UNIVERSITY OF TARTU

Faculty of Social Sciences and Education

Institute of Government and Politics

Heidi Koolmeister

THE QUESTION OF AGENCY IN HUMANITARIAN INTERVENTION: COSMOPOLITAN APPROACHES

Master's thesis

Supervisor: Eva Piirimäe, PhD

Tartu 2014

Olen koostanud töö iseseisvalt. Kõik töö koostamisel kasutatud teiste autorite tööd, põhimõttelised seisukohad, kirjandusallikatest ja mujalt pärinevad andmed on viidatud.

Olen nõus oma töö avaldamisega Tartu Ülikooli digitaalarhiivis DSpace.

…………………………………..

Heidi Koolmeister

ACKNOWLEDGEMENTS

I would like to thank my advisor Professor Eva Piirimäe (University of Tartu), whose enthusiasm for studying the topic of humanitarian intervention from the normative perspective of cosmopolitanism helped me realize this dissertation in the current form. Her advice and constant guidance during the process of writing this dissertation were of priceless value.

In addition, I would like to thank Professor Daniele Archibugi (LUISS[1]) for the valuable resources he referred to me and for a fruitful discussion in Rome in April 2014 that made me to think in a more cosmopolitan way. His insights into the cosmopolitan thought provided me guidance in approaching the issues of this dissertation.

---

[1] Libera Università Internazionale degli Studi Sociali Guido Carli

The people of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in one part of the world is felt everywhere.

Immanuel Kant, *Perpetual Peace* (1795: 107 – 108)

TABLE OF CONTENTS

List of Acronyms:

APEC – Asia-Pacific Economic Cooperation

ASEAN – Association of Southeast Asian Nations

AU – African Union

ECOWAS – Economic Community of West African States

EU – European Union

ICISS – The International Commission on Intervention and State Sovereignty

IR – International Relations as a field of study

NAFTA – The North American Free Trade Agreement

NATO – North Atlantic Treaty Organization

OAS –The Organization of American States

OSCE – Organization for Security and Co-operation in Europe

R2P – Responsibility to Protect

UN – United Nations

UNSC – United Nations Security Council

ABSTRACT

The purpose of this dissertation was to explore the question of humanitarian intervention's agency from the theoretical perspective of cosmopolitanism. Cosmopolitanism is critical about the role of states in protecting individuals' rights and thus questions whether the world should be organized around sovereign states system. In an ideal cosmopolitan world order without sovereign states, there would be no states and thus no need to intervene. In the non-ideal world, however, human rights violations are still present and thus humanitarian interventions are a necessity. Central to the discussion of this dissertation is the dilemma of applying an ideal theory to the problems of the non-ideal world. This dissertation sets out to identify the theoretical challenges that cosmopolitanism faces when applying its ideal principles to the problem of humanitarian intervention.

The major objective of this thesis was to clarify how cosmopolitans approach the issue of right agent for humanitarian intervention. Cosmopolitanism calls for extensive reforms in the global order to handle more effectively the question of large-scale fundamental human rights abuses present in the imperfect world order. Thus the purpose of this thesis is to explore the possible alternatives to the current governance of humanitarian intervention from the perspective of cosmopolitanism, by asking who would be the most legitimate agent to authorize and undertake a humanitarian intervention. With that aim, the thesis identified the premises underlying the cosmopolitan conception of humanitarian intervention, and analyzed the arguments of the leading contemporary cosmopolitan thinkers and weighed them critically against one another.

The findings of this dissertation suggest that cosmopolitanism provides normative guidance for the non-ideal world by (1) establishing the ideal global order and (2) offering guidelines to approximate that ideal. As according to cosmopolitanism the agents for humanitarian intervention in the real world lack legitimacy, they propose reforms to create the ideal agents, which would offer a much more effective protection of human rights. However the theoretical exploration conducted in the dissertation

suggested that this needs to be approached with caution since there are certain limitations involved when applying the ideal theory to the non-ideal world.

INTRODUCTION

This thesis will explore the question of a right agent for humanitarian intervention through the theoretical perspective of cosmopolitanism. Cosmopolitanism places limitations on the sovereignty of nation-states to secure human rights and global justice, by asking the question of whether, and to what extent, sovereign states are still a necessary component of a globalized world (Van Hooft 2009: 133). As cosmopolitanism questions whether the world should be organized around sovereign states system, in an ideal world order without sovereign states, there would be no need to intervene. This arises from the cosmopolitan world order, where the world would be conceived as a globally inclusive commonwealth, thus an external intervention would become impossible. In a non-ideal world, however, grave violations of human rights by states are still present and hence humanitarian intervention is a necessary practice. Hence, from the cosmopolitan perspective, humanitarian intervention comes under a new light. The aim of this dissertation is to clarify how cosmopolitan theories approach this issue.

This question has also a direct impact on problem of legitimate authority for the intervention: who should be authorized to decide when a humanitarian intervention is needed and who is the right agent to intervene with the sovereignty of another state? This is a question about which political agents (state, regional or global governing bodies) are entitled to conduct a humanitarian intervention. This thesis will set out to compare the contrasting theoretical assumptions about sovereignty, in order to clarify the problem of legitimate agency in humanitarian intervention. The wider purpose of this paper is to examine the credibility of the cosmopolitan paradigm, regarding the internal coherence of cosmopolitan theory.

Currently there exists a widening gap between the norms governing humanitarian intervention and the actual political practice by the international community. This contradiction should motivate us to approach those questions through the prism of political theory. Cosmopolitanism is a political theory, aims at offering ideal solutions to the problems conceived in the real world, thus it offers new institutional principles and a new global institutional architecture to secure human rights in the international system. However it is important to question whether ideal normative theories can give

us feasible guidance for the real, non-ideal world. Thus the purpose of this thesis is to explore the possible alternatives to the current regime of governing humanitarian intervention from the perspective of the cosmopolitanism theory by asking who would be the ideal agent. However this should be approached with caution as there are limitations in applying an ideal theory to the current issues and crises.

The thesis has two main objectives: firstly, to bring out how cosmopolitan ideas can be applied to the agency problem of humanitarian intervention and assess the internal cohesiveness of the cosmopolitanism theory; secondly, to shed some light on the role of normative theories like cosmopolitanism in the field of International Relations (IR). With these aims in mind, this thesis will map out the cosmopolitan argument for humanitarian intervention.

The overall structure of the thesis takes the form of five parts. The first part lays out the theoretical dimensions and conceptual distinctions of the cosmopolitan theory. Chapter two begins by laying out the cosmopolitan critique of Westhphalian statist sovereignty and clarifies the cosmopolitan conception and foundation of sovereignty. The third chapter is concerned with the ideal cosmopolitan theory framework focusing on the three key contemporary theories: Archibugi and Held's cosmopolitan democracy, Habermas's postnational democracy and Pogge's vertical dispersion of sovereignty, and takes a critical perspective at the institutional models. The fourth chapter maps out the non-ideal theory of cosmopolitanism concerning humanitarian intervention and establishes why there is a need for a humanitarian intervention according to cosmopolitans, and according to which norms and principles it should take place. The final fifth chapter presents and interprets the findings of this thesis, and indicates the implications of these findings for future research.

The nature of this dissertation is theoretical, which is limited to the study of contemporary cosmopolitanism. The purpose is to analyze how the question of humanitarian intervention's agency is approached from the theoretical framework of cosmopolitanism. In this way cosmopolitanism hopes to clarify (1) the cosmopolitan approach to the problems in the real world and (2) the role of cosmopolitanism in the field of IR.

Methodological Approach

This thesis is a work of political theory, which will set, as the research object, the question humanitarian intervention's agency in the framework of the normative theory of cosmopolitanism. Traditionally, the problem of humanitarian intervention's agency has been approached in the just war theory framework, however, there are certain drawbacks associated with the use of a theory which is founded on statist bias. The main disadvantage of this approach is that it has failed to take into account the changes in the international system, where the decision-making authority over questions of war and peace has been transferred to the supranational level. Thus for this study, the theory of cosmopolitanism is used to explore the issue of humanitarian intervention's agency, as it questions whether the world order should be organized around sovereign states.

Furthermore, the aim of the thesis is to map out the theoretical framework of contemporary cosmopolitanism regarding the issue of humanitarian intervention, and to explore its theoretical implications on the practice of humanitarian intervention. The thesis will on one hand, identify and outline the key premises underlying cosmopolitan conceptions of humanitarian intervention, on the other hand, analyze the arguments presented in the respective cosmopolitan theories and compare the contrasting standpoints of the leading cosmopolitan thinkers, by weighing them critically against one another.

Moreover, the tensions between the ideal theory and the non-ideal viewpoint within different accounts of cosmopolitanism will be explored. A comparative perspective on various theoretical views will be related to practice of humanitarian intervention that will shed some light on the issues discussed and their implications on the pragmatic level in the non-ideal world. Therefore, this study makes an important contribution to advancing the knowledge of the field of contemporary cosmopolitanism.

Problem Statement

In the statist world order, which dates back to the Treaty of Westphalia of 1648[2], the notions of sovereignty and non-intervention have been the constituting basis for the international relations system. However with the emergence of the international human rights regime in the 20th century, this order, based on absolute sovereignty of nation states and the principle of non-intervention, has been undermined. Furthermore, the recent revival of cosmopolitanism as an ethical and political project has challenged the traditional notion of state sovereignty.

The cosmopolitan project seeks to transform the Westphalian model of sovereign states in favor of a cosmopolitan world order and concerns itself with questions about world citizens, global justice, and possibly a world government. Cosmopolitans' commitment to these notions has led to the idea that state sovereignty should be reduced or even eliminated. Van Hooft (2009) has argued that due to the cosmopolitans' commitment to the notions of human rights of individuals and global justice, they downgrade the importance of the traditional sovereignty of nation states. As one of the key issues that contemporary cosmopolitans engage with is the issue of human rights violations by the states, they argue that national governments should be circumvented and human rights and global justice ought to be instead guaranteed by international/transnational institutions and global forms of democracy (ibid.: 121). Thus for cosmopolitans humanitarian intervention is a necessary practice for guaranteeing individuals' fundamental rights.

Traditionally, the normative debate over humanitarian intervention has mainly focused on the conditions of justifiability of an intervention while paying less attention on the actors that would be best suited for undertaking an action as delicate as this. The question about agency (i.e. who can and should intervene) and authority (i.e. who has the legitimate authority to determine whether and when interventions take place) has important practical implications (Lang 2010: 325). Proper authority is a necessary condition for a justified humanitarian intervention, as an intervention can be legitimate only if it is authorized by a legitimate body. Thus, interventions that have been

---

[2] The Peace of Westphalia of 1648 which brought an end to the German phase of the Thirty Years War and which entrenched, for the first time, the principle of territorial sovereignty in inter-state affairs (Held 2005: 77)

conducted under proper authority are likely to be considered legitimate in the international community[3].

These normative questions have great implications on the practice of humanitarian intervention, as there exists great confusion about who should be the legitimate agent and why a certain agent might be considered legitimate. Various actors have undertaken the task of humanitarian intervention in the past: NATO in Kosovo (1999), the UN in the Democratic Republic of Congo (1999), great power states like USA in Grenada (1983) and also secondary power states (e.g. Vietnam in Cambodia 1978, India in East Pakistan 1971, Tanzania in Uganda 1979). The practice of humanitarian intervention reflects the disorderliness in the current international system. Thus a clearer understanding is needed of who should have the authority and responsibility to act in order to protect human rights. Which institution(s) should possess power(s) to authorize an intervention? Who should be authorized to intervene? Should some global institutions be assigned the role of protecting human rights? Or could there be also multilateral interventions by state coalitions? Or should unilateral interventions by states also be allowed? This thesis will set out to clarify these questions in the framework of cosmopolitanism.

Cosmopolitanism and humanitarian intervention are established research subjects in social sciences, however only in recent times has the discussion about the implications of the theory of cosmopolitanism on humanitarian intervention taken place and since then there are numerous discussions by cosmopolitans about humanitarian intervention (Archibugi 2004a; Caney 2005; Fine 2007; Habermas 2007; Pogge 1992a). This thesis aims to asses, compare, and contribute to these debates, and will bring out the distinctiveness of cosmopolitan thinking about humanitarian intervention.

From the problem statement above follow the two primary research aims:

1. To analyze how the cosmopolitan ideas can be applied to the contemporary issues such as the agency problem of humanitarian intervention and to investigate the strengths and weaknesses cosmopolitanism faces when applying the ideal principles to the unideal reality.

---

[3] International community has been defined by Kaldor (2013: 334) as a „(…) cohesive group of governments acting though international organizations".

2. To explore the role of the cosmopolitan tradition of thought in theorizing about the problems of our times and ask how normative theories such as cosmopolitanism can contribute to the study field of IR.

1. COSMOPOLITANISM: THEORY AND APPROACHES

Historically cosmopolitan ideas date back to the Cynic and Stoic philosophers in the ancient world, and later were revived by the Enlightenment thinkers in the eighteenth century. A more recent revitalization of the cosmopolitan thought has taken place since 1989. From then cosmopolitanism has developed into a vibrant and inter-disciplinary movement in social sciences with a distinctive research agenda (Fine 2003: 11). The object of investigation in this paper will be the normative political theory of contemporary cosmopolitanism.

1.1. Varieties of Cosmopolitanism

As a normative political theory cosmopolitanism seeks to answer the question how the world order *ought* to be. In contrast to other theoretical paradigms in the IR discipline, which have traditionally focused on sovereign states, the maximization of state interest, nationality, or securing the power balances between states, cosmopolitanism as a political theory is based on the acknowledgement of a notion of common humanity that ethically implicates an idea of shared or common moral duties toward others by virtue of that humanity (Brown, Held 2013: 1).

From this ethical consideration are derived cosmopolitanism's three general moral and normative commitments: 1) cosmopolitans believe that *the primary unit of moral concern are individual human beings*, not states or other forms of communitarian or political association; 2) cosmopolitans maintain that this moral concern for the individual leads into an *impartial commitment to respect all human beings equally*, regardless of the place the person has born and the communal association that person happen to be placed in; 3) cosmopolitanism is universal in its scope, maintaining that *all humans are equal in their moral standing and that this moral standing applies to everyone everywhere*, as all humans are citizens of the world (Pogge 1992b: 48 – 49). This permits us to conclude that cosmopolitanism as a theory can be described as individualist, egalitarian, and universal.

However, as Held (2010: 14) has observed, "just as there is not only one form of liberalism or a single way to conceptualize democracy, there is no unified or monolithic

understanding of cosmopolitanism". Cosmopolitan theorists have interpreted those core ideas differently, and this has led to wide spectrum of diverse normative ideas and ideals within the paradigm of cosmopolitanism. In the contemporary cosmopolitan thought it is possible to distinguish between three distinct versions: (a) cosmopolitanism as a moral theory (e.g. Appiah 2007); (b) cosmopolitanism as an institutional theory (Pogge 1992a); and (c) cosmopolitanism as a theory about justice (Moellendorf 2002).

Moral or ethical cosmopolitanism endorses the view that all human beings are members of a single community and that they have moral obligations to all other human beings, as every individual is the ultimate unit of moral worth and equal concern (Kleingeld 2013). Political cosmopolitanism (McGrew 2004), also labeled as institutional cosmopolitanism (Beitz 1979; Pogge 1992b), advocates the claim that there should be global political institutions, which implicates transcending the Westphalian notion of sovereignty of the state and forming a transnational governing institution(s)[4]. Political cosmopolitans are critical of the current statist order and see it as undemocratic and/or hostile towards the realization of cosmopolitan normative principles (Caney 2010: 150). Thus they emphasize the importance of organized global governance and reformed international political institutions in line with the cosmopolitan ideals. Cosmopolitan institutions and organizations of regional and global governance are considered to be a necessary supplement to those of the state. (Brown, Held 2010: 11)

Some cosmopolitans (Van Hooft 2009: 8) have argued that moral cosmopolitanism implies political cosmopolitanism – that the ideals of moral cosmopolitanism are only achievable through institutional cosmopolitanism. This would mean that only through the institutionalization of global governance institutions can all individuals enjoy equal moral consideration. Others like Beitz (1994: 124) and Tan (2010: 182) have argued that moral cosmopolitanism does not entail commitment to political cosmopolitanism. According to those thinkers, unlike political cosmopolitanism, which calls for establishment of global governing institutions, moral cosmopolitanism does not necessarily advocate institutional demands (Tan 2010: 182 – 183).

---

[4] Waldron (2000: 228) has described this cosmopolitan political ideal as an utopian ideal of a *polis* or polity constructed on a world scale, rather than on the basis of regional, territorially limited states.

The three cosmopolitan core principles introduced above (Pogge 1992b: 48 – 49) are constitutive of both moral and political cosmopolitanism; however it is important to understand that moral cosmopolitans are not necessarily committed to any institutional claims made by political cosmopolitans. For the sake of clarity and order it is important to make a distinction between the two theories because on the theoretical level they have very different focuses and therefore should be considered analytically and practically separate. Table 1 (Dower 2009: 63) presents, as a matrix, the theoretical contrasts between ethical and institutional cosmopolitanism in the individual and state level[5]. On the one hand, *ethical cosmopolitanism* conceives the individual as a „citizen of the world" and is concerned with the universal moral values shared by all individuals and the rights and duties that each of them have to the others globally. On the other hand, the *institutional cosmopolitanism* on the individual level is concerned with the global citizenship as embedded in the global institutions – what would make individuals global citizens as opposed to simply globally concerned moral agents. *Cosmopolitan ethics* applied to the states and international relations is concerned with the ethical issues, however *institutional cosmopolitanism* on the state-level focuses on institutions of global governance that are necessary for the realization of the cosmopolitan vision. (Dower 2009: 61 – 63)

Table 1 Four Dimensions of Cosmopolitanism (Dower 2009: 63)

	ETHICAL	INSTITUTIONAL
INDIVIDUAL	Global citizenship as a commitment to a global ethic or possession of a universal moral status	Global citizenship as embedded in global civil society, cosmopolitan democracy, globally oriented citizenship, international human rights law, etc.
STATE	Ethics of international relations from a global ethics point of view, hence generally a critique of international relations	Proposals for (new forms of) global governance, a new global political order, a neo/post-Westphalian order, stronger international institutions, cosmopolitan law, world government

Justice-based cosmopolitanism or global justice cosmopolitanism is concerned with the cosmopolitan conceptions of civil and political justice and distributive justice. The

---

[5] Ethical cosmopolitanism is considered as a variant of moral cosmopolitanism understood in terms of global ethics, that endorses claims about trans-boundary obligations (Bernstein 2012: 715; Dower 2009: 63)

main argument of the proponents of this version of cosmopolitanism is that there exist global principles of justice that apply to all individuals and hold that the duties of distributive justice extend across borders. Arguments like these have been defended by Beitz (1979; 1999), Pogge (2011) and Moellendorf (2002) who have argued that the *duties* of justice exist between persons globally and not merely between compatriots. The cosmopolitan conception of distributive global justice is intrinsically linked to moral cosmopolitanism which considers individuals as the ultimate units of moral worth and therefore entitled to equal and impartial concern regardless of nationality. However it is not evident that cosmopolitan ideas of justice necessarily imply commitment to claims of cosmopolitan institutional models. For example Tan (2010: 182 – 183) has argued that „cosmopolitan justice does not call for a world state, even though its principles are to regulate and determine the justness of institutions".

For reconstructing the cosmopolitan argument for humanitarian intervention, it is necessary to consider the ethical, justice-related and institutional claims that cosmopolitans form as a complex whole, where each pillar supports the other argument. However, the central focus of this dissertation is on political cosmopolitanism as the aim is to analyze the concrete institutional solutions offered by cosmopolitans on the humanitarian intervention agency issue. These cosmopolitan proposals of various types of global governance may range from fairly modest proposals for improving the way the international system works, to proposals for world government, with various positions in the middle, as the proper institutional recognition of the role of global civil society in proposals for cosmopolitan democracy (Dower 2009: 62)[6].

