

THE SOLIDARIST DISCOURSE AND HUMANITARIAN INTERVENTION. REVISITING SOVEREIGNTY, RESPONSIBILITY AND MORALITY IN GLOBAL POLITICS

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Abstract: *The post-Second World War international order was based on the idea of order among states, as embedded in the United Nations' system. This principle shaped state behaviour with respect to the sanctity of sovereignty and the rule of non-intervention in states' internal affairs. However, the promotion of human rights at home and abroad ran parallel, as secondary principle of the UN system, and centred on justice within states. For a long time, order among states (meaning absence of inter-state armed conflict and non-intervention in state's domestic affairs) and promotion of justice within states (meaning the need to promote human rights as global responsibility, even if this infringes upon state sovereignty) were perceived as mutually exclusive. This paper tackles solidarism and humanitarian intervention and analyses the core arguments of the solidarist discourse. By revisiting the concept of state sovereignty, solidarists try to reconcile the tension between order among states and justice within states. Building on moral and legal arguments, solidarism tries to shape state behaviour in international politics by drawing attention to the global responsibility to protect. Methodologically, the underlying research question is: what are the main pillars of the solidarist discourse with respect to humanitarian intervention?*

Keywords: *solidarism; the English School; humanitarian intervention; human rights*

1. INTRODUCTION

The main goal of this article is to present and analyse the pillars of solidarism in world politics with respect to humanitarian intervention. The contrast between two historical periods is envisioned here (the Cold War era and the post-Cold War period) in what falls under legitimate state practice.

Discourse analysis entails a variety of approaches and methodological or analytical tools (Corpădean, 2013a; Corpădean 2013b; Mureșan, 2015; Corpădean 2015; Pop-Flanța, 2015). In this article, the solidarist discourse will be tackled as one built around chief arguments pertaining to moral imperatives for humanitarian intervention, legal grounds for humanitarian-driven action and global responsibility for human rights protection.

The article is divided into two main parts. The first one is further subdivided into two different sections: one will dwell on humanitarian intervention, by defining it and explaining its core features, whereas the second one will outline the main tenets and beliefs of the English School in the

field of International Relations (or the International Society School). The second part will detail and analyse the main arguments of solidarism with respect to the re-interpretation of sovereignty (namely sovereignty as responsibility).

2. SOLIDARISM AND HUMANITARIAN INTERVENTION. CONCEPTUAL APPROACHES

2.1 Defining humanitarian intervention.

Defining humanitarian intervention has been a chief endeavour and, by now, this is based on systematic empirical research and solid conduct of documentation. English School scholars have been preoccupied with the international society of states, high degree of order among states, and the role of norms in regulating state behaviour. R.J. Vincent defined intervention in his seminal book *Nonintervention and International Order* as follows:

Activity undertaken by a state, a group within a state, a group of states or an international organization which interferes coercively in the

domestic affairs of another state” (Vincent, 1974:13).

Vincent’s definition from the early 1970’s exposes a key feature of international order during the Cold War period and a stringent necessity in inter-state relations, namely the rule of non-intervention in the domestic politics of states, which is the corollary of state sovereignty. Consequently, intervention was traditionally regarded as violation of state practice and international law, as a controversial action.

According to Weiss and Hubert,

the definition of ‘humanitarian’, as a justification for intervention, is a high threshold of suffering. It refers to the threat or actual occurrence of large scale loss of life (including, of course, genocide), massive forced migrations, and widespread abuses of human rights. Acts that shock the conscience and elicit a basic humanitarian impulse remain politically powerful” (Weiss; Hubert, 2001:15). According to Michael Walzer, “humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts that ‘shock the moral conscience of mankind’ (Walzer, 2006:107).

Scholars like J. L. Holzgrefe and Allen Buchanan provide a definition which includes the act of humanitarian relief and which clearly mentions the preoccupation for human rights associated with such practice: “[Humanitarian intervention] is the threat or use of force across state borders by a state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals others than its own citizens, without the permission of the state within whose territory force is applied” (Holzgrefe, 2003:18; Buchanan, 2003:130). A further clarification is provided by Holzgrefe, by stating that this operational definition is meant to deliberately exclude other types of engagement occasionally associated with the term: “nonforcible interventions such as the threat or use of economic, diplomatic, or other sanctions, and forcible interventions aimed at protecting or rescuing the intervening state’s own nationals”; the purpose of this differentiation is meant to tackle the issue of “whether states may use force to protect the human rights of individuals other than their own citizens” (Holzgrefe, 2003:18).

There are specific characteristics of humanitarian-driven acts, such as the ones discussed in this article, and all fall under the umbrella of *forcible humanitarian intervention*.

