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The Normative Divide in International Society: Sovereignty versus responsibility

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ABSTRACT

This paper argues that international society is characterized by two major, global tendencies of normative significance: an increasing political, economic and social interdependence, and a deep controversy between a sovereignty norm of non-intervention and a responsibility norm calling for transnational action to protect people across borders. The background for this tension should be found in history; in the Westphalian international system, and the traditional cosmopolitanist approach, respectively. Because of the rising level of interdependence, this battle between norms is played out on a broad field of international issues from security and humanitarian intervention to trade talks and economic development. Since the end of the Cold War the East-West divide has been substituted for a division between a North-West side acting upon a universalist, rights-based norm, and a South-East side defending sovereignty and pluralism. Some in the latter camp tend to regard humanitarian concerns of the North-West as a smoke screen for hegemonic, economic and strategic interests. In order to overcome this new division, both the sovereignty norm and the cosmopolitanist aspirations may have to be redefined through new ways of thinking legitimacy in international society.

INTRODUCTION

Since the end of the Cold War stalemate the "international community" has increasingly been called upon to intervene in conflicts and halt human rights violations, or to restore order and pave the way for democratic institutions and development in failed or weak states. The question is, what exactly is meant by this term "international community". It connotates the existence of certain common norms and presupposes a consensus behind the actions to be taken. But even if globalization has made all actors of international relations, state and non-state, more interdependent, and a multipolarization of world politics has opened up new frontiers in the international system, there still is a deep and general conflict of norms in international cooperation. That is the conflict between a norm based on state sovereignty with its principle of non-intervention, and a norm based on the idea of a transnational responsibility to "save strangers" (Wheeler 2000) across borders. Played out on a wide range of issues of international relations from human rights to climate change, this normative controversy often constitutes the main obstacle to the attempts to build consensus and establish "global governance". This paper is an expository, historical analysis of this main normative controversy in international relations, and the question of global injustice involved.

In the definition of UN historian Thomas G. Weiss (2006) global governance is "the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which collective interests on the global plane are articulated, rights and obligations are established, and differences are mediated." One particularly elaborated articulation of the responsibility norm caring for the "collective interests on the global plane" is the Responsibility to Protect (R2P) initiative, adopted by the UN General Assembly in 2005 (ICISS 2001; Ban 2009). Following the "too late, misconceived, poorly resourced, poorly executed" (Evans and Sanhoun 2002) humanitarian interventions in Somalia, Rwanda and Bosnia in the 1990's an independent international commission was set up to develop a "global political consensus" for reconciling sovereignty and intervention for human protection (ICISS 2001). Sovereignty, the core concept of the modern, "Westphalian" international system, has increasingly been contested in the last decades and is a key issue in the scholarly discipline of International Relations (IR). World politics and international relations is no longer so evidently a nation-state affair, and one significant reason for this shift in focus and conditions is the evolving human rights regime. The notion that all individuals have rights by virtue of their very humanity has been asserted against the interest of the state, and together with globalization this fast growing rights discourse is the most striking change in international relations since 1945. In a famous speech former UN Secretary General Kofi Annan (1999) argued that state sovereignty, "in its most basic sense, is being redefined – not least by the forces of globalisation and international co-operation. States are now widely understood to be instruments at the service of their peoples, and not vice versa."

The prerogative of the state(s) is otherwise quite clearly spelled out in the UN Charter, according to which neither states, Article 2(4), nor UN itself, Article 2(7), has any right to "intervene in matters which are essentially within the domestic jurisdiction of any state." Not surprisingly, thus, a current key issue in the study of international relations (IR) is the changing concept of sovereignty in light of the supposed strengthening of norms of international humanitarian intervention to protect people across borders, and the interpretation

of the provisions for such actions in the UN Charter, mainly the UN Security Council's obligation to "maintain international peace and security" (Chapter VII of the Charter). According to the responsibility norm gross violations of human rights in one state should prompt common action – a humanitarian intervention – by (the) others. Seen from the perspective of weak Third World states in a world of economic and social inequality sovereignty is a recognition of their equal worth. To have their sovereignty "redefined" by stronger powers may simply mean coercion under a new label. Thus, as "recipient" states of humanitarian action often are in the South or the East, and the acting states tend to be in the North and West, the sovereignty-responsibility normative divide turns into a division between a state sovereignty defending South-East and a human rights responsibility proponing North-West. Therefore, South-East states end up being the most vehement defenders of a state sovereignty principle that was invented by the North-West. But as these states recognize their political and economic weakness in the world order, they try to "shore up their lack of effective political power by articulating their position in normative terms" (Brown 2002).