1.2. The Current State of the Field

The theory of political cosmopolitanism concerns itself with normative questions about international political and institutional structures, and argues for some form of

---

[6] The idea of "governance without government" implies that *global governance* needs to be distinguished from *global government*: „(...) government suggests activities that are backed by formal authority, e.g. by police powers to insure the implementation of duly constituted policies, whereas governance refers to activities backed by shared goals that may or may not derive from legal and formally prescribed responsibilities and that do not necessarily rely on police powers to overcome defiance and attain compliance". In this way it is possible to conceive of governance without government – of regulatory mechanisms in a sphere of activity which function effectively even though they are not endowed with formal authority. (Rosenau 2000: 4 – 5)

post-Westphalian global order. The theoretical inquiry in this field has focused on what political structures should exist and asks whether there should be a world state, a global cosmopolitan democracy, a minimal federation of cosmopolitan states, a global republican cosmopolitan order, or some other middle-ground system of global governance (Brown, Kime 2010: 454). For example, Pogge (1992b) supports an institutional cosmopolitanism with vertical dispersion of sovereignty, Held (2005, 2012) and Archibugi (2009) advocate a cosmopolitan democracy and Habermas (2007) argues for a postnational constitutional cosmopolitanism. It is easy to see that, within the cosmopolitan paradigm, there is great disagreement about the extent of sovereignty that states should retain.

The contemporary literature about humanitarian intervention has emerged in the context of the post-Cold War world, where there has been intensification of humanitarian interventions, and controversial cases that have been labeled humanitarian intervention (e.g. Kosovo, Afghanistan, and Iraq). The focus of the normative discussions about humanitarian intervention is dominated by the questions of morality and justifiability, however in the normative theory of cosmopolitanism the issue comes under a new light. One the one hand, cosmopolitan theory should not have anything to say about humanitarian intervention, as in an ideal world order without states there would be no need to intervene (Lang 2010: 331). Humanitarian intervention involves the violation of state's sovereignty, which in an ideal cosmopolitan world would be transferred to the global level, thus rendering an intervention impossible. On the other hand, cosmopolitans recognize that in the non-ideal world the principal agents of the international system are still sovereign states and as a response they have developed a non-ideal (normative) theory for addressing the issues of the imperfect real world.

The debate about the humanitarian intervention among the cosmopolitan thinkers is a rapidly growing area of study, with substantial amount of literature. Notable authors have been Archibugi „Cosmopolitan Guidelines for Humanitarian Intervention" (2004a); Held „Democracy and the Global Order: From the Modern State to Cosmopolitan Governance" (2005) and „Principles of Cosmopolitan Order", Pogge „Cosmopolitanism and Sovereignty" (1992b) and "An Institutional Approach to Humanitarian Intervention" (1992a), James Pattison "Humanitarian Intervention and the Responsibility To Protect: Who Should Intervene?" (2010) and Simon Caney „Justice

Beyond Borders: A Global Political Theory" (2005). However the literature shows no consensus on the question of right agency of humanitarian intervention within the current debate among cosmopolitans, as there seem to be substantially different perspectives and ambivalences within the cosmopolitan paradigm on that question. This thesis sets out to compare the contrasting theoretical assumptions about humanitarian intervention in order to clarify the issue.

Within the literature of cosmopolitanism it is possible to distinguish between the theorists that defend a *moderate* model of cosmopolitanism that argue for reforming the current international order (Habermas and Pogge), contrasted to the defenders of a more *radical* cosmopolitanism who argue for fundamental changes in the global order, as the establishment of cosmopolitan democracy (Archibugi and Held). Habermas (2007) defends a model of global constitutional democracy, which proposes multilevel system of global governance without a global government. In a similar vein, Pogge (1992b) argues for an institutional cosmopolitanism with vertical dispersion of sovereignty, thus also rejecting the idea of a world government with ultimate sovereign powers and authority. In contrast, the defenders of cosmopolitan democracy model (Archibugi 2009, Held 2005) propose a form of cosmopolitan democratic governance with centralized global institutions.

It is important to systematically analyze the differences between the conceptions of ideal global governance and their implications on the world order. In the following chapter the tensions between those contrasting theoretical approaches among cosmopolitans will be viewed in a comparative perspective and the implications that those theories have on the questions of humanitarian intervention's agency will be considered in detail. This thesis hopes to contribute to clarifying this highly important issue by exploring the possible applications of cosmopolitan idea(l)s on the practice of humanitarian intervention.

2. SOVEREIGNTY AND HUMAN RIGHTS: COSMOPOLITAN APPROACHES

The cosmopolitan argument for humanitarian intervention derives from its core principles presented in the first chapter. Commitment to the principles of individualism, egalitarianism, and universality indicates that the protection of the fundamental rights of human beings is at the core of the cosmopolitan project. Fine has offered the following explanation of the relationship between cosmopolitanism and human rights: "cosmopolitanism imagines a world order in which the idea of human rights is a basic principle of justice and in which mechanisms of global governance are established for the protection of human rights" (Fine 2007: 3).

Cosmopolitanism considers human beings to be (cosmopolitan) world citizens, and thus postulates individual human beings as the primary political agents (Held 2002: 1). Fine has argued that the cosmopolitans' concern with the rights and responsibilities of world citizens results in addressing the problem of states as the greatest human rights violators:

> The practice of humanitarian military intervention goes to the heart of cosmopolitans' aims to defend human rights and it raises searching questions about whether and how individuals can be safeguarded against the murderous actions of their own governments. (Fine 2007: 79)

For cosmopolitans, in order to be a legitimate authority, the holder of sovereignty must respect the fundamental human rights of its people. In this sense human rights are primarily "obligations incumbent upon the nation state" (Andreson-Gold 2001: 45). However, cosmopolitans take the commitment to ensure individuals a range of fundamental rights, even when the state is violating them or is not capable of defending them (Archibugi 2009: 187).

Traditionally, the statist global system has encouraged the pursuit of national interest in global affairs over considerations of morality and justice. This is widely criticized by cosmopolitans who argue for new institutional solutions which would facilitate a pathway towards a more moral and just world order[7]. This understanding has led to a

---

[7] Held has expressed this critique in the following way: "the modern system of nation-states is a limiting factor which will always thwart any attempt to conduct international relations in a manner which transcends the politics of the sovereign state" (Held 2005: 75).

normative debate concerning whether the world would be a more just and peaceful place if comprised of sovereign states or would the world be better off if state sovereignty were reduced or even extinguished (Van Hooft 2009: 121). As it is usually states that go to war for their national interests and it is usually the national governments that oppress their people, cosmopolitans in this respect argue "that national governments should be bypassed and human rights and global justice secured by transnational institutions or by global forms of democracy" (ibid. 121). As cosmopolitans support the latter argument, this consideration motivates the necessity to redefine the classical conception of sovereignty and fundamentally reorganize the international system so it would align with the cosmopolitan principles of morality and justice.

The purpose of this chapter is to address the cosmopolitan literature on the issue of sovereignty. Firstly, it begins by elaborating on the cosmopolitans' critique of the traditional conception of sovereignty. Then it moves on to map out the cosmopolitan conceptions about sovereignty and its implications on the world order. Thirdly, it argues that "cosmopolitan sovereignty" is based on a specific type of sovereignty, which is popular sovereignty.

2.1. The Critique of Sovereignty in the Cosmopolitan Theory

Central to the contemporary political thought and political reality is the idea of the autonomous territorial sovereign state as the principal mode of political organization. In the horizontal dimension, sovereignty is currently divided between various branches; however on the vertical dimension sovereignty is heavily concentrated at a single level, which is the state. From the perspective of cosmopolitanism, this concentration of sovereignty at the level of the state is no longer defensible. (Pogge 2005: 178) This has been expressed well by Held who argues that in the cosmopolitan framework the state will not be "the sole center of legitimate power within their borders", and the role of the state will need to be relocated within this overarching cosmopolitan framework (Held 2012: 100 – 101). Thus cosmopolitans offer alternative models of global order, where sovereignty has been divided on the horizontal and vertical level to be better suited for the globalized era and to respond more effectively to global problems.

Cosmopolitans in general tend to agree that the concept of sovereignty needs to be redefined (Held 2005, Habermas 2010, Archibugi 2009, Pogge 2005): in the core of the cosmopolitan political project is the redefining and reconceiving of the traditional notion of state sovereignty and legitimate political authority, in a manner that disconnects it from its traditional territorial attachment and rearticulates it in cosmopolitan democratic arrangements and cosmopolitan law in various political levels. However they differ in answering the question whether sovereignty should be superseded completely or dispersed, and if the latter is supported, how sovereignty should be dispersed and if there should exist a world sovereign. This is an extremely important question as sovereignty defines who should be the rightful political authority in the international system.

Cosmopolitans consider the nation-states already under pressure of losing their absolute sovereignty that they have enjoyed without threat until recently. The growing interdependences in globalized networks, international regimes, global and regional organizations (UN, EU, OSCE, NATO etc.) in particular areas which used to be within the sovereign domain of the nation state, have made the state lose some of its sovereign authority already. Van Hooft has supported the idea that state sovereignty is less complete today than it was in the recent past:

> Given the complexity of international arrangements and agreements, given the greater power that some states have to influence others, and given the capacity of multinational business corporations to pressure national governments, the actual power that many states have to order their internal affairs and to secure their safety and advantage in the international sphere is dramatically less than it used to be (Van Hooft 2009: 120).

Cosmopolitans argue, however, that sovereignty should be dispersed even more in order to: (1) respond adequately to the complex cross-border global issues and to (2) realize the cosmopolitan ideals. This idea is based on the distinction between how the international system *is* and how it *ought* to be. The former argument is concerned with the necessities of changing empirical reality, whereas the latter is based on normative considerations of cosmopolitanism. In the following those two arguments will be considered in detail.

The first argument against the statist order begins with the critique of the traditional regimes of sovereignty, where nation states used to handle the issues which spilled over

the boundaries of the state by pursuing national interests which were backed by coercive means (Held 2002: 35). However, in the modern world of „overlapping communities of fate", this power logic is simply inappropriate to resolve the complex issues on a global scale (Held 2005; 2010). Nowadays the sovereign state system is unable to achieve the necessary cooperation and coordination to solve the global problems (Caney 2010: 159), which creates an "efficiency gap". For example, the UNSC can declare a humanitarian emergency however no state is willing to react. One can consider the failure of international community to stop large-scale human rights violations: in the case of the Rwandan humanitarian crisis in 1994, where the UNSC declared a state of emergency, yet no state was willing to intervene for protecting the human rights of the suffering people. The UNSC resolution 912 (1994) appealed "(…) to the international community to provide increased humanitarian assistance commensurate with the scale of the human tragedy in Rwanda", however no state or a coalition of states were prepared to act. This exemplifies the gap between the states that have retained the monopoly of coercive means and the global institution established by them for protecting human rights, which is not equipped with the necessary powers. Thus issues of global proportions that affect the citizens of all nations either directly or indirectly can no longer be addressed by states alone (Beardsworth 2011: 41). Held has referred to this as „the paradox of our times" which means "the collective issues we must grapple with are increasingly global and, yet, the means for addressing these are national and local, weak and incomplete" (Held 2012: 4). Thus the division of sovereignty is considered necessary to respond adequately to the complex cross-border global issues.

The argument for the division of sovereignty continues by analyzing the empirical reality of international affairs. Held (2005: 135) has argued that the "internationalization" of domestic activities and an intensification of decision-making in international and transnational frameworks has eroded the powers of the modern sovereign state. Thus sovereignty is divided between the national, regional, and international levels and the state has lost its absolute decision-making authority in some of the classical domains of the state (e.g. monopoly of violence, regulating control over economy etc.). This reflects the fact that while sovereignty has formally remained intact in the process of globalization, the growing interdependence between countries challenges the traditional role of the nation-state. Held has summarized this idea in an

argument that political authority and forms of governance are already dispersed "below", "above", and "alongside" the nation state:

> First, the way processes of economic, political, legal, military and cultural interconnectedness are changing the nature, scope and capacity of the sovereign state above, as its regulatory ability is challenged and reduced in some spheres; secondly, the way regional and global interconnectedness creates chains of interlocking political decisions and outcomes among states and their citizens, altering the nature and dynamics of national political systems themselves; and, thirdly, the way local groups, movements and nationalism are questioning the nation-state from below as a representative and accountable power system (Held 2005: 267).

As in the current international order, the decisions are already made above and below the nation-state, it is possible to argue that sovereignty should also be formally dispersed between the local, regional and global levels so that decisions taken on those levels would be equipped with the necessary legitimacy. Thus the idea of governance beyond the nation-state has been made possible through various regional, international and global level regimes, that seek to compensate for the nation-state's lost capacities in some functional spheres (Habermas 2001: 70). In this sense the claims made by cosmopolitans about the division of states' (absolute) sovereignty in order to achieve a more legitimate global order, is not just an abstract political ideal, but also a response to transformations which are already taking place in the international system.

For cosmopolitans the underlying rationale for the division of sovereignty is that decision-making should take place at the appropriate level. Held has explained this as follows:

> Recognizing the complex structures of an interconnected world, political cosmopolitanism views some issues as appropriate for delimited (spatially demarcated) political spheres (the city, state or region), while it sees others (…) as needing new, more extensive institutions to address them. (Held 2012: 106)

In a similar vein, Pogge (2005: 181 – 189) has argued that a vertical division of sovereignty is necessary in order to respond to the global issues (proliferation of nuclear, biological, chemical, and conventional weapons of mass destruction; reducing state's oppression and violation of human rights; address the global economic injustices; environmental degradation; and increasing the democracy of the current world order and political representation) at the global level. In order to effectively approach these international problems Pogge also argues, that a process of substantial centralization of

authority at the global level and a simultaneous decentralization, away from the currently dominant level of the state, towards a multi-layered global order is required (ibid. 2005). Therefore according to the cosmopolitan conception, states' sovereignty should be retained, but limited to decision-making with regards to lower-level issues; whereas the transnational problems should be dealt at the appropriate supranational level[8].

The second argument is normative, according to which sovereignty should be divided even more in order to realize the cosmopolitan ideals. On the one hand, cosmopolitans emphasize the intrinsic value of divided sovereignty as a safeguard against oppression. On the other hand, cosmopolitans consider a division of sovereignty necessary for citizens' to pursue their interests at various institutional levels.

This cosmopolitan argument for the division of sovereignty is based on the success of the federal model (Archibugi 2013: 321; Pogge 2005: 179), where sovereignty is divided on the horizontal level to create a separation of powers and a system of checks and balances, in order to avoid any branch of governance having excess power. Contemporary cosmopolitans argue for supplementing this horizontal division with a vertical division of sovereignty, however this cosmopolitan model is "more centralized than the confederal model but less centralized than the federalist model" (Archibugi 2013: 325)[9]. Cosmopolitans are cautious about creating a world state and thus argue that it is important to avoid too extensive concentration of sovereignty on the global scale (especially of coercive means), as this could turn oppressive for the people (ibid. 325). A vertical division of sovereignty would allow creating a system of constraints on the political institutions, which would allow a better human rights protection system on the global scale.

---

[8] Cosmopolitans argue for superseding of state's sovereignty to a certain extent: the state's sovereignty would nominally exist, however in essence would be reduced. This can be related to Berg and Kuusk's (2010) concept of empirical sovereignty. They argue that sovereignty has different aspects that should and can be measured. In the measurement of sovereignty, apart from the legal aspects (recognized or not recognized) also empirical aspects, such as the actual operational capability, should be taken into consideration when measuring sovereignty. Empirical attributes of statehood would reveal the exercise of sovereignty in practice.

[9] Contemporary cosmopolitans follow the Kantian model, which refers to a model of global governance that distinguishes itself from the world state model. Kant argued for a confederism in international affairs on the grounds that a world state of all peoples is an impractical and potentially dangerous objective. He considered a world state impractical as states are unlikely to completely surrender their sovereignty, and the territory is too extensive to be governed by one authority. (Held 2005: 229 – 230)

Cosmopolitans have furthermore argued that „(…) the nation-state and the international governance structures are often ineffective and lacking in accountability and democratic legitimacy" (Held 2012: 17). They criticize the existing institutional order – both at the state level and international level – as unaccountable and suffering from a democracy deficit as the people (as stakeholders) are not involved in the decision-making process. For cosmopolitans, the principles of self-determination and self-governance of peoples have intrinsic value: they argue that people should have the possibility to participate in the management of global matters. This involves both the internal dimension – citizens effective participation in the choices affecting their own political community –, and external dimension – the absence of external domination (Archibugi 2013: 313).

This section has analyzed the cosmopolitan critique of state sovereignty and has argued that: 1) cosmopolitans conceive *sovereignty as already divided* between various political levels and argue that this should also be instituted formally; 2) the *division of sovereignty has intrinsic value* as it would render the global order more democratic. Based on these empirical and normative arguments they argue that the sovereignty of the state should no longer be unitary, but diffused in a multilayered governance system. Having defined the content of the cosmopolitan criticism of sovereignty, I will now move on to discuss how cosmopolitans construe the different aspects of sovereignty.

2.2. Sovereignty: Cosmopolitan Conceptions

In order to elaborate on the questions of *what* kind of political institutions should there be, and *who* should be the agent to undertake humanitarian intervention it is necessary to understand the changing nature of sovereignty – a core concept of the current international system.

The sovereign states system has been the fundamental organizing principle of the international system since the Treaty of Westphalia in 1648. Notwithstanding the fact that the international system has changed considerably since then, "many of the assumptions underpinning it are still operative in international relations" (Held 2005: 78). In this traditional understanding of sovereignty, the principle translates into (1) nation state's freedom from external authority structures interference with its internal affairs, and (2) state's supreme authority and control in its internal affairs. For example

Keohane (2003: 282) has briefly formulated these aspects as part of a "classic unitary conception of sovereignty, where sovereign state exercises both *internal supremacy* over all other authorities within a given territory, and *external independence* of outside authorities". In the cosmopolitan framework this conceptual division of external/internal sovereignty is problematized.

Cosmopolitans argue that sovereignty has lost its classical meaning in both external and internal aspects: (1) from one hand, external sovereignty has become associated with the capability and willingness to take equal part in the collective efforts to solve global and regional problems in the framework of international or supranational organizations; (2) from the other, internal sovereignty has been extended beyond maintaining law and order, to the protection of the rights of the citizens (Habermas 2010: 70). This reflects the idea that the concepts of external/internal sovereignty have been stretched beyond their classical meaning and that the conditions for retaining legitimacy have also changed. From the other side, cosmopolitans consider the conceptual distinction between external/internal sovereignty as no longer tenable due to the effects of globalization and the general internationalization of post-Cold War inter-state relations (Hehir 2010: 73). Within the international community, the international regimes and organizations that govern the areas that once were in the absolute domain of sovereignty of the state have transformed and limited the sovereign powers of states with respect to both external and internal sovereignty. Thus cosmopolitans argue that a great part of the sovereignty has already been transferred from the national to the global level, thus rendering the dichotomous understanding of sovereignty void.

Another important shift in the conceptualization of sovereignty has taken place. As discussed above, traditionally the principle of sovereignty has implied state's external independence from non-interference, so it could pursue preferred policies internally without any constraints. Pattison (2010: 2) has described this principle *sovereignty as authority*. Sovereignty as authority gave the state a legal and normative barrier against interference from outsiders and also gave the sovereign free hands in how they treat the citizens. However in the 21 century there has been an important turn in thinking about sovereignty. With the rise of the standing of the human rights in the international

community, the concept of sovereignty has been redefined as *responsibility*[10] – the responsibility to protect citizen's fundamental human rights. (Pattison 2010: 3). Sovereignty defined in terms of responsibility brings out the conditional nature of sovereign's legitimacy with respect to human rights. Cosmopolitans in particular have supported the idea that sovereignty should be understood in terms of responsibility:

> Sovereignty can no longer be understood in terms of the categories of untrammeled effective power. Rather, a legitimate state must increasingly be understood through the language of democracy and human rights. Legitimate authority has become linked, in moral and legal terms, with the maintenance of human rights values and democratic standards. (Held 2002: 17)

Thus at the heart of the cosmopolitanism project is the redefinition of sovereignty as responsibility – sovereignty must be understood as dependent and conditional upon human rights. Hence for cosmopolitans, human rights also offer protection against sovereignty – understood as arbitrarily and violently exercised excessive power by the state – and impose respective responsibilities on states for protecting those rights.