Therefore, the definition provided by Jennifer M. Welsh is here considered accurate: humanitarian intervention entails “coercive interference in the internal affairs of a state, involving the use of armed force, with the purposes of addressing massive human rights violations or preventing widespread human suffering” (Welsh, 2004: 3).

Consequently, in this article, humanitarian intervention is understood as joint actions undertaken by a group of states or by an international organization, such as the United Nations, within the boundaries of another state with the purpose of ending human rights violations associated with humanitarian emergencies.

2.2 Solidarism and the English School.

Pluralism and Solidarism are two conceptions developed by the English School in the field of International Relations. The English School (also referred to as the International Society School or the British institutionalists) designates a group of scholars (not all of them English, but all of them studying and publishing in Great Britain) whose main preoccupation revolved around *the society of states* or *the international society*, as opposed to the international system (as understood by Realism and Neorealism in International Relations).

The English School thinkers are Hedley Bull, Martin Wight, Adam Watson, James Mayall, Robert Jackson, R.J. Vincent, Tim Dunne, Nicholas Wheeler and others. Their most important tenet is that the international system of states is embedded in a society of states which encompasses norms, values, rules and institutions, all acknowledged and accepted by states and all of which enable the functioning of the system (Ruggie, 1998:11-28; Neumann; Wæver, 2005:41-70; Wheeler, 2003; HerȚa, 2012:9).

According to Hedley Bull,

a system of states (or international system) is formed 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 [...]. A society of states (or international society) exists 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 (Bull, 1977:9-10, 13).

In 1966, Hedley Bull published the essay called “The Grotian Conception of International Society” in which he distinguished between two conceptions of international society: pluralism and

solidarism. The central assumption of solidarism is “the solidarity, or potential solidarity, of the states comprising international society, with respect to the enforcement of the law.” In contrast, pluralism claims that “states do not exhibit solidarity of this kind, but are capable of agreeing only for certain minimum purposes which fall short of that of the enforcement of the law” (Bain, 2018:1). As shown by Hidemi Suganami, one key component of the “pluralism/solidarism divide” revolves around the issue of humanitarian intervention, namely

whether the society of sovereign states should accept the practice of unilateral military intervention as a legitimate response to massive violations of human rights by a regime against the people it governs” (Suganami, 2010:25).

The pluralist conception rejects the legitimacy or legality of this practice in inter-state relations whereas solidarism focuses on both moral and legal arguments to support such practice in world politics.

During the Cold War period, pluralism prevailed in the international system and order among states, based on sovereignty and non-intervention in states’ internal affairs, was considered the most effective way to dissuade inter-state warfare. However, the 1990s brought along new challenges for (human) security, but also witnessed the transformation of war (with civilians being the targets and ethnic cleansing as main strategy). Humanitarian interventions in northern Iraq (1991-1992), Somalia (1992-1995), Bosnia-Herzegovina (1992-1995), the genocide and failed intervention in Rwanda (1994), all spurred a new debate revolving around pluralism-solidarism, with many scholars arguing for forcible humanitarian intervention triggered by human rights abuses and humanitarian crises. As such, solidarism was widely revisited and supported.

3. THE SOLIDARIST DISCOURSE. REVISITING SOVEREIGNTY, RESPONSIBILITY AND MORALITY IN GLOBAL POLITICS

The bulk of the solidarist arguments centres on the preoccupation for human rights, for individuals, perceived as key subjects in international law, rather than for states and their rights. Wheeler asserts that

solidarism is committed to upholding minimum standards of common humanity, which means placing the victims of human rights abuses at the

centre of its theoretical project, since it is committed to exploring how the society of states might become more hospitable to the promotion of justice in world politics (Wheeler, 2003:37).

Solidarism basically posits that humanitarian intervention is legally permitted and morally imperative (Herța, 2013:18). In what follows, I will present and analyse the main pillars of the solidarist discourse in terms of sovereignty, responsibility, and morality in world politics.

One strong argument of the solidarist discourse is centred on the notion of sovereignty. In short, solidarism revises the essence of the concept and discusses the sovereignty as responsibility. The International Commission on Intervention and State Sovereignty (ICISS) was established at the UN Millennium Assembly in September 2000. It was launched at the initiative of the Canadian government and in 2001 it issued the Report entitled *The Responsibility to Protect* (Evans, 2008:38-39) and a supplementary volume of research essays, bibliography, and background material, edited by Thomas G. Weiss and Don Hubert. *Ab initio*, the International Commission on Intervention and State Sovereignty set out three pivotal goals:

1) to promote a comprehensive debate on the issue of humanitarian intervention; 2) to foster a new global political consensus on how to move forward; and 3) to find new ways of reconciling the principles of intervention and state sovereignty (Welsh, 2002: 510).