Thus, resistance towards breaches of sovereignty on humanitarian grounds could be seen as the South-East trying to ensure their position in negotiations and put pressure on the North-West in the on-going struggle against global economic and social inequality. Instead of providing a framework for breaching the sovereignty of weak states, it is argued, action based on an international responsibility norm should rather address poverty and ensure economic and social development in these states. As eradication of poverty and more global economic and social equality is specifically in the interest of the developing countries, a defence of the traditional sovereignty norm here goes hand-in-hand with a traditional national interest-based advocacy for global social justice, which tends to be seen by the South-East as more important than universal political (human) rights. Hence, the strong rejection by the G77 group of development countries in the UN of any "imposition of laws and regulations with extraterritorial impact"(G77 2009). Hence, the same countries unwillingness to accept any international deal that is seen to put principles of international reciprocity before the eradication of global injustice in the "Doha Development Round" of the World Trade Organization (WTO) or the recent Cop 15 Climate Change Conference. A perception of a global social injustice seems to persist, notwithstanding the range of agreements and measures to fight poverty evident in International Covenant on Economic, Social and Cultural Rights from 1966, The Declaration on the Right to Development from 1986, the UN Millennium Declaration from 2000 with the resulting Millennium Development Goals, and the most recent, the Convention of the Rights of the Child signed by 192 states, all of which articulate a clear consensus against global poverty. The history of how this global inequality and injustice developed is of course closely connected to the history of the development of international relations. Therefore, also the sovereignty-responsibility controversy is framed by this history, and the perceived global injustice will continue to hamper its solution. Further complicating the matter is a plenitude of cultural, religious and other issues that will halt any universalist attempt to govern and exercise responsibility internationally.

In terms of international theory, the question is whether it is possible to bridge between the Realism (an IR school of thought) of the traditional sovereignty norm and the Cosmopolitanism (another IR tradition) or utopianism of the responsibility norm. A *via media* of this kind is somewhat constituted by the notion of the existence of an "international so-

ciety", a concept within the so-called "English School" of IR. In the English School literature (for an overview, see Buzan 2004) the relationship between human rights and sovereignty, as reflected in international law and norms, play a primary role in establishing international order. The concept of international society is seen as one out of three continuously coexisting elements, each of which has *prima facie* force in the different traditions of IR often codified as Realism (beginning with Machiavelli and Hobbes), Rationalism (Grotius), and Revolutionism (Kant). Realists focus on the anarchy of the "international system"; Rationalists emphasize the institutionalisation of shared interests, norms and rules in the "international society", and Revolutionists hold a cosmopolitanist view that puts individuals and ultimately the global population as a whole at the centre of the "world society".

The classic English School definition of international society goes: "a group of states (or, more generally, a group of independent political communities) which not merely form a system, in the sense that the behaviour of each is a necessary factor in the calculations of the others, but also have established by dialogue and consent common rules and institutions for the conduct of their relations, and recognise their common interest in maintaining these arrangements" (Bull and Watson 1984).

The problem with the English School concept of international society is that it is rather thin, and that its approach does not offer a more comprehensive analysis of the entanglement of the different issue clusters of world politics. Globalisation and the global governance ambition have only made this kind of analysis even more pertinent. (This lack of comprehensiveness is something the English School shares with IR theory as a whole, and one obvious reason is of course the complexity of the matter.) Buzan (2004) has suggested a re-articulation of English School thinking that considers a much wider range of contemporary dynamics of global politics by examining forms of capitalism, globalisation and regionalism. In the following, I will use the term international society in this broader sense to include several aspects of international cooperation and to designate a complex, globalised network of states, international organisations, NGOs and corporate actors often termed "the international community" and used in the media and elsewhere interchangeably with other terms such as "world society" or "global society".