However, from a cosmopolitan perspective, it is not only domestic or international political institutions that have a responsibility to respond to a politically induced humanitarian disaster, but everybody, in their various individual, collective and institutional capabilities (Lu 2006: 129). Dower (2009: 179) has agreed that there has been a shift from thinking human rights as being universal rights to considering them as universal rights with correlative significant transnational (cosmopolitan) responsibilities. In this way cosmopolitans seek to widen the circle of responsibility for the protection of human rights. However the question about *who* exactly should have this responsibility to protect in the cosmopolitan conception remains unclear.

According to the cosmopolitan ideal, states' sovereignty should be superseded (Archibugi 2013: 319), however they diverge on the question with what exactly should sovereign states' system be replaced with. From the cosmopolitan perspective there are two possible alternative political frameworks to the statist international order: a world state or a dispersion of sovereignty. The former represents a centralized global

---

[10] The concept was first documented in a report by the ICISS (2001) „The Responsibility to Protect" commissioned by the Canadian government. The document argues that a state has the responsibility to uphold its citizen's human rights. If it is unable or unwilling to fulfill the responsibility, the sovereignty is temporarily suspended and the responsibility is transferred to the international community. (ICISS 2001)

government where there would exist an absolute world sovereign; the latter a multilayered system of global governance, which implies a dispersion of sovereign authority away from the state. A common misunderstanding about cosmopolitanism is that it implies a world government[11]. Instead most political cosmopolitans argue that, "prospective global democracy is best envisioned not in terms of a formal world government or state, but instead as a system of multilayered global governance resting on an unprecedented dispersion of decision-making authority" (Scheuerman 2013: 2)[12]. This constitutes the core of "cosmopolitan sovereignty":

> Cosmopolitan sovereignty comprises networked realms of public authority shaped and delimited by cosmopolitan law. Cosmopolitan sovereignty is sovereignty stripped away from the idea of fixed borders and territories governed by states alone, and is instead thought of as frameworks of political regulatory relations and activities, shaped and formed by an overarching cosmopolitan legal framework. (Held 2002: 33)

The idea of a world state contradicts with what these theorists are trying to achieve by the dispersion of sovereignty – to avoid the traditional concentration of sovereignty on one level, which may turn oppressive. Thus cosmopolitans believe that massive human rights violations can be prevented by the dispersion of sovereignty. The "cosmopolitan sovereignty" defended by the cosmopolitan theorists, would in this sense consist in the protection of every individual, regardless of nationality, through a network of overlapping institutions of legitimate governance (Thomas 2004: 5).

The traditional notion of Westphalian state sovereignty has been challenged and constrained by cosmopolitans on the empirical and theoretical level: on one side, the changing nature of the international system due to the process of globalization has eroded the sovereign state's authority in the domains traditionally under the government's control; on the other side, normative theories like cosmopolitanism question whether this is the best form of governance of the international system and search for an alternative to the system of sovereign states.

---

[11] Many cosmopolitans actually argue that "(…) there is no guarantee that a world government would be more orderly, secure, accountable and legitimate than previous forms of political organization" (Held 2005: 137 – 138).

[12] This conviction is shared by the theorists like David Held (2005: 137), Jürgen Habermas (2007: 136), Danele Archibugi (2009) and Thomas Pogge (1992b: 58) that this thesis concentrates on in chapter four.

After discussing the central conceptual issues relating to the critique of Westphalian sovereignty in the cosmopolitan tradition and their approach to sovereignty, the next section now moves on to analyze the specific foundation of cosmopolitans' conception of sovereignty.

2.3. Cosmopolitan Sovereignty as Popular Sovereignty

In the previous section the cosmopolitans' critique of Westphalian sovereignty was mapped out in detail and the cosmopolitan conception of sovereignty was explored. The following section will turn the analytical focus to what is underlying the concept of "cosmopolitan sovereignty". In the following, I will argue that the cosmopolitan argument for dispersion of sovereignty and reconstruction of the global world order is grounded on a special conception of sovereignty, which is popular sovereignty.

Popular sovereignty is distinct from state's sovereignty – the latter reflects Westphalian notion of sovereignty as territorial authority exercised by the sovereign; whereas the former has been historically associated to the sovereign powers of the people. Popular sovereignty entails representative institutions, the separation of powers, and the right for self-governance[13]. Benhabib (2001: 28) has formulated these objectives at the core of popular sovereignty as follows:

> (…) Popular sovereignty aims at widening the circle of representation among all members of the *demos* in an enduring form; popular sovereignty aims at the control of state power *via* the separation of powers between the judiciary, the legislative, and the executive; popular sovereignty means creating structures of accountability and transparency in the public exercise of power.

Historically, popular sovereignty has had contingent connections to the nation state. The political authority of the sovereign is derived from the people and the sovereign powers of the *demos* constrain the nation state's sovereignty. Benhabib (2001: 34) has

---

[13] The traditional understanding of popular sovereignty since Locke understood the rights of the peoples formulated to check the powers of government. However cosmopolitans have a novel interpretation of popular sovereignty, which has been endorsed by cosmopolitan theorists since Habermas. In a similar vein to the previous tradition, Habermas understands governmental authority as originated from the powers of the people, however for him the concept of popular sovereignty represents the *participatory* procedures of democratic practice and the rights serve to secure its conditions of possibility. This means, that for him popular sovereignty is synonymous with the procedures of democratic opinion- and will-formation. Thus according to Habermas, rights do not limit the exercise of popular sovereignty, but provide the conditions for its possibility: "rights do not restrain the political power of popular sovereignty but rather enable it." (Lupel 2009: 77 – 78) Thus cosmopolitans apply a specific understanding of popular sovereignty which is defined in terms of *rights to participation*.

described these tensions between state's territorial sovereignty and popular sovereignty in terms of democracy: "democracy is the process through which the popular sovereign tries to tame state sovereignty by making it responsive, transparent, and accountable to the people". Popular sovereignty entails that the *demos* have the possibility to govern themselves within a democratic institutional framework.

Cosmopolitan political theorists (Archibugi and Held 1995; Benhabib 2001: 34) have argued that popular sovereignty should no longer be connected to the physical presence of a people gathered in the delimited territory of the state, but instead popular sovereignty should refer to the interlocked global public sphere based on democratic principles. This would mean that from the perspective of cosmopolitan theory popular sovereignty would shift from national level to the supra- and transnational level and "the whole mankind would be constituted as a single *demos*" (Marchetti 2012: 25). The cosmopolitan conception of global order, which envisions (horizontally and vertically) divided sovereignty at various political levels, implies the idea that citizenship does not mean exclusively a membership of a national community, but instead a global citizenship where "(…) all persons have equal rights and duties in the cross-cutting spheres of decision-making which can affect their vital needs and interests" (Held 2012: 101). Thus cosmopolitans argue that the concept of citizenship must be rearticulated and re-entrenched to extend the peoples' political membership to cover these diverse political communities (the local, regional, and global) (Held 2012: 101, Pogge 2005: 178). This argument is based on the issues discussed in sections 2.1. and 2.2.

This cosmopolitan model of top-down structure of the global *demos* is presented in Figure 2. The cosmopolitan model of global governance involves the national and transnational *demoi*, supplemented by the intergovernmental representation, and united under the all-inclusive global *demos*.
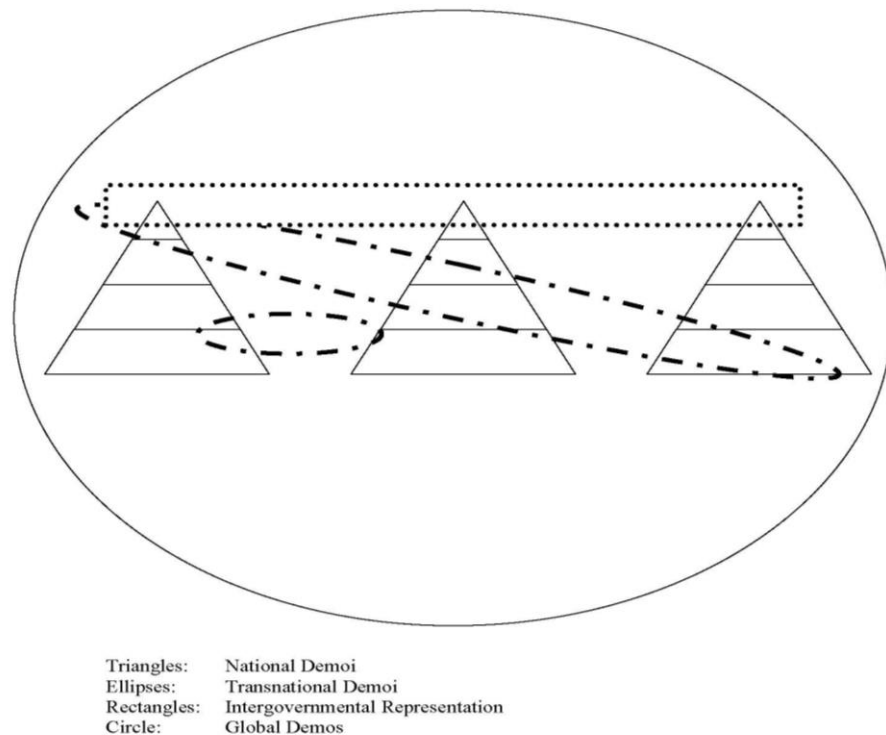
Triangles: National Demoi
Ellipses: Transnational Demoi
Rectangles: Intergovernmental Representation
Circle: Global Demos

Figure 1 The Ideal System of Global Democracy *(Marchetti 2012: 25)*

Because of the process of globalization, the local, national, regional and global issues are becoming increasingly interwoven, however from one hand, the nation state has proven incapable of solving the issues on its own; on the other hand the institutions of global governance established for addressing these issues are too distant from the people, and suffer from a democracy deficit. Held has expressed his critique of current global order by saying that nowadays the regional and global forces "enable power and resources to flow across, over and around territorial boundaries, escaping mechanisms of democratic control" (2010: 242). However, as it is the people – irrespective of their nationality –, who are affected by the decisions taken at the global level, the *demos* should be constituted at the global level and vested with sovereign powers to have control over these global processes[14]. Thus the "(…) accountability chains and democratic processes" (Held 2012: 243) should be extended to the global sphere so that the people who are significantly affected by them would have sovereign powers. This

---

[14] Benhabib (2008: 28 – 29) has supported this by arguing that, "the future of global citizenship lies in becoming actively involved in such transnational organizations and working towards global governance".

forms the foundation of the cosmopolitans' project of moving beyond national citizenship towards a postnational "cosmopolitan" citizenship.

To constitute human beings as cosmopolitan (world) citizens entails a claim for the protection of the people's fundamental human rights and political rights at the global level. Thus the protection of human rights is at the heart of the cosmopolitan project, because "without guaranteeing the fundamental human rights, the cosmopolitan ideal that these citizens could participate in the management of the world's affairs becomes void" (Archibugi 2009: 187): in the cosmopolitan world order the *demos* should have the possibilities for popular participation in the global affairs. From this perspective the fulfillment of human rights creates conditions for the *demos* to participate in the governance of global affairs, hence make the exercise of popular sovereignty possible in the first place.

In order to realize popular sovereignty at the global level, cosmopolitans consider the establishment of supranational democracy[15] necessary to ground the current and future international institutions on the democratic principles of accountability and transparency. They argue that in the ideal structure of a future cosmopolitan order, all individuals should be conceived as citizens of the world on whom the new cosmopolitan institutions would be founded (Archibugi 2010: 325). In this way, the order would be based on the protection of the rights and the democratic participation of "cosmopolitan" citizens. Therefore, central to the world order envisioned by cosmopolitans' are the principles of democracy and the rights of the cosmopolitan citizens.

In the context of this chapter the cosmopolitans appeal for "superseding state's sovereignty" (Archibugi 2013: 319) obtains the meaning of replacing the traditional state's territorial sovereignty with popular sovereignty at the global level. The redefinition of classical sovereignty in terms of popular sovereignty is necessary to create more legitimate forms of governance at the global level. Sovereignty at the global level should be based on legitimate rule, where institutions are accountable to the *demos.* Introducing the concept of cosmopolitan citizenship at the core of the theory

---

[15] Proponents of transnational democracy argue that democracy at the transnational level does not mean the set of all democratic states, which would imply founding the global democracy on democracy within states; instead it means adding a (transnational) level of political representation to the already existing ones – which will lead to democracy among states and eventually a global democracy –, where citizens would have the chance to participate in the management of global affairs. (Archibugi 2002: 31)

allows cosmopolitans to enable the *demos* to govern itself at the global level and enhances the representative capacity of the cosmopolitan institutions, thus creating a strong foundation for the legitimacy of cosmopolitan supranational institutional order.

However some caution is necessary before accepting this approach taken by cosmopolitans, as it has been subject to a lot of criticism[16]. In the context of this thesis the conflict between the doctrine of popular sovereignty, which underpins the cosmopolitans' conception of sovereignty, and the humanitarian intervention that the cosmopolitans simultaneously promote is the main problem. Cosmopolitans use popular sovereignty to legitimize the establishment of democracy at the global level. However the right for the self-governance and self-determination of the people in the domestic realm contradicts with foreign intervention into the domestic affairs of the state even if it is for the good of those peoples (Habermas 2013: 70). Thus it seems that by endorsing the principles of popular sovereignty, cosmopolitans contradict themselves by promoting humanitarian intervention. Therefore, it is important to question whether the reconceptualization of popular sovereignty at the global level would help to overcome this fundamental contradiction.

2.4. Summary

This chapter has reviewed the three key aspects of the cosmopolitan conception of sovereignty: 1) the critical stance towards the Westphalian sovereignty concept; 2) the argument for re-conceptualization of the traditional understanding of sovereignty; and 3) the concept of cosmopolitan sovereignty defined in terms of popular sovereignty. Opposed to the other paradigms in the field of IR, that consider the state as the final source of authority, and hold unquestioned the idea of an international system composed of sovereign states, the cosmopolitan paradigm argues that a system of sovereign states is "historically specific and normatively undesirable" (Fine 2003: 453). Thus according to cosmopolitans, the sovereign states system is a product of history and not a permanent feature of the human condition. The re-conceptualization of sovereignty as popular sovereignty would imply transformations in both the understanding of

---

[16] Some theorists have criticized the proponents of cosmopolitanism as too abstract and idealistic "[cosmopolitanism] seems to presuppose a form of popular sovereignty, a global *demos*, which is nowhere in existence" (Benhabib 2001: 30).

sovereignty and the structure of the global governance system. Thus by establishing the cosmopolitan sovereignty on the principles of popular sovereignty, allows cosmopolitans to reconstruct a more legitimate world order.

3. COSMOPOLITANISM: IDEAL THEORY FRAMEWORK

This chapter will present and analyze the institutional models of modern cosmopolitan thinkers like Archibugi (2009), Habermas (2007, 2013), Held (2005, 2013) and Pogge (1992a, 1992b) and will ask how they address the issue of governance in a cosmopolitan world order and which kind of institutional solutions they offer. These views will be analyzed and compared, overlapping areas of consensus will be identified and disagreements highlighted. As the focus of this thesis is to clarify the question of legitimate agent for a humanitarian intervention according to the cosmopolitan conception, importance will be given to who, according to those theorists, should have the right for legitimate use of force. The aim is to find alternative authorization and implementation institution(s) in the framework of cosmopolitanism to increase the legitimacy of humanitarian interventions. Archibugi, Habermas, Held and Pogge all seek to offer best possible feasible alternatives to the current global order that could be reachable from "where we are now" (Pogge 1992b: 69). Thus this chapter will explore the alternative cosmopolitan institutional frameworks and elaborate on how humanitarian intervention would take place in this framework.

As was discussed in chapter 2, cosmopolitans argue that the concept of sovereignty will need to be re-conceptualized and detached from the notion of the nation-state. At the root of the extension of sovereignty to the trans- and supranational level lies the problem of legitimation. However, as was shown in chapter 2 section 2.3., cosmopolitans seek to legitimize global governance through the concept of popular sovereignty, by constituting the *demos* at the global level. As cosmopolitans are critical about the capability of states to protect human rights, they argue that human rights protection should be institutionalized at the global level. Nonetheless it is important to question why the protection of human rights should be organized better at other levels than the state. Thus section 3.1 will introduce the institutional proposals under consideration and section 3.2 will analyze critically the models presented.

3.1. Contesting Conceptions of Governance: an Analysis of Cosmopolitan Institutional Models

This chapter will map out and analyze the positions that cosmopolitans like Archibugi, Habermas, Held and Pogge have taken on the issue of sovereignty in a cosmopolitan world order and will present and analyze the institutional models they have offered. Before approaching those political theorists, it is important to emphasize that a coherent view among cosmopolitans about how political power should be institutionalized on a global level does not exist: hence cosmopolitans have disagreements about how the architecture of international system should be constructed.

Archibugi and Held as proponents of cosmopolitan democracy argue for taking the democratic process beyond the nation state, which would realize in a sort of a *cosmopolis* – a democratic constitutional world order (Archibugi 2002; Held 2012). Pogge's (1992b) vertical distribution of sovereignty differs from cosmopolitan democracy model with lesser degree of centralization of powers at the global level. Habermas (2007) argues for achieving a "cosmopolitan condition" in the international-level, which would require less centralization of powers at the global level than cosmopolitan democracy proponents, however it delegates more powers at the global and regional levels than Pogge. Thus these cosmopolitans can be divided by the degree of centralization and reforms required: *moderate* models of cosmopolitanism (Habermas and Pogge), contrasted to the defenders of a more *radical* institutional model of cosmopolitan democracy, which demands more fundamental changes in the global order (Archibugi and Held).

By establishing the cosmopolitan international order cosmopolitanism seeks to overcome the state of nature between the states – the international anarchy –, however according to these theorists this would not mean a central overarching authority, but a system of governance without global government[17].

---

[17] In contrast, some IR theorists like Morgenthau (1985) and Wendt (2003) have argued that international anarchy can only be transcended with the development of a world state.

3.1.1. Pogge: Dispersion of Sovereignty

Pogge has contested the idea of a sovereign territorial state as the basic mode of political organization. Thus he proposes a vertical dispersion of sovereignty, which implies a *decentralization* away from current level of state power and a *centralization* on different political units of various sizes (neighborhood, town, county, province, state, region and world at large), without any political unit being dominant (Pogge 1992b: 58). Therefore Pogge argues for a vertical division of sovereignty, which he characterizes in the following way:

> Persons should be citizens of, and govern themselves through, a number of political units of various sizes, without any one political unit being dominant and thus occupying the traditional role of state (ibid.: 58).

This means that he argues for (1) reallocation of political authority by dividing it between multiple levels of governing, as well as (2) abandonment of the prevalence of the state in the international order, by which the state ceases to be the primary political unit. In this multilayered scheme citizenship would be tied to the various levels in which the person identifies himself. The purpose of this dispersion of sovereign powers is to create a system of checks and balances, without any governmental body that would have the powers as the national governments currently enjoy (Pogge 1992a: 97). Thus Pogge distances himself from the world government model as "the ultimate concentration of sovereign powers" (ibid.).

An important aspect of Pogge's cosmopolitanism is that he describes his approach to the of global order as an institutional cosmopolitanism, which is centered around human rights (1992a: 50), where the responsibility for the fulfillment of human rights is placed on the institutions. He considers reforms in the global order as necessary to reach a just international institutional scheme that facilitates the fulfillment and protection of human rights at the institutional level(s) (1992a: 95).

