legal and moral recognition of human rights on a world-wide scale" on the problem of humanitarian intervention, see p.193.

39 Damrosch, Lori F., "Concluding Reflections", in Damrosch (editor), *op.cit.*, p.354.

40 The most controversial case in this regards was the NATO intervention in Kosovo which had the potential of deteriorating the relations between Western countries and China and Russia. Yet, despite this potential danger, the intervention was successfully concluded without the feared expectations realized. Even Russia later joined the international efforts for the reconstruction of Kosovo and KFOR.

41 Stanton, Kimberly, "Pitfalls of Intervention", *Harvard International Review* (Vol.16, Issue.1, Fall 1993), p.15.

42 quoted in Shulong, Chu, "China, Asia and Issues of Sovereignty and Intervention", *Pugwash Occasional Papers* (Vol.2, No.1, January 2001), p.42.

43 Annan, "Two Concepts," p.49.

44 For the summary of the liberal case on intervention see Hoffmann, Stanley, "The Politics and Ethics of Military Intervention", *Survival* (Vol.37, No.4, Winter 1995-1996), p.35.

45 Hoffmann, "The Politics and Ethics," p.31.

46 Deng, The Secretary General's Special Representative, articulated his approach in a number of publications. Deng, Francis M., *Protecting the Dispossessed: A Challenge for the International Community* (Washington DC: Brookings, 1993); Deng, Francis M., at al., *Sovereignty as Responsibility*, (Washington DC: Brookings), 1995.

47 This new understandings raises an important moral question about the other side of the coin: responsibility of the other states to intervene to halt humanitarian crises. This imposes significant limitations on the external sovereignty of powerful outsiders; i.e. they cannot remain silent to human suffering elsewhere. A good moral philosophical argument that there are specific limits to states' right to ignore the ill-treatment of residents within the territories of other states can be found in, Shue, Henry, "Limiting Sovereignty," in Welsh (editor), *op.cit.*, pp.11-28.

48 However the criticism that these new developments undermine the existing rights of democracy, i.e. sovereign equality, and self-government preserved in the UN Charter framework did not disappear. This was mainly raised by neo-left, and liberal left. For a strong argument to that effect, see: Chandler, David, "New Rights for Old? Cosmopolitan Citizenship and the Critique of State Sovereignty," *Political Studies* (Vol.31, 2003), pp.332-349; another strong criticism against 'sovereignty as responsibility' was raised by Ayoob due to its undermining impact on international society. Ayoob, Mohammed, "Humanitarian Intervention and International Society," *International Journal of Human Rights* (Vol.6, No.1, 2002): pp.81-102.

49 Wheeler, employing international society approach and constructivism, provides a powerful analysis of the emergence of this new norm: Wheeler, "Humanitarian Responsibilities," pp.32-41;

also see his Wheeler, *Saving Strangers* (Oxford: Oxford University Press, 2001).

50 As noted by Wheeler, reinterpretation of existing principles and justifying new practices on the basis of their conformity with the prevalent norms is a central theme in the constructivist account of norm creation and diffusion. Wheeler, "Humanitarian Responsibilities," p.32.

51 Even his notion of common interest, which is one of the instruments of maintaining order, implies a sense of common interest in the elementary goals of the international society.

52 Keohane also argues for unbundling the concept of sovereignty for the establishment of legitimate authority after intervention. Non-Westphalian conceptualizations of sovereignty need to be developed. Keohane, Robert O., "Political Authority after Intervention: Gradations in Sovereignty," in Holzgrefe and Keohane (editors), *op.cit.*, pp.275-298.

53 International administrations / protectorate.

54 This qualifications are also the basis for further criticism for the new practice of interventionism. Chandler calls it replacing sovereign equality with cosmopolitan 'sovereign inequality." Chandler, *op.cit*, p.343.

55 Holzgrefe, *op.cit.*, pp.25-28.