In this complex network states are driven by a plenitude of often contradicting interests, regional concerns, and international standards of conduct on a wide range of intersecting fields from security and economics to ethnicity and religion. Political institutions and organizations are no longer understood as self-enclosed spaces, but rather as "complex structures of overlapping forces, relations and networks" (Held and McGrew 2002). The expansion of global communications networks, particularly the Internet, and production chains expanding beyond national boundaries, and the trading of "electronic money" in global networks of exchange, add to the interdependence of the political units of the world. In the current financial crisis global markets dwarfed the capacity of states to cope with recessions and financial movements (Duncan 2009). Cross-border human rights abuses, environmental degradation, security, migration, and pandemics are beyond the capacity of individual states to manage.

On the other hand, conventional IR wisdom has it that as international society is lacking a superincumbent authority, this "society", therefore, compared to the domestic society of the nation-state, is best described as an "anarchy" (Bull 1977). The failure of the international society to act on the tragic events of Rwanda in 1994, for example, or the foot-dragging in addressing climate change, indicate that inter-

national society is still made up of states that will put sovereignty before the global common good expressed in terms of universal human rights.

Below I will briefly outline the history of the idea of international society, and the "clash of universal norms" in terms of sovereignty versus responsibility that followed its development. I find four historical reasons why the main normative controversy of international cooperation is connected with questions of inequality and injustice. (1) State sovereignty reflecting a European and later Western hegemony. (2) Ideas of diplomacy, balance-of-power, dynasticism and civilization dominate instead of cosmopolitanist notions of universal justice. (3) Adherence to economic liberalism being a precondition for membership of legitimate political systems world club. (4) Europe imposing its global international society on existing regional international societies. Finally, I sketch some of the directions the bridging between sovereignty and the responsibility sides – or the pluralist/solidarist divide (Wheeler 2000) – may take.

A long scholarly tradition found that it was because Europeans shared a common "civilization" of norms and values that they were able to construct international society after the medieval religious unity had been shattered. Voltaire thus saw Europe as "a sort of great commonwealth petitioned into several states". Precisely this legacy – the very norm of a universal common good underpinning an international society made up of states – constitutes the normative conundrum of the current status of international cooperation.

A VERY SHORT HISTORY OF INTERNATIONAL SOCIETY

It is customary to characterize international relations of the modern world as a "Westphalian system" as the modern system of sovereign states with its international conferences, and later international organisations, began to take shape with the signing of the peace of Westphalia in 1648. In fact, the idea of a society of states existed well before the notion of a states-system of mutually independent states who recognize each other's territorial sovereignty – the modern system – was developed (Keene 2002). In the main work of one of the first to suggest how the binding force of the law of nations can be upheld in an anarchic international society, the Dutch lawyer Hugo Grotius' *De Jure Belli ac Pacis* (1625) both the states system and ideas of divisible sovereignty are explored. Although the system of independent units was hailed by the great powers of Europe, and made instrumental through the growing diplomacy to an increasingly global "lock-in" situation, another strain of international thought critical of this status quo continued to exist.

Grotius argued that natural law allows intervention to protect innocents, and allowed for the possibility of a sovereign using force to punish crimes, even if committed by another sovereign against his own people on his own territory (Walzer 1977). These thoughts are part of the cosmopolitanism of the Enlightenment that inherited its concept from the Hellenic philosopher Diogenes the Cynic, who described himself as a *cosmopolites* (citizen of the world), and the Stoics, reacting on the decline of the polis in first the Macedonian and later the Roman Empire. As the feudal, overlapping sovereignty of the *respublica christiania* in the Middle Ages gave way to the Machiavellian particularistic republicanism of the Italian Renaissance, the two main positions of international relations ever since were established. The Realist tradition could base its realism in the "concrete life of the state" (Hegel) in the Westphalian order with its later key working principles of the generic raison d'etat inwards, and the balance of power outwards, whereas

idealists/rationalists/cosmopolitanists tend to regard the society of states as a poor kind of substitute for a proper society of all human beings (Brown 2002). Instead, cosmopolitanists put faith in Kantian universal morality and justice based on international law. Kant's cosmopolitanism takes up the proposal of Abbé de Saint-Pierre for a perpetual peace (1713) arguing that the domestic rule of law must be extended to the relations of states (Kant 1983 [1795]). In his refutation of Hobbes' view that the international "state of nature" can be mitigated by the states in their splendid isolation, Kant is not, however, opting for a world republic, as this would be unmanageable. The international order shall be based on a federation of free and just states, which abolish war amongst them, and on a universal "hospitality", meaning that a stranger has a right not to be treated with hostility. This right is quite limited in Kant; it does not include for example the right of asylum. Bentham, who coined the word "international", applied his general philosophy of utilitarianism on international relations, and found that the system of multiple sovereignties would help maximizing utility as every state looked after its own interests, the general good of all states would be served. Nineteenth century German romantic, nationalist critique of cosmopolitanism combines the quest for national self-determination with the idea of a need to be part of a community. In Hegel the role of the state is to reconcile competing individuals, so they can develop their true individuality in freedom, and in the same way states will develop in a world of other states.