3.1.2. Habermas: Postnational Democracy

Habermas proposes a more delimited dispersion of sovereignty between three arenas and three kinds of collective actors (Habermas 2013: 271): this is the supranational, transnational and state level. At the *supranational level*, Habermas considers the reformed UN as the world organization which has as the two main functions of securing

peace and promoting human rights on a global scale. Therefore, the classical functions of the nation-state like security, law and order, and the protection of individuals' rights, would be transferred to a supranational world organization. The world organization would have control over those limited policy fields "(…) without itself taking on the character of a state" (Habermas 2013: 271). He suggests that the reformed UN would remain composed of states in the first instance and not of world citizens (ibid. 272). Thus according to Habermas, states retain a privileged status: "(…) the states remain the most important actors and the final arbiters at the global political stage" (Habermas 2007: 176). This idea differs from Pogge, who does not refer that the state would have a role in the global level political institutions.

At the *transnational level* he conceives the international relations between states, in a similar manner as they have functioned until nowadays, however in a modified form as "continental regimes". Habermas argues that in order to guarantee equality of political weight and effective political power between all actors, smaller nation-states would need to unite in continental or regional regimes[18]. Here the states would address the problems (e.g. global economic, ecological issues, health etc.) of global "domestic" politics within a framework of permanent conferences and negotiating forums (Habermas 2007: 109). This would create a system of checks and balances to constrain the powers of large states and to enhance those of the smaller states. At the third level, are the nation-states, which remain a source of authority and legitimacy. (ibid. 136) In similar vain to Pogge, Habermas also rejects the idea of a world state by stating: "the democratic federal state writ large – the global state of nations of world republic is the wrong model" (ibid. 134). Instead he proposes a decentered *world society* as a multilevel system that lacks state-like characteristics (ibid. 135 – 136).

The world society without world government becomes possible through the constitutionalization of international relations, where international law would transform into cosmopolitan law (ibid.: 135). Under this cosmopolitan legal order, the powers of the nation-state would be limited in scope of action, however they would retain their status as subjects of the global legal order, and the citizens would also acquire the status

---

[18] Here Habermas follows mostly the EU model, however he mentions also other regional forms of intergovernmental cooperation like APEC, ASEAN, NAFTA, AU, ECOWAS, OAS, etc. as an evidence that in order to handle the loss of sovereignty, states will need to form alliances (Habermas 2010: 273).

of subject of cosmopolitan law (2013: 269): they would be not just citizens of the nation-state, but also cosmopolitan world citizens. In this manner, as the world citizens, they could assert legal claims against their own governments if necessary (Habermas 2007: 109). Thus as the cosmopolitan condition Habermas envisions is a type of cosmopolitan legal regime, where human rights protection would be facilitated by granting individual human beings status as a world citizen, at par with the status of the state. In case the government violates the human rights of its citizens, "a global police force (…) would act on behalf of the basic rights of cosmopolitan citizens" (Habermas 2013: 279). As the monopoly of force would remain with the state (ibid. 280) this global police force would be assembled of the nation-state forces under the UN authorization.

3.1.3. Archibugi and Held: Cosmopolitan democracy

Even though the main theorists of cosmopolitan democracy, Archibugi and Held, have diverging opinions about some aspects of the institutionalization of the cosmopolitan democracy model, which will be indicated below, their reform program overlaps to a large extent. Thus the theory of cosmopolitan democracy will be presented here as a coherent theory.

The proponents of cosmopolitan democracy propose multilayered governance where sovereignty would be divided between local, state, interstate, regional, and global dimensions (Archibugi 2013: 314)[19]. Archibugi suggests (ibid.), that the relationship between the dimensions would not be hierarchical, but functional: each level would be autonomous, but a necessary complement the other levels. This implies, that the democracy would take the classical form of division of powers and competences, as within states, however in "(…) different levels of political interaction and interconnectedness – levels which corresponding to the degrees to which public issues stretch across and affect populations" (Held 2005.: 236). They consider this dispersion of sovereignty by domain of authority both horizontally and vertically necessary to handle the common problems at the appropriate level of decision making (ibid. 235 – 237), meaning that local problems should be dealt with at the local or national level, and global problems should be handled in the transnational or supranational level.

---

[19] Held (2013: 272 – 273) supports in a similar vain to Habermas the creation of regional parliaments who would have an independent voice in world politics (ibid. 283), whereas Archibugi has not made such proposals.

Here Archibugi and Held differ over whether the concept of sovereignty as an ordering principle needs to be modified (Held) or discarded altogether (Archibugi) (Brown, Held 2013: 12). Held argues that this dispersion of sovereignty becomes possible through the detachment of sovereignty from fixed borders and understanding it as an attribute of cosmopolitan democratic law:

> Cosmopolitan sovereignty is sovereignty stripped away from the idea of fixed borders and territories governed by states alone, and is instead thought of as frameworks of political regulatory relations and activities, shaped and formed by an overarching cosmopolitan legal framework (2002: 33).

Archibugi (2004b: 452) has a similar transformation of sovereignty in mind, however he argues that sovereignty should be substituted with (global) constitutionalism. He argues that: "conflicts concerning the issue of competence arising as a result of the different levels of governance, must be solved within the domain of global constitutionalism, and referred to jurisdictional bodies (…)" (ibid.) Thus by creating a legal system that would constrain the international system, they try to distance themselves from the notion of sovereignty at the global level, which would entail a world state.

Disagreements also arise about the contents and scope of citizenship. Held argues that as sovereignty would be divided between various levels of governance, creating an "overlapping cosmopolitan polity", the people would also enjoy multiple citizenships:

> In a world of overlapping communities of fate, individuals would be citizens of their immediate political communities and of the wider regional and global networks which impacted upon their lives (Held 2013: 240).

Archibugi on the other side suggests that together with the citizenship of the nation-state, individuals would just acquire a cosmopolitan citizenship (ibid. 321): hence Archibugi does not necessarily imply that citizenship would be dispersed between all political levels.

The theorists of cosmopolitan democracy argue that if global issues are to be handled according to democratic principles at the global level, "(…) there must be political representation for citizens in global affairs, independently and autonomously of their political representation in domestic affairs" (Archibugi et al. 1998: 211 – 212). Thus they propose the formation of an authoritative World Parliamentary Assembly of all democratic states and agencies – a reformed UN General Assembly or a complement to

it as a "second chamber" –, where the world citizens would be represented not by their governments, but by directly elected representatives (Held 2005: 273 - 274). Thus both individuals and states would have their own representatives at the global level. They envision this as "(…) an effective institutional framework to represent the people and movements of the world, many of whom require protection from their states and governments" (ibid. 273). This independent assembly of democratic peoples, is a necessary institutional requirement for the project of cosmopolitan democracy as they want to increase the political participation of the citizens in the governance of the global questions and enable better protection of human rights. Habermas (2013: 272) at this point departs from the theorists of cosmopolitan democracy as according to his account the world organization should not be comprised of global citizens but of states and should keep the current form as an organization.

What is different between Archibugi and Held is the role of coercive powers. Held argues for the establishment of an effective, accountable, regional and global police force for the last-resort use of coercive power in defense of international humanitarian or cosmopolitan law (Held: 2013: 306). On one hand, the coercive powers in the global level are necessary for humanitarian purposes, however on the other hand, according to Held, the new institutional model would need to be backed-up by coercive powers: "(…) it is dangerously over optimistic to conceive the cosmopolitan model without coercive powers, because tyrannical attacks against democratic law cannot be ruled out" (Held 2005: 276). Thus according to his conception, the world organization would have military forces under its command and would exercise police functions[20]. Therefore he suggests that there would be a permanent shift of nation-state's coercive capabilities to the regional and global institutions (ibid. 279). Archibugi (2013: 322) sees the necessity of coercive powers at the global level only for humanitarian purposes. The states would retain their armed forces, however there would also exist permanent "rescue army", deployable on the request of UN Secretary General (ibid.). The proponents of cosmopolitan democracy model are with Habermas and Pogge in arguing, that "(…) it

---

[20] Held is somewhat unclear when discussing who should have the monopoly of coercive power at regional and global levels and he offers two possible solutions, where the latter he considers preferable: 1) a proportion of nation-state's military could be seconded to the new international authorities and placed at their disposal on a routine basis; 2) these authorities could create a permanent independent force recruited directly from among individuals who volunteer from all countries (Held 2005: 276).

is preferable not to proceed beyond a certain degree of centralization of power, and in particular, of means of coercion on such a large scale as that of the entire planet" (Archibugi 2013: 325). Thus, in principle, all cosmopolitans presented here, reject the idea of a centralized world state.

To get a better overview of the institutional models proposals outlined above, and to bring out the contradictory and overlapping areas of consensus, it seems helpful to visualize the institutional models in a table (see Table 2).

Table 2 Cosmopolitan Institutional Models (Source: the author)

Models of institutional cosmopolitanism	Main defender(s)	Model of Sovereignty	Levels of Global Governance	Levels of Citizenship	Legitimate Use of Force
Cosmopolitan democracy	Daniele Archibugi	Sovereignty replaced by global constitutionalism	Local, state, interstate, regional, and global level (world organization with an assembly of democratic peoples)	National citizenship and cosmopolitan citizenship	States would retain their armed forces, however there would exist also a permanent "rescue force" at the global level for humanitarian purposes, deployable on the request of UN Secretary General.
	David Held	Sovereignty replaced by cosmopolitan democratic law	Local, state, interstate, regional (regional parliaments), and global level (world organization with an assembly of democratic peoples)	Multiple citizenships at various levels (including cosmopolitan citizenship)	A permanent shift of nation-state's coercive capabilities to the regional and global institutions. The creation of a permanent force at the global level for enforcement of humanitarian law and cosmopolitan law.
Postnational democracy	Jürgen Habermas	Constitutionalization of international law	Supranational, transnational, (regional or continental regimes) and nation-state level (remains the source of authority and legitimacy)	Citizenship rests in the nation state; but individuals would also obtain the world citizenship as subjects of international law.	Monopoly of force remains with the state. Global police force under the world organization assembled of nation-state forces.
Dispersed sovereignty	Thomas Pogge	Vertical dispersion of sovereignty	Neighborhood, town, county, province, state, region and global level	Multilayered citizenship	-[21]

---

[21] There is no clear indication in Pogge's texts about the coercive forces.

3.2. A Critical Analysis

The cosmopolitan institutional models represent ideals of the global order to which the current world should approximate. However, it is necessary to critically evaluate whether those ideals really are something to aspire to by asking what these concepts imply in reality. The cosmopolitans presented above are critical about the capability of states to protect human rights and thus the question of whether the world should be organized around the sovereign states system if rights are not protected by them arises (Lang 2010: 331). However it is important to question why human rights fulfillment and protection would realize better when the decision-making powers are moved to higher levels and units.

Pogge's vertical dispersion of sovereignty seems a desirable aim at first sight, as it would limit states' inviolable sovereignty that too many times has led to the disregarding of human rights violations by the international community; however it is important to question whether and how the human rights protection would realize better in a system of dispersed sovereignty. Pogge (2013: 123) argues, that:

> (...) Massive violations of human rights could be reduced through a vertical dispersal of sovereignty over various layers of political units that would check and balance one another as well as publicize one another's abuses.

His institutional model requires complete division of sovereignty between the various political levels, which implies that no level would have powers than any other. This raises the question of how can the humanitarian law be effectively enforced if there are no "higher" political institutions with powers to coerce the violators of individuals' fundamental rights. It seems that according to Pogge it is not necessary for some levels to have more powers of coercion, implying that he has an idealized understanding of the localized levels. Thus the most serious drawback of Pogge's approach is that the "higher" political levels do not have any stronger powers of coercion to force the political units to compliance and to stop large-scale human rights violations at lower levels.

The project of cosmopolitan democracy at first sight seems to provide much better protection of human rights at the international level than Pogge's vertical distribution of

sovereignty. By attributing the individuals with cosmopolitan citizenship next to the national citizenship, individuals can legitimately appeal to international organizations for the protection of their rights by the international police force. However the disadvantages of this approach are the political implications: the consequences of (1) the constitutionalization of international law, (2) the creation of world parliament, and (3) world police force. On one hand, it is possible to doubt whether these institutions would be more effective than the current existing institutions at the global level; whereas on the other hand, the real democratic nature of these institutions is questionable.

If democracy is to be understood as "a system of popular control over governmental policies and decisions" (Dahl 2013: 424), then it is possible to criticize the cosmopolitan democracy on two grounds. The first major weakness of the cosmopolitan democracy project is actual political power of the world parliament[22]. Archibugi and Held (2011: 9) admit, that "it is unlikely that such an organ [the world parliament] would have effective powers (…), but even if it were simply a forum reflecting and deliberating upon global public opinion it could play an important role in identifying and confronting policies on world issues". However in this form, the world parliament, which is supposed to represent the global *demos* and enable them participation in the management of global affairs, would lack both efficiency and legitimacy and thus would not be meaningfully democratic. Thus a question that needs to be asked is what use is a people's parliament that does not have any substantial powers, and where states continue to make all the important decisions. This reveals the limits of this theoretical approach, as the global democracy and popular control at the global level turn out to be intrinsically void. The second drawback of cosmopolitan democracy has been pointed out by Habermas (2013: 272), who has criticized the project of cosmopolitan democracy arguing " (…) that there cannot be a world parliament, without a world republic". This criticism goes at the heart of the cosmopolitan democracy as it claims to bring about an order of global governance without global government. By institutionalizing these

---

[22] When envisioning the World Parliamentary Assembly cosmopolitan democrats build on the European Parliament model (Archibugi, Held 2011: 9). However, as the European Parliament model has shown, collective action problems accompany the extension of democracy at the supranational level. The individual states' interests conflict with what would be in the collective interest of the European Union, which inhibits the outcomes of the Parliament. Paradoxically, to ensure that decisions would be taken according to the collective interest of European peoples, it would mean that more powers should be delegated to the EU level.

bodies – the legislative, administrative and coercive – at the global level it remains unclear how the cosmopolitan democracy would be different from a world state order. Dahl (2013) and Kymlicka (2013: 439) have maintained that it is implausible that the international institutions and organizations would be democratic in any meaningful sense and that it would be dangerous to delegate powers to effectively non-democratic structures. This criticism is based on the argument that by transferring democratic governance to the supranational level the capacity of the people to participate effectively in governing would be diminished (Dahl 2013: 425). Paradoxically, as the global institutions gain more powers, the capacity of the people to influence the decisions reduces. Thus it is questionable whether a type of global governance, short of a world state, would turn out to be less oppressive then a global government.

Habermas's proposal for a postnational democracy envisions much more limited powers at the global level, entrusting only the functions of securing peace and the protection of human rights to the world organization. These tasks should be governed at the global level to ensure that wars would be limited and human rights abuses would be dealt with in all corners of the world in an impartial manner. The establishment of permanent police force under the world organization's command would ensure that the protection of human rights would not depend merely on the political will of states and their *ad hoc* contribution of troops. It is quite plausible that the strengthened international enforcement of human rights would be more effective than the current system, where primary responsibility of protection is entrusted to the nation states and international community intervenes only in extreme emergences, if even then. Fabre (2012: 188) has supported this position:

> By parity of reasoning, victims of rights violations at the hands of their own regime are (usually) better off entrusting multinational institutions with the task of authorizing the quick deployment of an international army, since those institutions are more likely to be impartial and to reach their decision to use force in a transparent and accountable way than lone, unmandated interveners.

However it is equally important that according to Habermas the ultimate monopoly of coercive powers would rest in nation-states (Habermas 2013: 280). Habermas recognizes the state as a persistent part of the international system which has a special role in the fulfillment of human rights. However it is necessary to question whether in

this form – when the state remains the holder of coercive powers – the international human rights protection regime would not remain as weak as it is currently. By limiting the powers and functions of the world organization and dividing the competences between the national and regional levels, Habermas avoids the development of a despotic world state. However this comes at the expense of a more effective protection of human rights.

This chapter took a critical perspective on whether the cosmopolitan project is a desirable project as an end-state for the realization of human rights protection. Cosmopolitans believe, that human rights fulfillment and protection should organize better at the global level, however as was argued above, it is questionable whether the institutional frameworks would function in the way cosmopolitans claim and if they would provide significantly improved human rights protection. However it might be too early "to throw the baby out with the bathwater": cosmopolitan institutional models represent an ideal of a more just world order, towards which the current non-ideal world should approach. Thus the reform proposals of cosmopolitans can be perceived as normative guidelines for realizing a more just world order, where the conditions for human rights fulfillment and protection would be met.

4. COSMOPOLITAN HUMANITARIAN INTERVENTION

Cosmopolitanism has a unique approach to humanitarian intervention with regards to the principles and means to be employed and thus gives answers that are substantially different from other schools of thought (Archibugi 2009: 187). The cosmopolitan approach towards humanitarian intervention differs from the other theories of IR as it is driven from moral commitment to individuals' human rights, global justice and the idea of global governance. The concern for the protection of human rights globally is at the core of cosmopolitan justifications for a humanitarian intervention as they argue that there is not merely a right to intervene, but a stronger commitment in the form of a duty to relieve the suffering of peoples, which applies regardless of the state borders. This implies that for cosmopolitans, political borders of states are arbitrary from a moral perspective and should not influence individuals' prospects for having their fundamental rights guaranteed. Therefore a cosmopolitan approach considers the duties what we owe to our co-nationals and citizens to be equal with the respect we owe to all individuals globally and thus would argue for "saving strangers" (Wheeler 2002) by promoting a humanitarian intervention.

Cosmopolitans seek to weaken the states' sovereignty in order to enable improved international human rights protection and facilitate humanitarian interventions. Thus, as was discussed in chapter three, cosmopolitans argue that the concept of national sovereignty must be reconsidered to the advantage of human rights[23] (Habermas 2010: 270). Thereby, cosmopolitans aim to achieve a condition where no large-scale violation of individuals' fundamental rights would be left disregarded only because the perpetrators are protected by nation state's sovereignty or because the victims are foreigners (Fine 2007: 81). By detaching the individuals' fundamental rights from their confinement to the state, cosmopolitanism seems to overcome the tensions between the concept of humanitarian intervention and the violation of state's sovereignty.

Central to the discussion in this chapter is the theoretical perspective which cosmopolitans have adopted to discuss the question of humanitarian intervention. As humanitarian intervention is a necessity in this non-ideal world, they have developed a

---

[23] Habermas (2010: 270) has maintained that nowadays internal state sovereignty is not restricted only to maintaining law and order, but also includes the effective protection of the rights of the citizens.

"non-ideal theory concerning questions of war and peace" to respond to the problems of the current non-ideal reality (Lang 2010: 331). Thus, while chapter three analyzed the ideal theory of global governance and attempted to locate the ideal agent(s) for humanitarian intervention in the cosmopolitan institutional models framework, this chapter will analyze the non-ideal theory of cosmopolitanism about humanitarian intervention. It is important to consider both theoretical perspectives to understand whether the ideal normative theories can give us feasible practical guidance for the non-ideal reality.

The purpose of the following chapter is to analyze the cosmopolitan (normative) conceptions of humanitarian intervention and focus in particular on the question of who is *the most legitimate agent* to (1) authorize and (2) undertake an intervention. The chapter will clarify the aspects and contents of right agency, establish a cosmopolitan framework for a humanitarian intervention, and will subject this framework to critical analysis.

4.1. Towards a Cosmopolitan Definition of Humanitarian Intervention

Before proceeding with the argument, a clarification of the concept being analyzed in this chapter and in the following chapters is in order. In the following discussion about humanitarian intervention's agency, I will adopt Holzgrefe's (2003: 18) definition of humanitarian intervention:

> The threat or use of force across state borders by state (or group of states) aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals other than its own citizens, without the permission of the state within whose territory force is applied.