At this point a contextual clarification is in order, since it helps us understand how the responsibility to protect (R2P) was coalesced. The post-Cold War order was no longer challenged by the conventional inter-state aggression (with the exception, of course, of Iraq’s invasion of Kuwait), but rather by internal conflict and intra-state turmoil that grossly and shockingly affected civilians, shifting the *locus* of the violence from the military sector to the societal one. Cases like Somalia, Bosnia, Rwanda, Burundi, Kosovo, DR Congo, Sierra Leone, Darfur are all illustrative in this respect, but also they point to the failure of the international community to prevent the atrocities and the human suffering.

During the Cold War era, the right to intervene was at the heart of the debate, but gradually the centrepiece of the debate changed over the 1990s, thus providing a positive context for the emergence of R2P. The realities of intra-state wars (or civil wars) in the 1990s displayed ethnic cleansing,

child-soldiering, famine, human displacement, brutality against civilians. Therefore, the right to intervene in such shocking and extraordinary situations became a legitimate response to human rights violations and to human suffering.

Chantal De Jonge Oudraat observed that

unlike in the early 1990s, the debate at the end of the decade focused not on the question of whether humanitarian considerations could be characterized as ‘threats to international peace and security’ and thus justify intervention in states’ domestic affairs, but rather whether such interventions needed the authorization of the UN Security Council” (De Jonge Oudraat, 2000:419).

It is against this background that the responsibility to protect (R2P) emerged and, as emphasized by Evans, it indicated “the solution” and the transition from the right to intervene to interventions dictated by and aiming at the responsibility to protect. The R2P was inherently related to new security issues, such as intra-state warfare (ICISS, 2001:4-6), to new threats in a globalized world, such as non-state actors, the salient issue of refugees or internally displaced people/IDPs, human security (Kaldor, 2007; Thakur, 2006), failed states or, as William Zartman called them, collapsed states (Zartman, 1995).

As stated in the ICISS Report, the responsibility to protect is based on certain core principles:

- A. State sovereignty implies responsibility, and the primary responsibility for the protection of its people lies with the state itself.
- B. Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention yields to the international responsibility to protect (ICISS, 2001: XI).

Moreover, according to the ICISS Report,

The foundations of the responsibility to protect, as a guiding principle for the international community of states, lie in:

- A. obligations inherent in the concept of sovereignty;
- B. the responsibility of the Security Council, under Article 2(4) of the UN Charter, for the maintenance of international peace and security;
- C. specific legal obligations under human rights and human protection declarations, covenants and treaties, international humanitarian law and national law;

D. the developing practice of states, regional organizations and the Security Council itself (ICISS, 2001: XI).

The emerging norm states that, as a last resort, the international community or the states within it are legitimized in employing military force against another state with the purpose of saving endangered civilians. This right, it is argued, derives from a shift in conceptualizing sovereignty in world politics, namely from “sovereignty as authority” to “sovereignty as responsibility.” The huge difference is that while the former refers to states’ control over their territories and population, the latter “suggests that sovereignty is conditional on a state demonstrating respect for a minimum standard of human rights” (Welsh, 2002:510-511). This assertion is also taken by others in order to pinpoint to the limits of sovereignty, as inherent in the UN Charter:

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According to Chapter VII, sovereignty is not a barrier to action taken by the Security Council as part of measures in response to ‘a threat to the peace, a breach of the peace or an act of aggression’; in other words, the sovereignty of states, as recognized in the UN Charter, yields to the demands of international peace and security. And the status of sovereign equality only holds effectively for each state when there is stability, peace, and order among states (Weiss, Hubert, 2001:7).

In conclusion, solidarism focuses on states’ ability and, most importantly, states’ willingness to respond to human rights violations and to human suffering. Basically, the belief is that states cannot by-stand genocide and massive human rights abuses and are ready to support human rights domestically and abroad, even if this entails the

revisiting of sovereignty. The main arguments of the solidarist discourse are built around moral imperatives (Pantea, 2013), legal grounds (since most states have signed international treaties and conventions regarding the promotion of human rights) and the need to attach responsibility (for human rights protection) to state sovereignty. The underlying context is centred on a globalized world in which international order (or international peace and security for that matter) are best protected by absence of intra-state warfare and humanitarian emergencies, because spill-over effects of such internal armed conflicts would destabilize entire regions and would ultimately pose a serious threat to international peace and security. Therefore, the solidarist discourse does not tackle order among states (meaning absence of inter-state armed conflict and non-intervention in state's domestic affairs) and promotion of justice within states (meaning the need to promote human rights as global responsibility, even if this infringes upon state sovereignty) as mutually exclusive, but rather as congruent goals of the international society of states.

4. CONCLUSIONS & ACKNOWLEDGMENT

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