Humanitarian Intervention and State Sovereignty: A Social Constructivist Analysis

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The many humanitarian interventions during the 1990s caused renewed debate about the extent to which the state-based order is changing and what the concept of state sovereignty means today. In general terms there are two principal schools of thought within this debate: the (neo)realist school and the idealist/neo-liberalist school. According to the realist view, sovereign states remain the primary building blocks of the international system. Sovereign states are viewed as the most important international actors, and the nation state is taken to constitute the basic reference point for our identities and loyalties. According to the idealist view, by contrast, humanitarian intervention, globalisation and the spread of human rights are seen as phenomena that are gradually changing the state-based order, replacing it with a new one based on common values and individual rights (DUPI 1999, p. 16).

However, this chapter will propose a third perspective on the relationship between state sovereignty and humanitarian intervention. It will argue that humanitarian intervention should not be seen as a practice which is eroding or infringing the principle of state sovereignty, but rather one that is shaping the very content and meaning of state sovereignty.

The discipline of International Relations provides the starting point for this chapter. Its theoretical basis is social constructivism, and more specifically Foucauldian discourse analysis (Foucault 1972). This means, in the context of this chapter, that state sovereignty will be examined as a discourse, and humanitarian intervention analysed as one of those discursive practices which creates and gives meaning to state sovereignty. Discourse can in general terms be defined as a particular way of talking about and understanding the world. A discourse is a particular pattern (of speech) that makes our existence and actions meaningful (Winther, Jørgensen and Phillips, p. 9; Malmvig 2002, p. 15). Discourse analysis is thus a way of analys-


ing how the world is constructed sociologically and how it is given meaning. It is, as Åkerstrøm Andersen has explained, a second-order enquiry rather than a first-order enquiry (Åkerstrom 1999, p. 12). Therefore, it is not the aim of this chapter to say anything about what state sovereignty really is (first-order enquiry), or to define which activities ought to be categorised as humanitarian interventions. Instead, it will analyse how researchers in International Relations, representatives of international organisations and political leaders speak and give meaning to state sovereignty and intervention (second-order enquiry).

This chapter is divided into three sections and has three principal arguments. The first section examines how state sovereignty and intervention are conceptually linked. The second section analyses how humanitarian interventions have been legitimised in recent years. Analytically, the chapter distinguishes between three different strategies which have been used to legitimise humanitarian intervention: genocide, crimes against humanity and gross violations of human rights. Each of these strategies has different discursive effects, but they all have in common the fact that they refer to an inviolable sovereign subject. The analysis is primarily based on how NATO’s intervention in Kosovo in 1999 was justified, but it also draws on examples from interventions in Bosnia and northern Iraq in 1998. These three ways of legitimising interventions is often discussed in the form of a dilemma or conflict between the principles of human rights and state sovereignty. The third section of the chapter, however, argues that humanitarian interventions should not just be viewed as a deviation from the principle of state sovereignty, but that legitimisations of interventions also give (new) meaning to what it means to be a sovereign state and underline the continued importance of the principle of state sovereignty. In this way, the chapter also points to the growing importance of human rights in the international sphere, not in the sense of being a substitute for – or a competing principle to – state sovereignty, but as one of the defining elements of what it means to be a legitimate sovereign state today.

1. State Sovereignty and Intervention

This section will first describe how state sovereignty and intervention are mutually dependent concepts. Secondly, it will demonstrate how state sovereignty and intervention function as a binary pair, and how this relationship necessitates that interventions are legitimised. Legitimations of interventions presuppose that interventions are problematic and abnormal events in international politics which demand justifications and explanations, whereas state sovereignty is perceived as a part of the good and normal affairs of international politics which does not require any further explanation. The analysis is based on a reading of the International Relations literature as a particular discourse. This discourse is not, however, limited to scholars of International Relations; it is also (re)produced by state officials, diplomats and international organisations.

How are intervention and state sovereignty linked conceptually? According to conventional thinking in International Relations, state sovereignty and intervention function as opposing concepts, in that intervention is defined as a violation of