This understanding captures the three elements of humanitarian military intervention on which there exists a general consensus in the academia. Firstly, there must be a large-scale and serious violations of fundamental human rights present. Secondly, force is used to intervene into the domain of a sovereign state. Thirdly, the intervention is done against the will of the sovereign within which territory the intervention is taking place. However one important limitation needs to be acknowledged: this definition considers as an agent for an intervention only states or group of states. To adopt a cosmopolitan approach would mean to recognize that also institutions other than states can be engaged in intervention. Thus an alteration of the definition is in order to have a wider

account of who can engage in intervention. Hedley Bull's definition is helpful here, as he has defined intervention as "(…) dictatorial or coercive interference, *by an outside party or parties*, in the sphere of jurisdiction of a sovereign state, or more broadly of an independent political community" (Bull 1984: 1). As this definition can be criticized for "its use of the pejorative words *dictatorial* and *interference* (…), suggesting before any normative considerations have been adduced, that intervention is wrong" (Caney 2005: 228), I will dismiss this definition in general, however one feature is worth adopting – the wide definition of an agent for intervention, "outside party or parties". Hence the definition this thesis is based on will take the following formulation:

> The threat or use of force across state borders, *by an outside party or parties*, aimed at preventing or ending widespread and grave violations of the fundamental human rights of individuals (other than its own citizens), without the permission of the state within whose territory force is applied.

4.2. Humanitarian Intervention Agency: Conceptual Clarifications

Most contemporary political theorists agree that humanitarian interventions should be undertaken to stop large scale violations of human rights – this is connected to the reformulation of sovereignty in terms of responsibility – however ambiguity remains about which agent should undertake it. This requirement for legitimate humanitarian intervention has received considerably less attention in the contemporary literature than other conditions of just war (Fabre 2008: 963), though recently the academic interest has grown[24]. There seems to be a considerable degree of consensus on the other criterions of just war, however the problem of *who* should authorize and conduct a just act of intervention is surrounded by considerable amount of confusion, and is subject to heated debates in the academia. A cosmopolitan approach to this issue might give an account of who should be the legitimate agents to act.

This question of the proper agent for a humanitarian intervention is comprised of two elements: who in particular in the international community should *authorize* and who should *undertake* the humanitarian military intervention. These questions are closely associated to the question of who should have legitimate control over coercive means at the international level. This section will seek to clarify the normative foundation of this

---

[24]See for example Cecile Fabre (2008) and James Pattison (2010).

right authority for humanitarian intervention, establish why it is necessary that the intervention would be authorized and proceed under the proper agent, and lay out the conditions under which a certain agent can be considered legitimate. A clear understanding of who should be the ideal agent of humanitarian intervention is necessary to give "normative guidance" in case the state fails to protect its people's fundamental rights. The most appropriate way to approach this question would be through the prism of a normative theory which has set at its heart the protection of the rights of all individuals. As cosmopolitanism questions the role of states in protecting individuals' rights, it gives unique answers to the problem of which agent should intervene.

The distinction between the agent who authorizes and who undertakes a humanitarian intervention has pivotal importance in the non-ideal reality. The best way to understand the importance of this is through negative reasoning: if there would not be an impartial global institution to authorize a humanitarian intervention, then interventions would take place in a selective and careless manner, as the agent – a state or a coalition of states – would only undertake a humanitarian intervention when it has underlying (national) interests for conducting the intervention (e.g. resources, change of regime etc.). Thus Archibugi (2004a: 8) has argued that in the absence of the separation of deliberation from implementation, humanitarian interventions would be undertaken not based on the nature and gravity of the human rights violations, but only on whether the states have the political will to carry out the military intervention. On the one hand, this might result in many humanitarian catastrophes being ignored as there might not be any agent that is willing to intervene. On the other hand, this can result in military interventions other than with humanitarian ends being labeled as such, because there is an agent willing to carry it out. (ibid.) Hence the absence of an impartial global authority to authorize humanitarian intervention might lead to a situation of lawlessness, where all interventions (even acts of war) would be justified with humanitarian ends. For those purposes it is important to separate the deliberation from the implementation, to ensure that humanitarian interventions would be undertaken neither in a selective or careless manner.

4.2.1. The Normative Foundations

The normative foundation can be traced back to the ICISS report "The Responsibility to Protect" that has brought about the re-conceptualization of the principles of *sovereignty* and *non-intervention*. According to the norm accepted by the international community, the responsibility to protect populations from "genocide, war crimes, ethnic cleansing crimes against humanity" falls still firstly and primarily on the state (UN 2005: 30)[25]. In line with the discussion in the previous section, as the sovereign authority is assigned by the people to the state, it must offer protection to the people in return. This principle of *sovereignty as responsibility* was approved by the UN General Assembly in the resolution "2005 World Summit Outcome" stating that in case the state fails to protect its people, then the responsibility is transferred to the international community:

> (…) We [the international community] are prepared to take collective action, in a timely and decisive manner, through the Security Council, in accordance with the Charter, including Chapter VII, on a case-by-case basis and in cooperation with relevant regional organization as appropriate, should peaceful means be inadequate and national authorities manifestly fail to protect their populations from genocide, war crimes, ethnic cleansing and crimes against humanity (UN 2005: 30).

Thus this requirement of protection of human rights in the current world order rests primarily on the nation state, however as the sovereignty of the state is conditional on its capability to defend the people's fundamental rights, if the state fails to protect them, it forfeits its sovereignty. As states' sovereignty is conditional upon the upholding of human rights Andreson-Gold (2001: 123) has argued that states which fail to protect the human rights of their population have failed to meet the requirements for non-interference. Hence in case the state fails to fulfill this responsibility, it forfeits its sovereignty and *the responsibility to protect* the people is transferred to the international community[26]. Pattison (2010: 4) has correctly pointed out that it is evident that the

---

[25] Article 138 of the Resolution adopted by the UN General Assembly „2005 World Summit Outcome" states: „each individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity". (UN 2005: 30)

[26] Currently the *right* to intervene to protect fundamental human rights is widely recognized, however according to cosmopolitanism the international community should recognize a stronger moral commitment and accept that it is the *duty* to protect the population of a state that violates their fundamental human rights, from its own government. These issues will be discussed in section 4.4.1. and 4.4.2.

primary responsibility to protect lies on the state where human rights violations are taking place, however problems arise when the country fails to protect its citizens and other peaceful measures fail, and this responsibility is transferred to the international community[27]. At present, it remains unclear who exactly has this duty, in the international community, to act in the face of large-scale and grave violations of human rights. Thus also the implementation of the R2P norm remains on fragile grounds.

4.3. Cosmopolitanism: Pacifism versus Humanitarian Intervention

Before proceeding further, it is important to address an apparent contradiction within the theoretical paradigm of cosmopolitanism. Fine (2007; also Smith 2007: 75) has highlighted the tensions between the cosmopolitans support for a military humanitarian intervention and their simultaneous support for a Kantian "perpetual peace":

> On the one hand, cosmopolitan principles of human rights and global governance lend support to humanitarian military intervention if it is necessary in order to protect the basic human rights of the most vulnerable. On the other hand, cosmopolitanism is historically associated with the critique of militarism and the ideal of world peace (Fine 2007: 82).

The same tensions in the cosmopolitan thought have been noted by Dower (2009: 70 – 71), who observes that some cosmopolitans may defend certain kinds of military intervention in order to protect fundamental human rights and at the same time argue for various restraints in warfare. Fabre (2012: 4) on the other side has defended this ambivalent approach that the cosmopolitans have adopted:

> The claim that all individuals are owed equal concern and respect, which flows from a deeper concern with preserving their dignity as human beings and minimizing their suffering, is compatible with both the thesis (…) that we should strive for peace and, accordingly endeavor to construct an ethics of peace-building, and the view that we sometimes have the right to resort to war precisely when our or other people's fundamental rights are violated.

On one hand, this discord reflects the incoherent nature of cosmopolitanism, where opposing and contradicting theoretical views about the most fundamental questions (as

---

[27] Some cosmopolitans, like Dower (2009: 180), have maintained a more critical position with regards to the states' capability to protect human rights and argue there has been a shift in thinking about the protection and promotion of human rights as responsibility primarily of the nation state with international community merely supporting those efforts, to understanding the protection of human rights as a responsibility of the international community, as it is often states themselves who violate human rights.

war and peace) sharply divide the school of thought. On the other hand, this can be interpreted as an attempt by cosmopolitans to free them from the "theoretical straitjacket", which confines their theoretical explorations to the ideal (normative) realm, and engage with the problems present in the non-ideal reality.

Cosmopolitans' argument for a humanitarian intervention stems from the basic principles of cosmopolitanism, as they attribute ultimate moral value to individual human beings and thus derive the normative commitment to promote and protect human rights, if needed, by military force. With regards to the humanitarian intervention, the protection of fundamental human rights is an imperative that necessitates an action to contribute to their fulfillment. Through the promotion and protection of human rights by means of humanitarian intervention, cosmopolitans seek to contribute to the conditions of human rights fulfillment and in the long term to global peace. Therefore, this duty to protect human rights globally is inherently connected to the pacifist commitment to promote the conditions of just and durable peace (Dower 2009: 187) [28]. Controversially, this would imply that for cosmopolitans a military intervention with humanitarian ends would be used as means to achieve the ideal cosmopolitan condition of perpetual peace.

These tensions should not be dismissed, but it is possible to argue that, for cosmopolitans, humanitarian intervention is necessary in the imperfect world in which grave violations of human rights are present, however, the long-term end of cosmopolitan theories is the attainment of an ideal "cosmopolitan condition" of peace made permanent (Habermas 2007: 121). This reflects this ideal *versus* non-ideal world dilemma that cosmopolitans face: in the non-ideal reality humanitarian intervention is a necessary practice from a cosmopolitan perspective, however in the ideal cosmopolitan world this intervention would no longer exist, at least in the present form[29]. Thus cosmopolitanism calls for extensive reforms of our current international institutions and order, to change the current practices and to deal more effectively with the question of large-scale fundamental human rights abuses present in the imperfect world order. This

---

[28] Hence cosmopolitanism is in strong contrast with the realist school of thought, which argues, that humanitarian intervention destabilizes the international order.

[29] This was addressed in more detail in chapter three, which mapped out the cosmopolitan institutional models.

would enable the imperfect world to progress towards an ideal cosmopolitan world order, where the violations of human rights would not be present.

4.4. The Cosmopolitan Framework for a Humanitarian Intervention

Recently an engaging discussion has taken place in academia about cosmopolitanism and its implications for a humanitarian intervention. Within the debate about the proper agent for a humanitarian intervention, ideas have been formulated about the possibility of "a cosmopolitan UN force" (Pattison 2010) and "a world police intervention" (Habermas, 2007; Archibugi 2009). Cosmopolitanism offers ideal normative principles which prescribe how humanitarian interventions should be carried out, however it can be questioned whether these ideals can offer practicable guidance in the non-ideal reality. On the one hand, cosmopolitans' approach is very original as they offer ideal cosmopolitan solutions for conducting a humanitarian intervention in our non-ideal reality; on the other hand, they have been criticized for offering utopian solutions that assist little with the non-ideal complexities of the current world order (Fine 2007: 86). To clarify this account, I will firstly address the theoretical foundations of the cosmopolitan thought exploring the question of why there is a need for a humanitarian intervention according to cosmopolitans; and secondly reconstruct the principles of a cosmopolitan humanitarian intervention.

4.4.1. From Right to Duty to Intervene

This section will map out the cosmopolitan argument for a duty to conduct humanitarian interventions. This is a crucial step as the problem with recognizing a right to an intervention and disregarding the duty to act may lead to selectivity and inconsistency in the practice of humanitarian intervention (Hehir 2010: 134). In this way the legitimate agent for a humanitarian intervention would not only have the right to interfere – when it has the political will or when it is in the agent's interests – within the sovereignty of another state in order to protect its citizens, but it would have the obligation to act in the name of suffering foreigners. The argument can be divided into the requirements of cosmopolitan (1) morality and (2) justice.

Firstly, cosmopolitans commitment to human beings as the "central moral concern", implies that human beings have an intrinsic worth and dignity, that should not be violated. Pogge (1992a: 89) has argued, that:

> On the most fundamental level of morality, all living human beings equally have the status of ultimate units of moral concern (…); and we have this status *vis-à-vis* every other person or group, not merely against out compatriots, fellow-religionists, or such like (…).

As human dignity is universal in scope, this special status of human beings is guaranteed in the form of human rights (ibid.), which would enable all people to live a dignified life. As these rights are held by all individuals universally, this implies a duty for others to protect those rights when they are violated. As human rights violations on a large scale endanger the fundamental dignity of human beings, other people have the obligation to ensure them the dignified human life by protecting their rights.

Secondly, justice-based arguments for a duty of humanitarian intervention have been formulated extensively by Fabre (2012) and Moellendorf (2002: 36 – 67), who claim that justice requires that all individuals are treated with equal concern and respect, which in turn implies that all individuals should also have equal opportunities for a minimally decent life. Those conditions for a minimally decent life are guaranteed to individuals through rights. Fabre (2012: 34) has outlined this argument in the following manner:

> (…) If some freedoms and resources are needed to live a life worthy of a human being that provides a justification for securing those goods and freedoms to any given human being as a matter of right, then that fact also provides justification for securing them to all other human beings (…).

This implies that fundamental rights are conferred to all individuals universally and establishes that these rights should be protected from serious violations.

To understand the argument that an individual should not lack conditions for a "minimally decent life" (ibid.) it is necessary to introduce one important consideration. All human beings should have their fundamental rights guaranteed regardless of the place one happened to be born because a person is not responsible for being born in a country where those conditions are not guaranteed, or more appropriately in this dissertation's context, in a country where fundamental human rights are not secured and large-scale violations are taking place. Thus cosmopolitans argue that there exist duties

of justice to protect those fundamental rights and these duties do not "depend on one's geographical location on the planet" (ibid. 36; Moellendorf 2002: 125). Moellendorf (ibid.: 123) has formulated this idea in the following way:

> If citizens of other states have a claim to justice to be protected against injustices, when the state has failed to provide the protection or is constituting the threat, then there is a corresponding duty of non-compatriots to help remedy the injustice[30].

Thus humanitarian intervention should be conceived a duty towards foreigners, to guarantee the suffering peoples minimal conditions for a decent life by ensuring their fundamental rights.

4.4.2. A Conditional Approach to Institutions

The previous section established that in case a state fails to protect the basic rights of the people, there exists a duty to prevent human suffering regardless of the state borders. As people have established institutions for the protection of their rights, this duty to protect is allocated to those institutions. This argument reflects an important side of the cosmopolitan conception of political institutions: political institutions – the state, trans- or supranational institutions – have value only if they protect human rights. This approach to institutions implies that if the political institutions fail to respect and protect fundamental human rights, they violate the very purpose of their existence and thus lose their right to govern. Pogge (1992a: 91) has expressed this in the following way: "(…) human rights impose constraints upon shared practices, and direct responsibility for their fulfillment thus rests with institutional schemes". Thus, according to cosmopolitans, the political institutions are conceived as instruments for the realization of the promotion and protection of fundamental human rights, which makes the legitimacy of those institutions conditional on the fulfillment of human rights.

As discussed in chapter two, section 2.3. cosmopolitans share the contractarian understanding of sovereignty and argue that the sovereign powers of states are derived from the people. Therefore the state has the primary responsibility for guaranteeing peoples' fundamental rights within national borders. However the people have established a world organization who is authorized to act on their behalf as a stand-in in

---

[30] This argument implies that the duties toward one's co-nationals should not be stronger than those to people in other countries of the world.

cases of emergency when the primary agent, their government, is no longer able or willing to protect their rights (Habermas 2010: 280). Thus in case a state violates the fundamental human rights of its own citizens, the duty to protect is transferred to the UN.

As argued in chapter two, the principle of popular sovereignty contradicts the concept of a foreign intervention even if it is for the good of the people whose fundamental rights are being violated[31]. However this dilemma seems to be resolved if one takes into consideration that through the creation of the UN, the people have authorized an institution to act in case their fundamental human rights are violated. As is stated in the preamble of the UN Charter (1945), "we the peoples of the United Nations (…) have resolved to combine our efforts to accomplish these aims [of the Charter]" and "our respective Governments (...) hereby establish an international organization to be known as the United Nations". As the UN was established by the peoples, it is a legitimate representative body of the people and the UNSC has the right to authorize a humanitarian military intervention, even without the direct consent[32] of the suffering people, in order to save them from a *democide*[33] by their own governments. Thus cosmopolitans seem to overcome the tensions between the concept of popular sovereignty and humanitarian intervention: by establishing an international organization to uphold their rights, the peoples have authorized the institution to act in case of a humanitarian disaster[34].

However, this must be approached with caution because the UN, which is supposed to represent the people, has been composed of (and created by) the nation-states from the very beginning. This represents an inherent contradiction as the UN presents itself as an instrument of the peoples to constrain the states; however in reality it is an

---

[31] As popular sovereignty implies that the people have the right to self-determination and self-governance, in case of a humanitarian crisis, for example the people can have the right for self-defense against their sovereign, prior to any foreign intervention.

[32] As the peoples have established the UN for the protection of their rights, it is possible to assume that they have given a *tacit* consent to intervene to protect their human rights if necessary, and thus a *direct* consent by the suffering people is not necessary.

[33] The term "democide" is a relatively new concept which was introduced by Rudolph Rummel (1994). According to Rummel it can be defined as the murder of any person or people by a government, including genocide, politicide, and mass murder.

[34] However in case the UN fails to protect the people, it loses its reason of existence.

instrument of the sovereign states. There are tensions between the popular sovereignty of the people, who the UN claims to represent, and actual member state's sovereignty. Thus it is important to question how such an organization can legitimately represent the people.

Sections 4.4.1 and 4.4.2 reconstructed the theoretical foundations of the cosmopolitan argument for humanitarian intervention. This argument proceeded in two steps. Firstly, it was argued that there exists a duty to intervene in the name of the suffering people. Realizing humanitarian intervention as a duty would solve the problem of the international community's lack of willingness to undertake it. Secondly, this duty is assigned by the people on the institutional schemes, which respectively have the duty to protect the victims of fundamental rights violations.

4.5. A Cosmopolitan Humanitarian Intervention

The normative nature of cosmopolitanism implies that it adopts a prescriptive approach to humanitarian intervention: it asks under which *conditions* and according to which *principles* an intervention with humanitarian ends should take place. Thus this section will discuss the central features about how cosmopolitans approach humanitarian intervention, by introducing and analyzing the criteria that agents should adhere to for their interventions to be considered legitimate. The central questions asked in this section are: (a) Which agent would be considered legitimate to authorize a humanitarian intervention? (b) Which agent would be considered legitimate to undertake a humanitarian intervention? (c) Under what conditions should a humanitarian intervention take place? (c) How should the humanitarian intervention be conducted? These questions are crucially important to have a clear account of when a humanitarian intervention would be considered legitimate according to cosmopolitanism and to map out the normative guidance cosmopolitanism offers for conducting humanitarian interventions.

Before proceeding, it is important to analytically distinguish between two aspects of legitimacy. According to the first conception (a), a humanitarian intervention can be considered legitimate if the agent authorizing/undertaking is a legitimate authority. However according to the second conception (b), a humanitarian intervention can be

considered legitimate if it has been authorized by a legitimate agent. In a similar vein, Dower (2009: 68 – 69) has argued, that an agent can be considered legitimate if the intervener is either (1) pursuing cosmopolitan goals or (2) authorized and/or constituted by a cosmopolitan authority. According to the first argument an intervener − a country or an alliance −, can be considered legitimately a cosmopolitan agent if it aims to promote the cosmopolitan principles and values (ibid.: 69). Thus the conduct of humanitarian intervention according to the cosmopolitan principles of justice and morality would be sufficient for an intervener to be legitimate[35]. A similar argument has been made by Farer (2005: 212 – 213) who claims that an intervention could be considered legitimately cosmopolitan if a state, out of "concern for strangers", undertakes a humanitarian intervention. The main weakness of this argument is that it would leave to the state a task which is beyond the state (Archibugi 2009: 192): if the authorization of an impartial global institution would not be a necessary condition for considering an intervener legitimate, then interventions would proceed under states or their coalitions when the states have the political willingness or certain national interests involved. For an intervener to be to be considered fully legitimate by cosmopolitans it would have to not only accept the responsibility to protect, but make sure that this would take place through institutions considered legitimate for realizing those objectives (ibid.: 129). Thus an authorization from a legitimate institution would be necessary for an intervener to be considered legitimate according to the cosmopolitan account: as they argue, that an intervention can be considered fully cosmopolitan only if it takes place through the legitimate (cosmopolitan) institutions for realizing those objectives (Archibugi 2009: 192)[36]. Therefore, according to cosmopolitans, both assumptions (a) and (b) need to be met for a humanitarian intervention to be considered legitimate.