International society evolved with the domestic political evolution from the medieval and early modern world, in which political authority was attached to the body of the monarch, to the individual freedom and human rights of the modern civil society. Modernity may be seen as decoupling authority and sovereignty from the limits imposed by caritas (love for thy neighbour), outlined in divine and natural law (Watson 1992). The Treaty of Westphalia was reinforced by legal thinkers like Bodin, who claimed that sovereign states were patterned on "the image of God" and that a prince could behave as he chose so long as he did not intervene in another prince's territory (Bodin 1576). The sovereignty norm was based on Machiavelli and Hobbes. The latter argued that there could be no law where there is no state. Since there is no superior state to sovereign rulers in the international realm, the notions of right and wrong, justice and injustice, have therefore no place here. In political philosophy writ large as History with capital H, individual freedom and state sovereignty became two sides of the same coin. The idea of an international society mirrored the idea of a history of development from natural to positive law, from dynasticism to democratic or popular sovereignty, and from Christian to European civilization.

When the modern Western world industrialized, and as part of that process globalised, during the second half of the nineteenth century and the first half of the twentieth, the system of sovereign states was firmly in place, and the nationalist sentiments and economic struggle of the great powers leading to the two world wars, as well as the idealist internationalism of Wilson and the League of Nations, were played out on this background. The thesis behind the idealist policies that during the Versailles peace conference in 1919 led to the establishment of the League of Nations, was that the balance of power system could not provide international security. The League of Nations was indebted to Kant, and after its failure internationalist norms of democracy and national self-determination were to be seen as dangerously naïve in dealing with non-democratic regimes like Hitler-Germany and the Soviet Union. Thus an interventionist universalism promoting de-

mocracy pressed back the cosmopolitan tradition (Carr 1946).

The idea of restraining rulers through (human) rights is inherited from Greek universalism, Roman Law and the Christian notion of "natural law". This tradition has it that natural rights accrue to people simply by their being human. Natural law recognizes the right to use force to uphold the human community and protect innocents from unjust injury (Nardin and Mapel 1992; Bellamy 2004). In the Middle Ages when this moral standard emerged it was not perceived as a theory, but something that can be discerned by applying reason to human affairs (Finnis 1980). Thereby rights are generated that are not justified by any particular state and its legal system or limited to any time or community; they are practical, universal, and "natural". At the same time in Europe a legal tradition of human rights emerged that sees individuals possess rights because they are citizens of a particular state where the law of that state endows them with these rights, like any other of the laws of a particular state and enforced in the same way (Brown 2002). In today's international society there is still no clear distinction between rights as universal moral standards, and rights bounded to the system of so-called "positive" law of each state. The Universal Declaration of Human Rights of 1948 came about with reference to universal human rights in the UN Charter and in response to the atrocities of Nazi Germany during the Second World War. The declaration and the norms and moral standards underpinning it are clearly Western, and in many cases repeated or reflected formulations in Western positive law. At the time, the only objections came from South Africa (on race), the Soviet Union (on property rights), and Saudi Arabia (on the freedom of religion). Later the notion of Asian Values has constituted a major alternative paradigm to the Western human rights discourse.

Another line of thought going back several centuries sees free trade as the main peacekeeper of the world, as the increased communication and interaction and the resulting prosperity would render war unwanted, and even in the end, obsolete. This view was expanded with notions leading to the "democratic peace theory", which asserts that democracies tend not to go to war with each other, and thus international politics after the Second World War became framed in the joining of economic liberalism with a political liberalism of quite another tradition. As the Third World did not take part in the first industrialization, the globalised modernization of the second half of the twentieth century excluded the poorest countries once again, and this global inequality has become a major obstacle to the functioning of the international society. The parallel advent of a political structure, the foundation af the United Nations, and its economic equivalent in the Bretton Woods institutions, increasingly framed the development assistance and other relations between developed and developing countries in a given norm, connecting economic interests of the Western powers with the international political agenda successfully defined by these powers led by the United States.