---

[35] Dower (2009: 68 – 69) at this point introduces the controversial examples of Tanzania's intervention to Uganda 1979 and NATO intervention to Kosovo in 1999, which he argues had cosmopolitan aims.

[36] This also reveals a significant difference between cosmopolitanism and just war theory: whereas the former argues for the importance of both external authorization and the legitimacy of the agent, the latter emphasizes only the right authority.

4.5.1. Who Should Authorize?

The UN Charter Chapter VII (1945) gives an answer to the question *who should authorize* an intervention: the body to authorize any use of military force in international relations should be the Security Council. However cosmopolitans question the value of the current UN system and challenge the legitimacy of the Security Council (Held 2012: 157). On one hand, they criticize the UNSC susceptibility to the agendas of powerful states (ibid.: 158), which has led to selective compliance with the international norm of responsibility to protect. On the other hand, they argue that the unauthorized military interventions have weakened the UN's normative authority:

> When the decisions of the Security Council are blocked, as in the Kosovo conflict, and when regional alliance like NATO acts in its place without a mandate, the fatal power differential between the legitimate but weak authority of the international community and the military capability of nation states in their own interests becomes apparent (Habermas 2007: 20).

The cosmopolitans are highly critical of the UN in its current form, however consider it the most legitimate agent in the non-ideal world, as it represents the cosmopolitan values and principles. As was discussed in chapter three, Archibugi (1993, 2009), Habermas (2007: 173 – 174) and Held (2012: 249 – 252) have proposed extensive reforms to the UN to improve its effectiveness in handling humanitarian crises. The reform proposals focus on three points: the establishment of world parliament, the construction of a global judicial system, and the reorganization of the Security Council (Habermas 2005: 186). These reform proposals represent the ideal cosmopolitan institutional model for humanitarian intervention, however according to the non-ideal approach the UNSC is currently considered the most legitimate agent for authorization (although it is not considered formally a cosmopolitan institution)[37].

Before moving forward it is necessary to address one important counterargument. Moellendorf (2002: 121) has challenged the idea that a necessary condition for justified intervention should be that the intervention is sanctioned by the legitimate (higher, external) authority. Firstly, Moellendorf claims that legitimate authority has only instrumental value and can only be valued because "of the good of the international

---

[37] This is based on the argument developed in section 4.4.2: as the people have established a supranational institution to protect their fundamental rights, it follows that this body would be the most legitimate body to authorize a humanitarian intervention.

order" it results in. He states that "a world in which interventions occurred only if authorized would be more orderly one than one in which unauthorized, but otherwise just, interventions occurred" (ibid. 121). On this basis he argues that as legitimate authority lacks intrinsic value, the principle should be abandoned. Secondly, he argues that if the use of coercive powers can only be authorized by a legitimate authority, it may result in a situation where people's rights are violated and an intervention that would be necessary to stop the violations is forbidden as it did not receive the proper authorization. (ibid.: 121)

In order to respond to this critique, first of all, it is important to take into consideration that a proper authorization body is necessary in order to place the duty to protect human rights upon some agent. This argument necessitates the use of negative reasoning. From one hand, if there would not be an institution that would have the powers to authorize interventions, it might result in inaction, where the grave violations of human rights would continue to take place, but nobody would take on themselves the duty to protect due to lack of political will. From the other hand, interventions should proceed under proper authority as without this criterion, interventions would take place even when the necessary conditions for undertaking the humanitarian intervention are not fully met. Thus the authorization by a legitimate agent, even if it has only instrumental value, has very important implications precisely because of the order it results in.

4.5.2. Who Should Undertake?

The second question of who exactly should *undertake* the humanitarian intervention remains more unclear as "there exists unassigned responsibility to intervene, which falls on the international community in general but no one in particular" (Pattison 2010: 10). This reflects the gap between the supranational authority which has the legal right to authorize a use of force for humanitarian ends and the agent who actually has the monopoly of coercive powers, which is the state. Thus at present the undertaking of a humanitarian intervention remains contingent on the political will of individual states, states coalitions or regional organizations and the *ad hoc* contribution of their military forces. In order to clarify who exactly is the right agent to *undertake* a humanitarian

intervention, a clearer account of the conditions under which an agent can be considered legitimate is necessary.

Pattison (2011: 398) has argued that the primary and necessary determinant of an agent's legitimacy is its *effectiveness*[38]. This is a consequentialist approach, which focuses on the possible effects of a certain agent undertaking the humanitarian intervention[39]. The importance of *effectiveness* can be exemplified with the UNSC authorized intervention in 1993 into Bosnia and Herzegovina during the Bosnian war to create a UN safe haven around Srebrenica. In July 1995 Bosnian Serb forces invaded the safe area guarded by Dutch peacekeeping forces stationed there, and massacred the Bosnian Muslims, while the Dutch battalion – who were too few and too under-armed to repel the Serbians – retreated. This highlights that the intervention must not be merely legitimate, by having an UNSC authorization, but also effective while conducting the intervention to actually achieve the humanitarian ends[40]. Habermas (2007: 30) has assessed that after the "Srebrenica disaster" it became evident that the gap between effectiveness and legitimacy of peacekeeping operations should be closed.

Thus this criterion – that an agent must be effective in order to be legitimate – has been developed based on the evaluation of the previous failures of humanitarian interventions. A different account would evaluate the agent's legitimacy by considering the intentions of the agent (Archibugi 2004a: 4). Although the altruistic motive of an agent is a morally important quality, it does not have intrinsic value when it comes to the actual conduct of a military intervention. As Archibugi has argued, an agent can have the best intentions when intervening, but the events could evolve in unforeseen ways, and thus might cause more damage to the population it was intended to save (e.g. NATO in Kosovo 1999), while an agent with selfish intentions may succeed in bringing relief to the suffering people (e.g. Vietnam in Cambodia 1978, India in East Pakistan

---

[38] Pattison proposes the following three criterions that an agent intervening must possess to be considered an effective agent: (1) *Internal effectiveness*: this depends on the consequences for the intervener's own citizens' enjoyment of basic human rights. (2) *Global external effectiveness*: whether an intervener is likely to promote or harm the enjoyment of basic human rights in the world at large. (3) *Local external effectiveness*: whether an intervener is likely to promote or harm the enjoyment of fundamental human rights in the political community that is subject to intervention. (Pattison 2011: 399 – 402)

[39] This condition is founded on the just war theory of *ius ad bellum* criteria that for a humanitarian intervention to be undertaken it must have reasonable prospects of success (Hehir 2010: 24).

[40] Archibugi (2009: 183) has argued that the UN created safe havens in the ex-Yugoslavia represented not an effective military protection, but primarily a political protection.

1971, Tanzania in Uganda 1979) (ibid. 4 – 5). Thus it is possible to disregard agent's intentions as determinant of legitimacy.

Thus a proper agent to undertake the humanitarian intervention in order to be a *legitimate* agent, it must be first and foremost *effective* as an agent: there must be a reasonable expectation that an agent will be effective in conducting the intervention. Pattison (2011: 399 – 402) considers an intervener's overall effectiveness as a necessary condition for an *adequate degree of legitimacy*, however for enjoying full legitimacy having merely effectiveness is not sufficient, as adherence to the principles of *ius ad bellum* and *ius in bellum* is a necessary for *full legitimacy*. These considerations will assist in clarifying who would be the most legitimate agent to undertake a humanitarian intervention in chapter five, section 5.1.

An important implication of the division between the authorizing and undertaking agent is that from the cosmopolitan perspective a humanitarian intervention should never be unilateral (e.g. an intervention of a state), or even collective (e.g. an intervention of a coalition of states); instead it should proceed under democratic multilateral international or global political institutions (Archibugi et al. 2005; 2009; Kaldor 1998: 106)[41]. This implies two further conditions that need to be met for humanitarian intervention to be legitimate: first, the intervention should be multilateral; second, the agents should be democratic by nature. To support the first condition, Archibugi (2009: 192) argues that according to the cosmopolitan principles, states are not legitimate to decide on an intervention, as that authority is delegated to a global institution, to which the states themselves have delegated these competences[42]. Thus the authorization by a legitimate authority is necessary for a humanitarian intervention to be considered multilateral. To sustain the second condition, Archibugi (2009: 200) has argued, that the agent who would intervene should respect human rights internally, implying that only democratic states should undertake the intervention. Thus a

---

[41] Thus from a cosmopolitan perspective an unauthorized state or a coalition of states would not be a legitimate agent. This has led to the widespread condemnation by cosmopolitans of the USA's unauthorized military interventions in Afghanistan 2001 and Iraq 2003 (Habermas 2007, Held 2012, Pattison 2010, et al.), however controversially some cosmopolitans have approved the unauthorized, but multilateral NATO intervention in Kosovo 1999.

[42] This is in stark contrast with Walzer's (2002: 4) argument, who argues that in the absence of an international "fire brigade" to stop human rights violations, those who can, should intervene.

cosmopolitan humanitarian intervention would be conducted (1) multilaterally and (2) by democratic forces.

4.5.3. Under What Conditions Should a Humanitarian Intervention Take Place?

Cosmopolitan normative prescriptions about which circumstances should justify a humanitarian intervention derive from the just war *ius ad bellum* tradition (Archibugi 2009: 192; Caney 2006; Moellendorf 2002: 118 – 122, et al.). Caney (2006: 248) has justified this in the following way: "since humanitarian intervention (…) involves military action, one would expect the principles guiding military action employed to address internal wrongs (armed humanitarian intervention) to cohere with the principles guiding military action employed to address external wrongs (just warfare)". Caney (2006) has developed one of the most elaborated contemporary account of the cosmopolitan approach to humanitarian intervention, regarding the conditions under which a humanitarian intervention can take place, thus it can be considered suitable for representing the contemporary cosmopolitan perspective. According to his account, a humanitarian intervention is legitimate when there exists:

1) *Just cause*: a political regime violates people's human rights.
2) *Proportionality*: the costs incurred as a result of the intervention are not disproportionate in comparison to the internal wrongs which the intervention is supposed to address.
3) *A consideration of less awful measures (the least awful option)*: intervention (military or non-military) may be resorted to only having considered less awful options (e.g. diplomacy).
4) *Reasonable chance of meeting objectives*: the intervention has a reasonable chance of succeeding.
5) *Legitimate authority*: the intervention is authorized by a legitimate body.
6) *Reasonable costs*: Intervention does not impose undue costs on the intervening authorities. This is important when instead of a right to intervene; there exists a stronger commitment as obligation to protect. He argues that when the costs are great, it might be more reasonable to conclude that external bodies are not obliged to intervene. (Ibid. 248 – 254).

This approach the cosmopolitans have adopted will be problematized in section 4.6. For present purposes it serves as an example of the contemporary cosmopolitan account of the conditions under which a humanitarian intervention would be legitimate.

4.5.4. How Should the Humanitarian Intervention be Conducted?

Traditionally, cosmopolitans emphasize that the intervention should be conducted according to the principles and methods of *ius in bellum* (Caney: 254 – 255). However what distinguishes the cosmopolitan thought is the nature of the intervention: a humanitarian intervention should not be conducted as a military intervention, but instead as an international police action for cosmopolitan law-enforcement (Archibugi 2009: 197; Habermas 2007: 123 – 126; Kaldor 2013: 346). Van Hooft (2009: 139) has argued, that if the discussion about humanitarian intervention would take the form of „defending the rights of individuals from the predations of criminal tyrants, we can see it as an issue of policing". Thus humanitarian intervention should be reconsidered and relabeled as a police action and should also be carried out as a police operation. Kaldor (2013: 345) has assessed that "the war over Kosovo illustrates the problem of using war-fighting techniques for humanitarian ends"[43]. Thus this approach limits the methods used in humanitarian intervention as, „(…) interventions are carried out in line with the methods and spirit of police operations inside democratic countries rather than with those of traditional military interventions" (Archibugi 2009: 17).

The idea is derived from the analogy between the "domestic" state level and international level: as the police maintains order and protects peoples' rights in the domestic realm, the forces undertaking a humanitarian intervention should also be conceived as a police force and should use the methods appropriate to policing operations, as "a genuine humanitarian intervention ought to apply the same methods accepted within the borders of its own state" (Archibugi 2004a: 11). This police force, assembled from the nation-state forces, would be under control of the world organization, the reformed UN, employed in case of large-scale fundamental human rights violations (e.g. ethnic cleansing and genocide) as means of *extrema ratio*[44], when it is proportionate and effective, and all other "less awful" options have been considered (Archibugi 2009: 193; Caney 2006: 202; Fine 2007: 83; Van Hooft 2009: 131; Smith 2007: 75).

---

[43] NATO intervention to Kosovo in 1999 was considered controversial because of the methods used, as the air strikes collateral damage included civilian targets.

[44] In Latin, last resort.

Archibugi has defended this idea through the example of a fire brigade: if a house in the neighborhood is burning, we can rely to a certain extent on those who are willing to help. However, it would be irresponsible if in a series of fires the community fails to set up an institution to handle the problem. As the fire brigade has the commitment to deal with fires and it is accountable to the people, it should be seen as the legitimate agent to handle the problem. Furthermore, it would manage fires more effectively then altruistically-minded neighbors. (Archibugi 2004a: 8 – 9) Currently the interveners are states, however a police unit, comprised of states forces, would not be influenced by the national interests of states, and thus would be the most effective agent for humanitarian intervention. Elliot has argued that for the global police force to be legitimate, „(…) the deployment of cosmopolitan force (and forces) first must be detached as much as possible from statist and Great-Power purposes and based on democratic and accountable international processes". Secondly, the cosmopolitan force must be, by nature, and materially different from traditional military forces in their identity and value structures. (Elliot 2010: 302) If cosmopolitanism could overcome these difficulties, the global police force would enjoy full legitimacy.

The world police force model has an intuitive appeal, but it must be approached with caution. The relabeling of humanitarian military intervention as a police action seems like a rhetorical move – as pouring old wine into new bottles –, thus it is important to question how much there is real contents and what it entails to conceptually substitute military intervention with police action.

Table 3 Cosmopolitan Guidelines for Humanitarian Intervention (Source: the author)

	ISSUE	PROPOSAL
a)	Which agent would be considered legitimate to authorize a humanitarian intervention?	Must be authorized by a legitimate global institution, thus an authorization from the UNSC is necessary.
b)	Which agent would be considered legitimate to undertake a humanitarian intervention?	The agent undertaking the humanitarian intervention must be effective and adhere to the principles of *ius ad bellum* and *ius in bellum*. Must be undertaken multilaterally by democratic countries.
c)	Under what conditions should a humanitarian intervention take place?	Humanitarian intervention should be undertaken if the *ius ad bellum* conditions are met: 1) Just cause; 2) Proportionality; 3) A consideration of less awful measures (the least awful option); 4) Reasonable chance of meeting objectives; 5) Authorization by a legitimate authority; 6) The costs are reasonable.
d)	How should the humanitarian intervention be conducted?	1) A humanitarian intervention should be conducted according to the principles and methods of *ius in bellum*. 2) The Humanitarian intervention would not be conducted as a military intervention, but as an international police action. This limits the methods used during the intervention.

4.5.5. A Critical Perspective

Smith (2007: 73) has argued that the cosmopolitans focus more on the ways in which humanitarian intervention would take place in an ideal world, rather than on the controversies that the current practice of humanitarian intervention has generated, thus cosmopolitans with their ambitious criteria are "anticipating a more cosmopolitan future". He suggests that an evident drawback of cosmopolitanism is that the theory has mainly focused on developing an ideal account of how a humanitarian intervention should be conducted, however when evaluating the humanitarian interventions in the non-ideal reality, cosmopolitans have not always applied the principles in a consistent manner. Thus it is important to question whether cosmopolitans can maintain their ideal normative commitments when evaluating the real practice of humanitarian intervention. Here, model situations might reveal the theoretical limitations of cosmopolitanism.

A controversial case like the humanitarian intervention to Kosovo by NATO in 1999, which took place without UNSC authorization, can be used as a model case that shows the theoretical weaknesses of cosmopolitanism. Cosmopolitans are divided over the legitimacy of NATO's intervention to Kosovo in 1999: some cosmopolitans, like Habermas (2007) and Pattison (2013) have defended the intervention, whereas others such as Archibugi (2009) and Kaldor[45] (2013) have criticized it harshly. All thinkers are committed to the fundamental cosmopolitan principles and values, and thus would endorse the cosmopolitan prescriptions for humanitarian intervention as mapped out above, however have made different judgments about the cases of humanitarian intervention in the non-cosmopolitan reality.

Habermas (2007: 29) has maintained that the Kosovo intervention got legitimized *ex post*[46] mainly due to three reasons:

> (…) First, the aim of preventing ethnic cleansing, which was known at the time to be taking place; second, the *erga omnes* [obligations that bind all] provision in international law which mandated intervention to provide emergency aid in such cases; and finally, the undisputed democratic and constitutional character of all the states participating in the vicarious military coalition.

Thus for Habermas the intervention was sufficiently justified under the *ius ad bellum* condition of the occurrence of large-scale human rights violations, which implied a duty to act, and by the fact that the intervention was undertaken by a democratic multilateral institution. Whereas Archibugi (2004a: 9) has maintained a more stringent interpretation of cosmopolitan principles and criticized NATO's intervention in Kosovo for the unilateral decision-making and implementation, thus argued that "(…) the authority of the Security Council ought to be preferred to unilateral decisions taken by states or states alliances". Thus in evaluating current cases of humanitarian intervention, cosmopolitans diverge on applying the normative principles: some adhere more strictly to the normative prescriptions; others adapt to the imperfect nature of the current world

---

[45] Kaldor has condemned the intervention of the basis of the conduct: „(...) the methods were much more in keeping with a traditional conception of war and had little connection with the proclaimed [humanitarian] goal". According to Kaldor: „the cosmopolitan approach to the Kosovo crisis would have been aimed directly at protecting people". (2013: 345)

[46] *Ex post facto* (in Latin), meaning after the fact. This tern is contrasted with the term *ex ante facto*, which means, before a fact. In the context of the dissertation, these terms would obtain the following meaning: should humanitarian interventions be assessed for the intentions of the agent (*ex ante*) or for their effects (*ex-post*). (Archibugi 2004a: 4)

order and loosen the conditions set out above. This represents the difficulties that ideal theories face when prescribing principles to the non-ideal world.

4.6. The Just War Approach to Humanitarian Intervention and Cosmopolitanism

As mentioned in the previous section, cosmopolitan theorists, when addressing the conditions under which a humanitarian intervention would be considered legitimate, resort to arguments that are based on the just war theory. However one question that needs to be asked is whether cosmopolitanism is compatible with the tenets of just war tradition. Traditionally two elements are separated within the just war theory: (1) *ius ad bellum*, which means the rightness of waging war or going to war; and (2) *ius in bello*, the rightness of the manner in which one conducts the war (Dower 2009: 82). Before continuing the discussion it is necessary to outline the set of principles to obtain a better overview of the foundations of just war thinking. *Ius ad bellum* which refers to the conditions to be satisfied for going to a "just" war are based on the following criteria:

a) The war must be declared by a legitimate authority: an established government or nation state;

b) The war must be waged for a "just cause";

c) The war must be pursued with a right intention;

d) War must be the last resort;

e) There must be a reasonable prospect of success;

f) The principle of proportionality must be respected;

g) It is possible for the war to be fought according to *ius in bello* principles. (Hehir 2010: 24)

Van Hooft (2009: 132) has assessed that cosmopolitans would approve of the principles of the *ius in bello* doctrine, as the protection of individuals human rights is placed at the center of its concern. However problems arise when cosmopolitans resort to the principles of *ius ad bellum*, for justifying a humanitarian intervention, as the norms of *ius ad bellum* derive from a statist understanding on the international system. There seems to be a contradiction between the theoretical underpinnings of

cosmopolitanism and the just war tradition, as the latter is based on the claim that states are the only agents who have the right to wage a war, whereas the former questions the legitimacy of nation states (Hehir 2010: 34). As Van Hooft (2009: 138) has suggested, the key problem with this explanation grounded on just war principles is that: „by discussing the issue [of humanitarian intervention] under the rubric of the just war doctrine, it is framed by the question of when war is justified and conceptualized as an international issue centered on conflicts between states." Thus by adopting the framework of just war, cosmopolitans seem to be committed to the statist framework.