During the Cold War the principle of non-intervention reigned. The crises and the wars in the former colonies, in Algeria, Vietnam, Congo, Cuba, Nigeria (Biafra), Pakistan during the sixties and seventies, witnessed to this. Any intervention, even the sanctions against the apartheid regime in South Africa were justified on the grounds that the situation constituted a "threat to international peace and security". Sovereignty ruled also because of the Westphalian system simply expanded with the independent countries of the Third World. They inherited Western administrative structures and adopted the Westphalian states system although it was not particularly appropri-

ate to the social circumstances in which most of them found themselves. But with the end of the Cold War a new situation emerged, in which human rights abuse could be treated in its own terms rather than as part of the contest between the blocks, and this obviously strengthened the human rights discourse and practice. At the same time, organizations fulfilling the fast growing international aid programmes often experienced difficulties obtaining approval of the host governments. Thus, during the 1990's frequent calls for humanitarian action were met by a changed attitude. It was increasingly perceived as legitimate for the international society to intervene in the domestic affairs of a state solely on humanitarian grounds. A "solidarist" rather than a "pluralist" conception of the international seemed to be emerging (Wheeler 2000) although more so in the North and West than in the South and East.

Many, especially amongst the public in the North and West seem unready to accept atrocities they are made aware of by the world-wide news media. As these atrocities in many cases have taken place in Africa or South Asia – Bosnia and Kosovo being the notable exception – humanitarian concerns of the international society often seem directed towards South-East. The international system has reflected a European and later North-Western hegemony in its entire development. Europe imposed a global international society on a previously existing "system" of several regional international societies each reflecting a local culture (Bull and Watson 1984; Watson 1992; Buzan and Little 2000). The international society emerged around European ideas of diplomacy, balance-of-power and civilization, and to many in the South-East values such as the 19th Century idea of "standards of civilization" continue to form the North-Western views of the universal common good. To many in the South-East the idea of taking responsibility for the common good would then somehow indicate that the actor sees himself as co-responsible for the unjust developments in the system. Therefore, a pluralist view defending political and social diversity against a universalist human rights regime and its responsibility norm has a strong resonance among developing states policy makers. Likewise, North-Western values still tend to inform the more powerful institutions of international society. Thus, an unfortunate division of labour has developed, in which international society institutions dominated by their majority of developing countries, in particular the UN General Assembly and some of the agencies, tend to indulge in lengthy cosmopolitanist discourses on the need for global social justice, while others, such as the World Bank, the G20 and the WTO, and to some extent the UN Security Council, dominated by the North-West, run the business. Further, economic liberalism reflecting the interests of the North-Western powers has been paired with the political tradition of democratic values, and access to the world markets, development aid, loans from the World Bank etc. presupposes adherence to North-Western democratic values. China has now quite bluntly disconnected the two, and this dissident attitude seems to be welcomed by many of the developing countries that China invests in without any mentioning of human rights. All in all, to some extent the East-West divide of the Cold War may have been substituted for a division between the North-West proponing the responsibility norm, and the South-East defending the sovereignty norm.

For centuries the political and economic international order developed in accordance. Thus, the Westphalian state is an economic as well as a political unit, and earlier most economic activity was based within a national context. With globalisation economies are closely intertwined, transnational corporations control trade and the almost hyperreal net of financial transactions, and the capacity of the

state to control national as well as international activity is severely weakened. There seems to be an increasing mishap between the Westphalian sovereignty system and the modern world. Not only globalisation and the notion that individuals have universal rights is problematic within the Westphalian perspective. Also transnational networking towards a "global civil society" challenges the Westphalian order and all this taken together has made some suggest that we are now entering a "Post-Westphalian" era. Thus, on the one hand "The Westfailure System" (Strange 1999) could be seen as an obstacle to the realization of a more just and prosperous world, but on the other hand attempts to redefine sovereignty on the basis of a responsibility norm is being perceived by some as a threat to the right to self-determination.

SOVEREIGNTY VERSUS RESPONSIBILITY

Sovereignty's strength derives from its status as the institutionalisation of authority within mutually exclusive jurisdictional domains. As it legitimizes political communities on a specific territory, a definite fraction of the world, sovereignty seems almost a fact of nature. It is not, however, "a once-and-for-all creation of norms that somehow exist apart from practice […] indeed, once a community of mutual recognition is constituted, its members [….] may have a vested interest in reproducing it" (Wendt 1992). Contractual theories regard sovereignty as based on the autonomous wills of the people, but in fact sovereignty entails domination and violence both from the inside and the outside – over populations from the inside and from the outside in the "violence of limitation" of separation from the others in the interstate relations (Walker 2004). But sovereignty does not only organize the space of inside and outside, it also creates the legitimate international political subject, excluding the ungoverned space of failed or fragile states, while trying to reintegrate this space in the "normal" statehood framework.

As there is no authority or agency to govern sovereign states sovereignty seems to maintain its relevance. Even though globalisation and the human rights regime has a strong impact, and nation-state identities and behaviour increasingly are being shaped by international society, the lack of international enforcements mechanisms is still seen as undermining the effectiveness of the regime. Under the state sovereignty norm compliance is regarded as a matter for the states to decide. The cosmopolitan responsibility norm is based on the concern that the rights of individuals can not be guaranteed and global social justice can not be achieved if the sovereignty norm rules international relations. Thus, in order for the universal rights to be universally ensured international society must be ready to intervene in the domestic affairs of one of its members. Such "humanitarian interventions" has become one of the most controversial issues in international relations. Humanitarian intervention is at the center of the sovereignty-responsibility controversy, because it challenges the sovereignty norm head on.

With the interventions in Northern Iraq and Somalia 1991-3 international society for the first time explicitly intervened on humanitarian grounds. In Iraq the US-led Coalition established protected enclaves inside another state, and in Somalia a UN force for the first time in history was deployed without the approval of the host government. However, as the Somali mission ended with a disaster for the US forces, interest in committing troops cooled and the international society failed to prevent massacres in Rwanda and Bosnia. Partly on this background and partly due to pressure from the public a full-scale, armed humanitarian action was established in Kosovo in 1999 and in East Timor. Even if success in

most cases was limited, the general feeling is that the interventions of the 90's constituted something entirely new, and a right of humanitarian intervention was asserted by many states especially in the North-West (Wheeler 2000). (The US anti-terrorism discourse and coercion, and the wars in Afghanistan and Iraq have somewhat changed this picture, but not entirely.) Others – such as the new great powers China, Russia, India and Brazil together with most of the developing countries of the South-East – remain more reluctant. Politically, in the end it is still up to the UN Security Council to decide for or against interventions for humanitarian reasons under the responsibility norm. UN Security Council resolutions still constitute the "book of law" of international society.

International law may, however, begin to have its role expanded in the direction of becoming "real" law. Although three (US, China and Russia) out of the five permanent members of the Security Council has not yet ratified the treaty of the International Criminal Court (ICC), the sole emergence of this institution bears witness of the on-going movement of the border between the sovereignty and responsibility norms. The legal counterpart to the politically legitimized intervention is founded on the Just War tradition. The Iraq war debate reinvigorated the Just War tradition, at the heart of which lies the idea that, under certain circumstances, the resort to force might be justified as the lesser of two evils in order to restore peace and security. One obvious problem with this notion is the readiness to legitimize state violence on not-just-humanitarian grounds. (Too often "Just War is just war" as Nicholas Rengger has put it.) Another problem is the question of long-standing injustice. How to decide in which cases certain circumstances in the domestic affairs of particular states justify intervention? Under the sovereignty norm Just War means self-defence or helping another state to defend itself. In the R2P initiative's reformulation of humanitarian intervention as responsibility, however, it must mean more than that. In "new wars" such as the war (or intervention?) to fight al-Qaeda in Afghanistan combinations of justifications may be used. Under the general sympathy for the U.S. "right" of reacting to the September 11 attack immediately after the event, the UN Security Council resolution 1368 of September 12, 2001 legitimized the war in Afghanistan by regarding the terrorist attack in New York as "a threat to international peace and security" and combining it with the "inherent right to individual or collective self-defence" in accordance with the Charter's Article 51 (United Nations 2001).