It appears that a major weakness of the cosmopolitan approach to humanitarian intervention is the founding of the criterions of legitimate intervention on the pillars of just war theory. Lang (2010: 332) has asserted that what compels them to turn to an alternative approach are the difficulties that cosmopolitans face when making claims about the non-ideal world. It reflects an interior difficulty of the cosmopolitan theory: cosmopolitans argue for an ideal world, a type of "realistic utopia"[47] of a peaceful international order that as a possibility could be achieved, however the vision is utopian since we are not there yet. In the non-ideal reality states are still the principal agents for intervening as their sovereign rights have not been given away to supranational institutions. The question of legitimate agent(s) for a humanitarian intervention obtains crucial importance here. If the just war tradition considers only states to be legitimate agents for using force in the international relations, then the cosmopolitan account of an ideal global order would argue, that political units (e.g. institutions or organizations) other than states should be considered legitimate bodies. Thus the incompatibility of the two traditions seems to undermine the cosmopolitan theory, as the category of just war is intrinsically connected to the statist understanding of world order and the nature of military intervention. This represents the dilemma about whether cosmopolitanism can accommodate the statist tenets of the just war theory, when discussing humanitarian intervention.

As discussed above, traditionally the just war theory is underpinned by the doctrine that nation-states (or coalition of states) are the only legitimate authorities for using

---

[47] This expression can be traced back to John Rawls „The Law of Peoples" (2001: 11), where he argues that „(...) political philosophy is realistically utopian when it extends what are ordinarily thought to be the limits of practicable political possibility and, in so doing, reconciles us to our political and social condition".

force[48]. Dower (2009: 85) has argued that with this tenet the just war theorists have ignored the developments in the international law: "the UN Charter, to which all nations have signed up, (…) transfers the legitimate authority to the Security Council to wage war, only allowing nation-states an immediate right of self-defense if attacked (…)". Thus cosmopolitans challenge the view that only states can have the legitimate monopoly of coercive means and argue that also other alternative political units – regional, trans- or supranational institutions –, can and should have that legitimacy. Thus they seek to widen the scope of legitimate use of force to agents other than states. In this way cosmopolitanism attempts to develop the just war theory: to adjust the theory according to the changing circumstances and opportunities of the globalized world.

4.7. Summary

This chapter explored a number of issues related to the cosmopolitan theories of humanitarian intervention. First, the normative foundation of the responsibility to protect was discussed in order to show that there exists a norm, which necessitates an intervention when large scale human rights violations take place. However, since the R2P fails to assign the duty to specific agent(s), it remains unclear, who exactly has the responsibility to protect. Second, this chapter proceeded to explore cosmopolitan arguments for humanitarian intervention and the conditions under which humanitarian interventions could be undertaken. This served to clarify the *foundations* of the cosmopolitan approach to the problem of humanitarian intervention and the *conditions* under which an agent could be considered legitimate. Cosmopolitans build these conditions on the principles of just war tradition, however section 4.6. adopted a critical perspective on whether cosmopolitanism can accommodate the statist tenets of the just war theory when discussing humanitarian intervention.

On the basis of the discussion in this chapter it is possible to conclude that according to cosmopolitans the current institutions do not have the necessary legitimacy for humanitarian intervention and thus they propose extensive reforms of the current

---

[48] Dower has suggested that by limiting the monopoly of force to the states, just war theorists attempt to limit violence in the world in general as the world would be much more violent without such an ordered system (Dower 2009: 83). Thus by limiting the use of legitimate violence to nation states, just war theorists attempt to minimalize anarchy in the international relations.

institutions for the creation of new cosmopolitan institutions at the global level. Since humanitarian intervention as it is practiced at present is far from being ideal, cosmopolitans have proposed normative guidelines to increase the effectiveness of humanitarian intervention.

A summary of the main findings and the principal issues which have arisen in the discussion of this dissertation will be provided in chapter five, section 5.1. and in section 5.2. these findings will be associated to the theoretical developments in the field of IR.

5. A RECAP OF FINDINGS

The purpose of this thesis was to explore the question of humanitarian intervention's agency from the theoretical framework of cosmopolitanism. This final chapter of the dissertation is divided into two parts, each of which presents the results relating to the two research problems. The first section will clarify the (1) normative guidance that the cosmopolitanism theory can contribute to the issue of an ideal agent for humanitarian intervention, whereas the second section (2) will clarify the role of the normative theories like cosmopolitanism in the field of IR.

5.1. The Cosmopolitan Account of Agency for Humanitarian Intervention

The purpose of this section is to draw some conclusions about the question of humanitarian intervention's agency in the theoretical framework of cosmopolitanism. Cosmopolitans accept that the current world is state-centric and thus have developed a theory of humanitarian intervention for the non-ideal world, however they also propose an ideal cosmopolitan world order, where state's sovereignty would be dispersed and transferred to higher levels of governance. The ideal institutional models of Archibugi and Held, Habermas and Pogge were explored in detail in chapter three, whereas the non-ideal theory of humanitarian intervention was explored in detail in chapter four. This leads back to the questions of who would be the most legitimate agent to (1) *authorize* and (2) *undertake* an intervention according to cosmopolitanism in the non-ideal and the ideal cosmopolitan world.

Cosmopolitans are critical of the un-orderly nature of the current practice of humanitarian intervention, where interventions are undertaken both unilaterally and multilaterally, with or without the UN Security Council's authorization. Archibugi (2009: 194) has criticized this by arguing that if every state has different code of conduct, this would result in *a return to the state of nature*, where every government will retain the right to use force by its own assessment. As was discussed in chapter three, this has led to various cosmopolitan conceptions about the alternative institutions that should be established at the global level to enable a more orderly governance of these global questions; and chapter four presented the cosmopolitan normative guidance for conducting a humanitarian intervention in the non-ideal reality. Thus under the

normative perspective of cosmopolitanism the question of proper agency for a humanitarian intervention comes under a new light.

According to the cosmopolitan institutional models proposed in chapter three, the agent to authorize a humanitarian intervention should remain the UN, however in a substantially reformed form. With regard to the agent to undertake the intervention, cosmopolitans argue for the establishment of a new international institution, who would perform the role of the police in the international system and whose main task would be to stop large-scale human rights violations (Pattison 2010: 4). This world police would be deployed by the UN in case of severe large-scale human rights violations.

In chapter four, it was established that according to cosmopolitans, currently the most legitimate agent to authorize a humanitarian intervention would be the UNSC: „any intervention labelled humanitarian should not only be deliberated by UN institutions, but it should also be performed under the UN flag" (Archibugi 2004a: 13). Even though cosmopolitans are critical of it in the present form, they consider it most legitimate as it is delegated by the people themselves to protect their rights in case their state fails to protect them. Secondly, it was argued, based on Pattison's (2011) criteria of legitimacy, that an agent who undertakes the intervention should be the most effective agent. Thus the UNSC should prefer an agent about whom there is a reasonable expectation that it will be effective in conducting the intervention. However for an agent to be considered fully legitimate, it should also adhere to principles of *ius ad bellum* and *ius in bellum*. Furthermore cosmopolitans emphasize that a humanitarian intervention should only be undertaken multilaterally by democratic states coalition. Therefore within the framework of these conditions, it is possible to imagine that cosmopolitans would consider as preferred agent(s) to undertake an intervention a coalition of democratic states or an organization (EU, NATO etc.) under the authorization of UNSC. The cosmopolitan guidelines for a legitimate agent(s) for humanitarian intervention are best visualized in a matrix (see Table 4).

Table 4 Cosmopolitan Ideal and Non-ideal Theory of Agency for Humanitarian Intervention (Source: the author)

		COSMOPOLITANISM	
		Ideal theory	*Non-ideal theory*
HUMANITARIAN INTERVENTION'S AGENT	*Who Authorizes?*	Reformed United Nations	United Nations Security Council
	Who Undertakes?	The UN police force	Multilateral democratic forces (e.g. coalition of states or organization)

Regardless of the intuitive appeal of the proposals, these accounts should be interpreted with caution as was indicated in chapters three and four. The cosmopolitan account of an ideal agent is founded on the idea that global issues as large-scale fundamental rights violations cannot and should not be handled by the state. As they consider states the primary violators of people's human rights, they argue that states lack the necessary legitimacy for conducting a humanitarian intervention. However, since cosmopolitans recognize that in the non-ideal world nation-states are a persistent part of the international system, which possess the monopoly over coercive means, the states remain the primary agents for a humanitarian intervention. It is also important to take into consideration that the nation-states are the only proven effective protectors of the people from aggression – thus there is a reason why nation-states persist as the principal unit of the international system.

The UN, which was established by the people and who thus has the people's mandate to protect their human rights should be the most legitimate agent to authorize. However, as was argued in 4.4.2., the UN claims to represent the peoples, however in reality is an instrument of the states for the realization of their interests, hence it can be questioned whether the UN is a legitimate representative of the people. Thus both of the current agents for authorization and undertaking a humanitarian intervention could be considered inadequate from the perspective of cosmopolitanism.

According to the ideal cosmopolitan conception, states' sovereignty should be superseded and thus they argue for alternative authority structures for humanitarian intervention at the global level. From this perspective, it seems that humanitarian intervention can only be considered fully legitimate in the future cosmopolitan world.

As Smith (2007: 76) has suggested, "(…) a cosmopolitan world order needs to be established before humanitarian military interventions can be carried out". From this perspective the practical and theoretical relevance of ideal theories like cosmopolitanism can be questioned. However it might be too early to "throw the baby out with the bathwater": normative theories can offer theoretical guidance for the real world, thus it is possible to overcome this theoretical paradox, by understanding better the function(s) of normative theories.

From normative theories like cosmopolitanism it is expected that their norms and principles would provide guidance for reforming our current international order. This was referred to in previous chapters as "normative guidance", which should be understood in terms of action-guidance. Sangiovanni (2008: 220) suggests, that "the point of setting out systematic accounts of political values is to guide action". Stemplowska (2008: 324) has supported this idea and sustained that the ideal normative theories, should first and foremost offer „(...) recommendations that are both achievable and desirable, as far as we can judge, in the circumstances that we are currently facing, or are likely to face in the not too distant future". Thus a normative theory should provide (1) ideals we should be aspiring to and (2) give procedures of how to arrive towards those ideals. As was explored in chapter three and four, cosmopolitanism provides both an *ideal theory* of institutional models and a *non-ideal theory* of cosmopolitanism regarding the question of humanitarian intervention[49]. Thus, based on the discussion in this thesis, it can be concluded that cosmopolitanism satisfies both requirements for normative theory and thus it can be argued that cosmopolitanism provides normative guidance for the real world by establishing (1) the ideal to aspire for and (2) procedures of how to approximate that ideal. In this manner, the paradox of cosmopolitanism can be overcome: current institutions do suffer from a legitimacy deficit, however cosmopolitanism provides guidance for establishing more legitimate institutions and eventually reaching a more just international order.

---

[49] Stemplowska (2008: 326) has argued, that „(...) the debate over ideal and non-ideal theory should be understood as a debate over the function(s) of normative theory". The function of the ideal theory would be to offer ideal solutions to the current empirical problems based on normative principles, whereas the function of non-ideal theory would be taking into account the non-ideal conditions of the existing world order and develop solutions based on those considerations. Seen in this way, ideal and non-ideal theory can be seen as complementary.

This section began by describing the cosmopolitan account of humanitarian intervention's agency from the ideal and non-ideal perspective and argued that, since the current institutions lack legitimacy, it seems that humanitarian intervention would have legitimacy only when the cosmopolitan ideal world order has been established. It went on to suggest that as the function of normative theories is to provide action-guidance in terms of (1) establishing the ideal and (2) guidelines of how to reach the ideal. This implies that as according to cosmopolitanism the agents for humanitarian intervention in the real world lack legitimacy, they propose reforms to create ideal agents which would allow a much more effective protection of human rights.

5.2. Ideal Theory versus Non-ideal Theory: Bridging the Gap in International Relations

The cosmopolitan institutional proposals for re-conceptualizing and re-organizing the current world order outlined in chapters three and four have an intuitive appeal. At the same time, there is a widening gap between the international norms and the practices of the international community in the current global system. As there are fundamental changes taking place at the global level which require a unified political approach, cosmopolitanism, as a global political theory, provides useful responses for how to change the existing practices toward a more cosmopolitan order (Brown, Held 2013: 288). Thus in this section I will consider the theoretical relevance and implications of cosmopolitanism as a normative political theory for the field of IR.

Cosmopolitanism has developed into a rigorous political theory about international relations which offers institutional alternatives for the global order. Idealizations are inherent part of cosmopolitanism, when it discusses the issues of the ideal and non-ideal world. This has led to criticism from IR scholars about the feasibility and desirability of cosmopolitan projects, which has been formulated well by Zolo (1997: 15): „Can any cosmopolitan project ever be anything other than an inherently hegemonic and violent undertaking?"[50] Thus IR scholars have remained blind about the theoretical value of cosmopolitanism. Beardsworth has asserted that "cosmopolitanism constitutes a normative theory in relation to the field of world politics, but its positions on specific

---

[50] Zolo (1997) in „Cosmopolis: Prospects for World Government" has written the most exhaustive realist critique of cosmopolitanism.

areas of this field are empirically meaningful (…) given growing dependence between states". Thus a dialogue between the cosmopolitan ideas and IR theory is timely and fruitful. (Beardsworth 2011: 3)

Normative theories serve to clarify the underlying norms of international relations and give normative guidelines about the institutional requirements necessary for achieving the ideal global order. In this way, normative theories guide the practice of the international relations. This gap is the most evident in the international human rights norms and the actual practices of the international community. A clarified account of the international norms that should be governing the global order and the institutional reforms required to meet those norms might lead to improvements in the actual practice of human rights protection. Thus the normative insights of cosmopolitanism are a necessary complement to the IR field. Instead of merely providing theoretical explanations about *how the world is*, IR scholars should seek to answer the normative questions of *how the world ought to be*. The theoretical value of cosmopolitanism lies in its ability to bridge that gap between IR empirical and normative reflection. The convergence of traditional IR theory and cosmopolitanism would lead to more normative IR theorizing[51] that would give guidance about *how the international relations should be*.[52]

---

[51] An impressive attempt has been made by Beitz (1979) in "Political Theory and International Relations", where he argues, that empirical science of international relations and the normative issues of international (cosmopolitan) theory are converging.

[52] Developments in this area have been made by post-structuralist theorists in the field of IR, which is in some sense a form of critical cosmopolitanism – whereas remaing critical about cosmopolitanism, as such it approaches normative issues.

CONCLUSION

This dissertation is a work of political theory, which has investigated the question of humanitarian intervention's agency from the theoretical perspective of cosmopolitanism. The aim of the thesis was to map out the theoretical framework of contemporary cosmopolitanism regarding the issue of humanitarian intervention and to explore its theoretical implications for the practice of humanitarian intervention. In light of the stated research problem, the dissertation explored the tensions between the ideal theory and non-ideal world.

Returning to the problem statements posed at the beginning of this study, there were two main objectives. Firstly, to analyze the ways in which the cosmopolitan ideas can be applied to contemporary issues such as the problem of humanitarian intervention's right agency and to investigate the difficulties cosmopolitan theorists' face when applying their normative principles to the analysis of the issues of the non-ideal world. Secondly, to explore the role of cosmopolitanism as a normative theory in theorizing about the problems of our times and complementing the study field of IR.

The findings of this dissertation make several contributions to the existing literature. The first chapter presented the principal variants of cosmopolitanism and the associations between the theories. The second chapter analyzed the cosmopolitan conception of sovereignty and found that cosmopolitan sovereignty can best be understood as popular sovereignty. The conceptualization of sovereignty as popular sovereignty enables cosmopolitans to legitimize the horizontal and vertical division of sovereignty between various political levels and thus justify the re-construction of the global architecture. The third chapter mapped out the institutional models of the leading contemporary cosmopolitan theorists: Archibugi and Held's cosmopolitan democracy, Habermas's postnational democracy and Pogge's vertical division of sovereignty. A critical analysis of the ideal models revealed the weaknesses of the theories and it was questioned whether human rights protection would realize better if these institutional models would be implemented at the global level. The fourth chapter examined the cosmopolitan approach to the humanitarian intervention problem in the non-ideal world, presented the cosmopolitan arguments for the necessity of humanitarian intervention and the conditions under which, from the cosmopolitan perspective, a certain agent

could be considered legitimate, and analyzed from a critical perspective of the foundation of those conditions in the just war theory. The concluding chapter presented the findings of the research regarding the issue of right agent for humanitarian intervention based on the theoretical considerations of cosmopolitanism and their implications. The research findings suggest that despite the problems associated with applying a normative theory to the contemporary issues, they serve to (1) provide the ideals we should be aspiring for, and (2) give procedures of how to move towards ideals. Thus it seems justified to argue that the function of cosmopolitanism is to provide normative guidance that can help to bridge the existing gap between international norms and the practices of the international community. Therefore, the normative insights of cosmopolitanism are a necessary complement to the International Relations research tradition. The convergence of the traditional IR theories and cosmopolitanism would go beyond merely offering theoretical explanations about *how the world is*, but would also provide guidance about *how the world and international relations ought to be*.

The contributions of this dissertation can be divided between two levels. The *practical* contribution of this dissertation consists in clarifying the legitimate agent(s) for humanitarian intervention and the conditions which need to be met for considering an agent legitimate. Based on the analysis it is possible to conclude that in the non-ideal world, the most legitimate agent to *authorize* a humanitarian intervention is the UNSC, whereas according to the cosmopolitans' ideal the UN should be substantially reformed to be considered fully legitimate agent. The most legitimate agent(s) to *undertake* a humanitarian intervention in the non-ideal world would be multilateral forces (e.g. coalition of states or organization) composed solely of democratic states, whereas according to the cosmopolitans' ideal, in the future a global police force managed by the UN would be the most legitimate agent. Here it is important to note that an authorization from the legitimate agent is a necessary condition for a humanitarian intervention to be legitimate.

The theoretical contribution concerns the implications of applying an ideal normative theory to the problems of the contemporary issues. The theoretical exploration conducted in this thesis suggests that there are limitations involved when applying the ideal theory to the non-ideal world. On the one hand, the actual feasibility of the

cosmopolitan institutional models in the non-ideal world is questionable, on the other hand cosmopolitanism faces difficulties of applying its normative principles when approaching the problems in the real world. However it was suggested that normative theories can provide guidance for the real world, and thus are a necessary complement to the field of IR.

This theoretical investigation was limited to the question of humanitarian intervention's agency in the framework of cosmopolitanism to explore how normative theories can be applied to the contemporary issues and whether they can provide practicable guidance for the imperfect real world. The study has successfully clarified how cosmopolitanism can be applied to the problem of humanitarian intervention and demonstrated that cosmopolitanism does provide normative guidance for the real world, however future research on this topic is necessary and timely. Thus this study opened up new paths for subsequent research on: 1) the role of normative theories (e.g. cosmopolitanism) in bridging the gap between the norms governing international relations and practice of the international community; and/or 2) the investigation of the function and role of normative theories in the field of IR, by asking if and how a convergence of IR theory and normative theory is possible.

BIBLIOGRAPHY

Anderson-Gold, S. 2001. *Cosmopolitanism and Human Rights*. Cardiff: University of Wales Press.