Proponents of the responsibility norm face the problem that in some cases interventions may end up having a destabilizing effect instead of the opposite, as it may fire a revolt against alleged US-led North-Western hegemonic coercion. This can even include NGOs and other actors, as most non-state actors are based in the North-Western world and are reflective of North-Western values including the responsibility norm itself (Hurrell 2007). An international society based on "coercive solidarism" underpinned by "universal" values made in the North-West is not at all what cosmopolitanism is about, it is argued. Less controversial than humanitarian interventions are the UN peace operations that increasingly have a more regional base of the troops committed. The delicate balance of turning war-shattered or failed states into well-functioning, democratic entities without interfering too much in the domestic affairs of that state is the same, however (Bellamy and Williams 2004). Seen from the point of view of critics of the responsibility norm peace operations could become a global "riot control" orchestrated by the great powers to deal with the flashpoints within a world order that is failing to provide security, welfare, and justice for a majority of human beings

(Pugh 2004). On the other hand these operations may in fact be the only feasible route to empower international society, and thus have called for the development of an emergency peace service to protect civilians and capture war criminals, redesigning peace operations to a genuine "cosmopolitan law enforcement" as the only way to maintaining stable international peace and security (Kaldor 1999; Woodhouse and Ramsbotham 2005).

Also in other areas of international relations have the clash of norms a background in the world order. In the case of the UN Cop 15 Climate Change Conference in 2009, solidarist norms of the North-West were repudiated by the South-East as China, and the G77 developing countries and their NGO advisers argued on the basis of a perception of a *general* international inequality and injustice. When the EU and the U.S. pushed a solidarist agenda, the answer was that the poor countries could not be expected to pay for the consumerism of the rich countries, thereby halting their own development. In the new alliance between China and G77 the sovereignty norm is not only a defense mechanism against allegedly hegemonic interests covered in human rights concerns, but also against an unjust world order "made" in the North-West.

Critics of liberal economic policies and the free trade regime of the WTO have argued that the much talk about human rights understood as political rights tends to overshadow the social and economic rights. On the other hand many commentators make it clear that development and freedom go hand in hand because political rights are crucial to economic success (Sen 2000). Social and economic rights are the focus of a special UN Covenant of 1966 and the recent "human security" paradigm that sidelines a "freedom from want" with the "freedom from fear" of the more traditional security agenda. In doing so the proponents hope to raise the poverty issue to the level of concern that security holds on the international agenda. Mostly, however, poverty has not been considered in the discourse of rights. Nonetheless, in recent years calls for international action have often included humanitarian disasters such as earthquakes or famines.

That the issue of poverty and global inequality has come on the cosmopolitanist agenda is a fairly recent phenomenon. In relation to international order it has risen in prominence in connection with the concern about the impact of globalisation on development countries. The idea that the international society has a responsibility to promote development in the poorer parts of the world could only emerge with decolonisation and effectively with the globalisation after the end of the Cold War. Third world states coupling of their demand for international distributive justice with their willingness to ensure action on other issues in the forums where they constitute a majority (such as UN and the WTO) is of even more recent date. Increasingly this agenda is recognized by the developed countries of the North-West. Some will argue that this recognition is still mainly a result of the economic and strategic interests of the North-West to win the markets and control the resources of the South, now even in competition with China of the East. Others suggest that globalisation and international networking has made it increasingly impossible to ignore the arguments based on the responsibility norm. At the same time, a more pragmatic and less ideological approach is thriving in the international aid industry as well as among donor governments and aid recipients – as reflected in the policies of The New Partnership for Africa's Development (NEPAD), (Nepad 2001). Either way, both the international discourse and practice seem to be changing.

The recent financial crisis has clearly demonstrated how the economic international society is both anarchical and characterized by

a high degree of interdependence. A combination of a deregulated financial market attracting an enormous surplus of capital, high risk lending, and real estate pricing bubbles in many countries at the same time, rapidly led to the worst, most integrated financial and economic crisis since the 1930s. Even coordinated efforts of world political leaders, ministers of finance and central bank directors could only limit the effects of the crisis on the markets, employment etc., not turn it around. One salient result of the crisis is that it has prompted many to suggest transnational regulation or at least control with the financial markets in order to avoid the negative effects of excessive risk-taking in financial institutions.

Whereas globalisation has facilitated the worldwide diffusion of the idea of universal human rights, and the economic and social transformations of globalisation have boosted big development economies like the Chinese and the Indian, this has not really changed the situation for the poorest development countries. The high level of inequality that persists in the international economic order is generally seen to be less tolerable than the lack of human rights standards in some parts of the world. This creates a certain mishap between the North and South in the interpretation of what international humanitarian responsibility means. The norms of the Westphalian system addressed traditional security issues, and it has proven difficult for both analysts and practitioners to find the right discourse to handle "new" security like food security or the "freedom from want" notion of the human security concept. Some has tried a morality approach, some a political, and others a pragmatic. The integration of political, rights-based, and economic and social approaches in international studies is still a quite limited affair, no doubt rather because of the complexity of the question than lack of interest. Without this discourse the universal aspirations of the responsibility norm will loose to the (national) interest based pluralism of the sovereignty norm. Many, especially within the English School, consider this integration necessary, few agree with Beitz (2000) that the interdependence of international society means that the problem of this world must be treated as though the world were a single society (Brown 2002). Global governance based on the responsibility norm and the cosmopolitan tradition, taking individuals as the ultimate members of international society, must be measured against the fact that sovereignty remains an attractive destination for many peoples (Walker 2002).

Obviously, the sovereignty versus responsibility nexus is not completely clear-cut. Failures of the international community with respect to humanitarian catastrophes in Cambodia, Somalia, and Rwanda even engendered an articulation of sovereignty as responsibility. A solidarist interpretation of international society, as the one inspiring the R2P initiative, sees states as "local agents of the common good" (Wheeler 1992; Tuck 1999), but where the state fails to provide for the good life, its "right to the protection of the norm of non-intervention should be called into question" (Wheeler and Morris 1996).

New forms of "unofficial diplomacy" consisting of civil, institutional and corporate authority, and a new space of social organization – a "global civil society" – using the Internet have developed to manage global processes. Also regional cooperation such as the European Union augments the authority of national governments. In some of these practices sovereignty appears as something contingent, regulated by intersubjective norms to which states must adhere if they are to be perceived as members of the international community in "good standing" (Weinert 2006). This perception is based on an alternative international legitimacy as it rests not just on force but on acquiescence. In democracies this is closely

connected to the ways political power is called to account. Thus, domestically as well as in the international public domain, this sovereignty is upheld to the extent that appeals to constituents. So, if this trend is strong, rule will increasingly be contingent on how well sovereignty is used to further not only the national interest but also the common goods of international society.

Visions of the common good are often formulated by non-state actors and in trans-national networks within communication, corporations, cultural exchange etc. Together with politicians' and diplomats' use of "the power of attraction" instead of coercion, these actors are involved in the exercise of "soft power" (Nye 2004). Through policies and practices visions of the common good inform perceptions of legitimacy, which call to account both domestic and international sovereignty practices.

An active foreign policy agenda based on the responsibility norm is often said to enhance the soft power of sovereign states. Norway and Canada are examples of this. With regard to the United States Michael Ignatieff has explained Canada's position like this: "[W]e have something they want. They need legitimacy" (Nye 2004). Whether this is true or merely wishful thinking, it suggests that states may use norms of humanitarian responsibility to enhance their own power. Rather than eroding state sovereignty cosmopolitanist practices can thus in fact strengthen legitimate actors' position. These actors are states as well as non-state. In the same view, intervention, when conducted with UN mandate, does not usurp the state and its sovereignty but supports it.

Other ways of "rescuing" the ones in distress and in need, than "Just War" interventions will probably have to be developed. A recurrent question is whether the UN Security Council should be the only body that can authorise the use of force for humanitarian purposes. Or alternatively, "are there substitutes for Security Council authority that can and should be invoked – both legally and morally – in cases where the Council is either unable (because of the power of the veto) or unwilling (because of the lack of majority support in the Council) to act to prevent or end mass atrocities" (Wheeler 2008). Given the dubious results of international humanitarian interventions, the general assumption seems to be that interventions should only be deployed in extreme circumstances; and tensions between the responsibility to protect as a residual obligation of international society, and a domestic majority will to repress a minority will continue to exist some time still. Nevertheless, the increased interdependence of globalisation will probably also continue to push the sovereignty norm and the responsibility norm to redefine each other.

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