Appiah, K. A. 2007. *Cosmopolitanism: Ethics in a World of Strangers*. New York: Norton Paperback.

Archibugi, D. 1993. The Reform of the UN and Cosmopolitan Democracy: A Critical Review. *Journal of Peace Research*, Vol. 30, no. 3, pp. 301 − 315.

Archibugi, D. 2002. Demos and Cosmopolis. *New Left Review*, Vol. 13, pp. 24 − 38.

Archibugi, D. 2004a. Cosmopolitan Guidelines for Humanitarian Intervention. *Alternatives: Global , Local, Political*, Vol. 29, no. 1, pp. 1 − 21.

Archibugi, D. 2004b. Cosmopolitan Democracy and its Critics: A Review. *European Journal of International Relations*, Vol. 10, no. 3, pp. 437 − 473.

Archibugi, D. 2009. *Cittadini del Mondo: Verso una Democrazia Cosmopolitica*. Il Saggiatore.

Archibugi, D. 2013. The Architecture of Cosmopolitan Democracy. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Archibugi, D.; Held, D. (eds). 1995. *Cosmopolitan Democracy. An Agenda for a New World Order*. Cambridge: Polity Press.

Archibugi, D.; Held, D. 2011. Cosmopolitan Democracy: Paths and Agents. Presented at the ISA Annual Convention, *Global Governance: Political Authority in Transition*. Monteral, Canada.

Archibugi, S.; Held, D.; Köhler, M. (eds). 1998. *Re-imagining Political Community: Studies in Cosmopolitan Democracy*. Cambridge: Polity Press.

Beardsworth, R. 2011. *Cosmopolitanism and International Relations Theory*. Cambridge: Polity Press.

Beitz, C. R. 1979. *Political Theory and International Relations*. Oxfordshire: Princeton University Press.

Beitz, C. R. 1994. Cosmopolitan Liberalism and the States System. In *Political Restructuring in Europe: Ethical Perspectives*, ed. Brown, C. London: Routledge.

Beitz, C. R. 1999. International Liberalism and Distributive Justice: A Survey of Recent Thought. *World Politics*, Vol. 51, no. 2, pp. 269 – 296.

Benhabib, S. 2007. Twilight of Sovereignty or the Emergence of Cosmopolitan Norms? Rethinking Citizenship in Volatile Times. *Citizenship Studies*, Vol. 11, no. 1, pp. 19 – 36.

Benhabib, S. 2008. Democracy, Demography, and Sovereignty. *Law and Ethics of Human Rights*, Vol. 2, no. 1, pp. 1 – 32.

Berg, E.; Kuusk, E. 2010. What Makes Sovereignty a Relative Concept? Empirical Approaches to International Society. *Political Geography*, Vol. 29, pp. 40 – 49.

Bernstein, A. R. 2012. Moral Cosmopolitanism, in *Encyclopedia of Global Justice*, ed. Chatterjee, D. et al. Springer.

Brown, G. W.; Kime, M. 2010. A Comprehensive Overview of Cosmopolitan Literature. In *Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Brown, G. W; Held, D. 2013. *The Cosmopolitanism Reader*. Cambridge: Polity Press.

Bull, Hedley. 1984. *Intervention in World Politics*. Oxford: Clarendon Press.

Cane, P.; Conaghan, J. 2008. *The New Oxford Companion to Law*. Oxford: Oxford University Press Print.

Caney, S. 2005. *Justice Beyond Borders*. Oxford: Oxford University Press.

Caney, S. 2010. Cosmopolitanism. In *Ethics and World Politics*, ed. Bell, D. New York: Oxford University Press.

Carlsnaes, W.; Risse, T.; Simmons, B.A. 2006. *Handbook of International Relations*. London: Sage Publications.

Czempiel, E.; Rosenau, J. N. 2000. *Governance Without Government: Order and Change in World Politics*. Cambridge: Cambridge University Press.

Dahl, R. A. 2013. Can International Organizations be Democratic? A Skeptic's View. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Dower, N. 2009. *The Ethics of War and Peace: Cosmopolitan and Other Perspectives*. Cambridge: Polity Press.

Fabre, C. 2008. Cosmopolitanism, Just War Theory and Legitimate Authority. *International Affairs*, Vol. 84, no. 5, pp. 963 – 976.

Fabre, C. 2012. *Cosmopolitan War*. Oxford Scholarship Online.

Farer, T. J.; Archibugi, A.; Brown, C.; Crawford, N. C.; Weiss, T. W.; Wheeler, N. 2005. Roundtable: Humanitarian Intervention After 9/11. *International Relations*, Vol. 19; pp. 211 – 250.

Fine, R. 2003. Taking the „Ism" Out of Cosmopolitanism: an Essay in Reconstruction. *European Journal of Social Theory*, Vol. 6, no. 4, pp. 451 – 470.

Fine, R. 2007. Cosmopolitanism and Human Rights. Law, *Social Justice and Global Development Journal.* [WWW] http://www.go.warwick.ac.uk/elj/lgd/2007_1/fine (21.03.2014)

Fine, R. 2007. *Cosmopolitanism: Key Ideas*. London: Routledge.

Habermas, J. 2001. *The Postnational Constellation: Political Essays*. Ed. Pensky, M. The MIT Press.

Habermas, J. 2005. *The Inclusion of the Other: Studies in Political Theory*. Eds. Cronin, C. and Greiff, P. Polity Press: Cambridge.

Habermas, J. 2007. A Political Constitution for the Pluralist World Society. *Journal of Chinese Philosophy*, Vol. 34, no. 3, pp. 331 – 343.

Habermas, J. 2007. *The Divided West*. Ed. Ciaran Cronin. Cambridge: Polity Press.

Habermas, J. 2013. A Political Constitution for the Pluralist World Society? In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Hehir, A. 2010. *Humanitarian Intervention: An Introduction*. New York: Palgrave Macmillan.

Held, D. 2002. Law of States, Law of Peoples. *Legal Theory*, Vol. 8, no. 1, pp. 1 – 44.

Held, D. 2012. *Cosmopolitanism: Ideals and Realities*. Cambridge: Polity Press.

Held. D. 2005. *Democracy and the Global Order from the Modern State to Cosmopolitan Democracy*. Cambridge: Polity Press.

International Commission on Intervention and State Sovereignty (ICISS). 2001. *The Responsibility to Protect.* Ottawa: International Development Research Centre.

Kaldor, M. 1998. Reconceptualizing Organized Violence. In *Re-imagining Political Community: Studies in Cosmopolitan Democracy*, eds. Archibugi, A.; Held, D.; Köhler, M. Cambridge: Polity Press.

Kaldor, M. 2013. Humanitarian Intervention: Towards a Cosmopolitan Approach. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Kant, I. 1795. Perpetual Peace: A Philosophical Sketch. In *Kant: Political Writings* (1991) ed. Reiss, H. S. Cambridge: Cambridge University Press.

Kleingeld, P. 2013. Cosmopolitanism. In *Stanford Encyclopedia of Philosophy*. [WWW] http://plato.stanford.edu/entries/cosmopolitanism (23.02.14)

Kymlicka, W. 2013.Citizenship in an Era of Globalization. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Lang, A. F. 2010. Humanitarian Intervention. In *Ethics and World Politics*, ed. Bell, D. New York: Oxford University Press.

Lorraine, E. 2010. Cosmopolitan Militaries and Cosmopolitan Force. In *Fault Lines of International Legitimacy,* eds. Charlesworth, H., Coicaud, J-M. Cambridge University Press.

Lu, C. 2006. *Just and Unjust Interventions in World Politics: Public and Private*. New York: Palgrave Macmillan.

Lupel, A. 2009. *Globalization and Popular Sovereignty: Democracy's Transnational Dilemma.* New York: Routledge.

Marchetti, R. 2012. Models of Global Democracy: in Defense of Cosmo-federalism. In *Global Democracy: Normative and Empirical Perspectives*, eds. Archibugi, D; Koening-Archibugi, M. and Marchetti, R. New York: Cambridge University Press.

McGrew, A. 2004. Cosmopolitanism and Global Justice. *Ritsumeikan Annual Review of International Studies*, Vol. 3, pp. 1 – 17.

Moellendorf, D. 2002. *Cosmopolitan Justice*. Oxford: Westview Press.

Morgenthau, H. J. 1985. *Politics Among Nations: the Struggle for Power and Peace*. New York: Knopf.

Pattison, J. 2008. Humanitarian Intervention and a Cosmopolitan UN Force. *Journal of International Political Theory*, Vol. 4, pp. 126 – 145.

Pattison, J. 2008. Legitimacy and Humanitarian Intervention: Who Should Intervene? *The International Journal of Human Rights*, Vol. 12, no. 3, pp. 395 – 413.

Pattison, J. 2010. *Humanitarian Intervention and the Responsibility to Protect: Who Should Intervene?* Oxford University Press: Oxford.

Pattison, J. 2013. Jus Post Bellum and the Responsibility to Rebuild. *British Journal of Political Science*, pp. 1 – 27. [WWW] http://journals.cambridge.org/abstract_S0007123413000331 (02.04.2014)

Pogge, T. 2005. *World Poverty and Human Rights.* Cambridge: Polity Press.

Pogge, T. W. 1992a. An Institutional Approach to Humanitarian Intervention. *Public Affairs Quarterly*, Vol. 6, no. 1, pp. 89 – 103.

Pogge, T. W. 1992b. Cosmopolitanism and Sovereignty. *Ethics*, Vol. 103, no.1, pp. 48 – 75.

Pogge, T. W. 2008. *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*. Polity Press: Cambridge.

Pogge, T. W. 2011. *Global Justice*. London: Blackwell.

Pogge, T. W. 2013. Cosmopolitanism and Sovereignty. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Rawls, J. 2001. *The Law of Peoples*. The US: Harvard University Press.

Rummel, R. 1994. Power, Genocide and Mass Murder. *Journal of Peace Research*, Vol. 31, no. 1, pp. 1 – 10.

Sangiovanni, A. 2008. Normative Political Theory: A Flight from Reality? In *Political Thought and International Relations: Variations of a Realist Theme*, ed. Bell, D. Oxford University Press.

Scheuerman, W. E. 2013. Cosmopolitanism and the World State. *Review of International Studies*, pp. 1 – 23.

Smith, W. 2007. Anticipating a Cosmopolitan Future: The Case of Humanitarian Military Intervention. *International Politics*, Vol. 44, pp. 72 – 89.

Stemplowska, Z. 2008. What's Ideal About Ideal Theory? *Social Theory and Practice*, Vol. 34, no. 3.

Tan, Kok-Chor. 2010. Nationalism and Cosmopolitanism. In *The Cosmopolitanism Reader*, eds. Brown, G. W. and Held, D. Cambridge: Polity Press.

Thomas, H. 2004. *Cosmopolitan Sovereignty*. Paper presented to the Australasian Political Studies Association Conference. University of Adelaide.

UN General Assembly. 2005. *Resolution adopted by the General Assembly: 2005 World Summit Outcome*. [WWW] http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf (12.04.2014)

UN. 1945. *Charter of United Nations*. [WWW] http://www.un.org/en/documents/charter/chapter1.shtml (20.04.2014)

Van Hooft, S. 2009. *Cosmopolitanism: A Philosophy for Global Ethics*. Stocksfield: Acumen Publishing Limited.

Waldron, J. 2000. What is Cosmopolitan? *The Journal of Political Philosophy*, Vol. 8, no. 2, pp. 227 – 243.

Walzer, M. 2002. The Argument about Humanitarian Intervention. *Dissent*, Vol. 49, no. 1, pp. 29 – 37.

Wendt, A. 2003. Why a World State is Inevitable. *European Journal of International Relations,* Vol. 9, no. 4, pp 491 – 542.

Wheeler, N. J. 2002. *Saving Strangers: Humanitarian Intervention in International Society*. USA: Oxford University Press.

Zolo. D. 1997. *Cosmopolis: Prospects for a World Government*. Oxford: Polity Press.

KOKKUVÕTE

Käesolev dissertatsioon on olemuselt poliitteooria alane töö, mille uurimisobjektiks oli humanitaarinterventsiooni õige teostaja (agendi) probleem kosmopolitismi teoreetilises raamistikus. Uurimistöö eesmärgiks oli kaardistada kaasaegse kosmopolitismi teooriad seoses humanitaarinterventsiooni küsimusse puutuvalt ja uurida kosmopolitismi teoreetilisi implikatsioone humanitaariinterventsiooni praktika jaoks. Püstitatud uurimisprobleemi valguses käsitleti pingeid ideaalse teooria ja mitte-ideaalse maailma vahel.

Käesoleva töö alguses püstitatud probleemküsimuste põhjal oli tööl kaks peamist eesmärki. Esiteks, analüüsida kuidas kosmopoliitseid ideesid on võimalik rakendada kaasaegsetele probleemidele nagu humanitaarinterventsiooni õige teostaja küsimus ning välja tuua raskused, mida kosmopoliidid kohtavad, kui rakendavad oma ideaalseid normatiivseid printsiipe mitte-ideaalse maailma probleemide analüüsimisel. Teiseks eesmärgiks oli uurida kosmopolitismi kui normatiivse teooria rolli kaasaegsete probleemide üle teoretiseerimisel ja Rahvusvaheliste Suhete uurimistraditsiooni rikastamisel.

Käesoleva dissertatsiooni tulemused panustavad mitmel viisil käesolevasse teoreetilisse diskussiooni. Esimene peatükk esitas kosmopolitismi peamiste variantide teoreetilised eristused ja teooriate omavahelised seosed. Lisaks käsitleti seniseid arenguid kosmopolitismi teoreetilises debatis humanitaarinterventsiooni teemadel. Selgus, et kosmopolitismi kaitsjatel puudub konsensus humanitaarinterventsiooni teostaja küsimuse osas. Teine peatükk analüüsis kosmopolitismi teoreetikute arusaama suveräänsusest ja leidis, et kosmopoliitset suveräänsust tuleks mõista rahva suveräänsusena. Suveräänsuse kontseptualiseerimine rahva suveräänsusena võimaldab kosmopolitismi eeskõnelejatel legitimeerida suveräänsuse jaotamist horisontaalselt ja vertikaalselt erinevate poliitiliste tasemete vahel ja seeläbi õigustada globaalse arhitektuuri ümberkonstrueerimist. Kolmas peatükk kaardistas kaasaegsete kosmopolitismi teoreetikute institutsionaalse mudelid – Archibugi ja Held'i kosmopoliitse demokraatia, Habermasi postnatsionaalne demokraatia ja Pogge vertikaalse suveräänsuse jaotuse. Nende ideaal-mudelite kriitiline analüüs paljastas teooriate nõrgad kohad ja osutas sellele, et inimõiguste kaitse ei pruugi realiseeruda

paremini kui need mudelid oleksid rakendatud globaalsel tasandil. Neljandas peatükis uuriti kosmopolitismi lähenemist humanitaarinterventsiooni probleemile mitte-ideaalses maailmas, uurides kosmopolitismi teoreetikute argumente humanitaarinterventsiooni vajadusest. Sealjuures kaardistati tingimused, mille alusel võib pidada kosmopolitismi kaitsjate perspektiivist teatud teostajat legitiimseks ja analüüsiti kritiilisest perspektiivist nende tingimuste seoseid õiglase sõja teooriaga. Viiendas peatükis esitati uurimistöö tulemused humanitaarinterventsiooni õige teostaja küsimuse osas, lähtudes kosmopolitismi teoreetilistest seisukohtadest ja nende implikatsioonidest. Uurimistöö põhjal võib väita, et vaatamata probleemidele, mis on seotud normatiivsete teooriate kohaldamisega/rakendamisega praegustele probleemidele, täidavad nad olulist funktsiooni, milleks on (1) pakkuda ideaale, mille poole peaksime püüdlema ja (2) anda suuniseid, kuidas nende ideaalid saavutada. Seega näib olevat õigustatud väide, et kosmopolitismi funktsiooniks on anda normatiivsed suuniseid, mis võivad aidata ületada praeguse lõhe rahvusvaheliste normide ja rahvusvahelise kogukonna praktika vahel. Seetõttu on kosmopolitismi normatiivsed sissevaated vajalik täiendus rahvusvaheliste suhete uurimistraditsioonile. Traditsiooniliste rahvusvaheliste suhete teooriate ja kosmopolitismi lähenemine üksteisele võimaldaks minna kaugemale pelgalt teoreetilistest seletustest selle kohta, *kuidas maailm on,* vaid suudaks anda ka suuniseid selle kohta, kuidas *maailm ja rahvusvahelised suhted peaksid olema.*

Käesoleva dissertatsiooni tulemused võib jagada kahe erineva tasandi vahel. Uurimustöö praktiline panus seisneb humanitaarinterventsiooni õige teostaja/teostajate ja legitiimsuse tingimuste täpsustamises kosmopolitismi teoreetilises raamistikus. Analüüsi põhjal on võimalik järeldada, et mitte-ideaalses maailmas on kõige legitiimsem agent humanitaarinterventsiooni autoriseerimiseks ÜRO Julgeolekunõukogu, samas kosmopoliitide ideaalile vastavalt peaks ÜRO'd põhjalikult reformima selleks, et ÜRO'd saaks pidada täies ulatuses legitiimseks teostajaks. Mitte-ideaalses maailmas, oleks kõige legitiimsem teostaja/teostajad humanitaarinterventsiooni läbiviimiseks multilateraalsed väed (nt. riikide koalitsioon või organisatsioon), mis koosneks üksnes demokraatlikest riikidest. Siinjuures on oluline märkida, et autorisatsioon õiguspärase teostaja suhtes on vajalik tingimus selleks, et humanitaarinterventsiooni saaks pidada legitiimseks. Samas kosmopolitismi

ideaali kohaselt võiks tulevikus olla ÜRO hallatav politseijõud kõige legitiimsem teostaja.

Dissertatsiooni teoreetiline panus puudutab implikatsioone, mis on seotud normatiivse teooria rakendamisega tänapäeva probleemidele. Käesolevas töös läbiviidud teoreetiline analüüs näitas, et ideaalteooria rakendamine mitte-ideaalse maailma probleemidele on seotud teatud piirangutega. Ühelt poolt on küsitav kosmopolitismi teoreetikute institutsionaalsete mudelite reaalne teostatavus mitte-ideaalses maailmas, teiselt poolt kohtab kosmopolitism raskusi oma normatiivsete printsiipide kohaldamises reaalse maailma probleemidele. Samas väideti, et kuna normatiivsete teooriate roll oleks anda suuniseid mitte-ideaalse maailma jaoks, on nad vajalik täiendus rahvusvaheliste suhete uurimisprogrammi.

Käesolev teoreetiline uurimus piirdus humanitaarinterventsiooni õige teostaja küsimuse uurimisega kosmopolitimi teoreetilises raamistikus selleks, et välja selgitada kuidas saab normatiivseid teooriaid rakendada kaasaja probleemidele ja kas need teooriad suudavad pakkuda praktiliselt teostatavaid suuniseid (ebatäiusliku) reaalse maailma jaoks. Käesolev uurimus on suutnud edukalt selgitada/täpsustada kuidas kosmopolitismi saab rakendada humanitaarinterventsiooni probleemile ja näitas, et kosmopolitism suudab pakkuda normatiivseid suuniseid tegeliku maailma jaoks, kuid edasine uurimustöö nendel teemadel on vajalik ja ajakohane. Seega on antud dissertatsioon avanud võimaluse edasiseks uurimuseks järgnevatel teemadel: 1) normatiivsete teooriate (nt. kosmopolitism), roll rahvusvahelisi suhteid reguleerivate *normide* ja rahvusvahelise kogukonna tegeliku *praktika* vahelise lõhe ületamises; ja/või 2) normatiivsete teooriate funktsiooni ja rolli uurimine rahvusvaheliste suhete uurimisvaldkonnas ning kas ja kuidas rahvusvahelised suhted ja normatiivne teooria on ühildatavad: kas normatiivsem rahvusvaheliste suhete teooria on võimalik.