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How have human rights norms affected the EU's attitude towards interventionism in third states?

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How have human rights norms affected the EU's attitude towards interventionism in third states?

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Introduction

Ever since the signing of the Treaty of Westphalia in 1648 brought an end to the Thirty Years War, scholars long held the view that this so-called Westphalian Peace gave birth to the sovereign nation state and the modern international system based on sovereignty and non-interference (De Carvalho, Leira & Hobson, 2011, p. 736). However, this view has largely been challenged and refuted by most scholars who christened it the Westphalian Myth (p. 740). Although the Westphalian narrative has been discredited, up until the Second World War, international law and norms had been based on Westphalian principles. Ikenberry (2011, p. 56) has written that since the end of the Second World War, western states, particularly the United States (US), have championed a rules-based international order strongly tied to human rights, multilateralism, institutions like the United Nations (UN), and the right to intervene in other state's domestic affairs by invoking the responsibility to protect (R2P). This is evidence of a fundamental shift in international law that now seems keen to accept that states should uphold fundamental norms and that others may have the right under specific circumstances to intervene if another state is thought to violate these norms. This underscores the general point that it is ultimately states that decide what international law is and how it should be followed.

Since the end of the Cold War, interventionism has been a project principally driven by western states, especially the US, and has mostly consisted of the use of military force. Classic examples include the two Gulf Wars in 1991 and 2003 respectively, and the bombings of Libya and Syria in the 2010s. As previously stated, these undertakings have been mostly directed by US military force, albeit with notable contributions from European countries. Even though the European Union (EU) has battlegroups for ad-hoc missions and its member states do possess their own armies, the EU cannot engage in unilateral military action in the same way a state

can as such an act would require the consent of the member states (“EU Battlegroups”, 2017). Nonetheless, the EU has gradually become an important player in international relations and has even taken part in various peacekeeping and humanitarian operations since the 1990s. However, non-military forms of interventionism have been ignored by academia which prefers to study military interventionism through the scope of states, particularly American interventionism (Butler, 2003, pp. 229-230). This thesis will seek to shed light on how human rights norms have influenced the EU’s perception of interventionism. It is important to note that this study will consider the EU as a monolithic actor and not through the lens of any individual member states. This paper’s research question is as follows:

How have human rights norms affected the EU’s attitude towards interventionism in third states?

To effectively answer this research question, this paper will begin by summarising and analysing the pre-existing literature on interventionism and human rights norms by identifying any gaps that may exist. This will lead to a definition of human rights norms and interventionism based on these theories and literature which will be described in the theoretical framework; these in turn will be used to present a hypothesis. Subsequently, a justification for a qualitative textual analysis will be presented, followed by explanations of the EU as a primary case and political speeches as the selected data. Next, the results, analysis, and discussions of the research method will be presented to illustrate the effect that human rights norms have had on the EU’s policy positions. Lastly, this thesis will end with a conclusion definitively answering the research question and explaining its potential ramifications and wider relevance for international law, society, and academia.

Literature Review

This section will summarise and analyse the existing literature on the features of interventionism, what it consists of, and who are its key proponents. It will also cover how scholars define international norms, what they are based on, and if they have influenced the decision-making of any international actors.

Interventionism

Graubart (2013, pp. 72-73) writes that since the end of the Cold War, western states have pursued interventionist policies based on pragmatic liberal interventionism, coupled with a duty to prevent atrocities, genocide and other human rights violations. Glennon (1999, p. 2) opined that the US and NATO have shifted away from the original UN charter that limits international involvements in local state conflicts. However, because this new interventionism is not codified in any treaty or text, it is dangerous to impose intervention on a convenience basis without international legitimacy (pp. 6-7). Contrarywise, Hendrickson (2014, p. 53) has claimed that Barack Obama continued George W. Bush's policy of interventionism, especially in the promotion of revolutions abroad. Moreover, Hendrickson cites that this new policy change is a significant shift from previous American positions of noninterventionism that dominated the 19th and early 20th centuries (pp. 56-57).

Conversely, Bellamy (2008, p. 617) describes that the principle of R2P has been incorporated into international discourses concerning humanitarian crises. He writes that some governments hold the view that R2P is mainly used to conceptualise and therefore legitimise interventionism for humanitarian purposes (p. 617). In contrast, Pearson (1974, p. 261) defines interventionism as soldiers taking direct military action on the territory of another state.

According to Little (1987, p. 54) the behaviouralist and traditionalist approach to interventionism both attribute the use of military force to interventionism.

Other scholars have sought to distinguish between different types of interventionism. Donnelly (1993, pp. 609-610) believes that an activity can still be considered as interventionism if the aim is to coerce another state, even if it falls short of military aggression. Moreover, quasi-interventionism seeks to reward cooperation and punish un-cooperative behaviour because it falls between interventions and non-coercive diplomacy, such as economic boycotts and sanctions (p. 610). Furthermore, Doyle (2001, p. 221) wrote that the 1990s saw the development of a new type of interventionism consisting of peacekeeping strategies that combine consent and coercion. Additionally, he asserts that although peace enforcement is usually consent-based, it can still be classified as a form of interventionism and its implementation can be problematic (p. 225). Lastly, concerning humanitarian interventions O'Hanlon and Singer (2004, pp. 77-78) argued that interventionism by western democracies in various war-torn areas would greatly prevent civil conflict, famine, disease, and facilitate the protection of fundamental human rights in these places.

Generally, the literature describes interventionism as states using military force to make a state change its current course of action. However, some scholars do go beyond military force and broaden the concept to include peacekeeping, economic sanctions, and humanitarian operations. Additionally, the consensus is that when states do intervene in another's domestic affairs, there is usually a humanitarian rationale of preventing the suffering of that state's citizens. When it comes to the proponents and instigators of interventionism many authors agree that modern interventions emerged after the Cold War and are America-driven, alongside NATO and other European countries, although there is scant mention of their contributions.

Thus, there is a gap in the literature as it does not consider interventionism that involves the EU and focuses on the US and NATO through the lens of military force. Given that the EU presents itself as a norms-based actor and has grown in relevance in the international system, it is worth diving into how it views interventionism and if it has ever undertaken interventionist policies like the literature describes.

Human Rights Norms

According to Florini (1996, pp. 364-365) the 'should' component of norms is essential, but the most important aspect of norms is that they have legitimacy, which in turn ensures that the international community follows them. Gewirth (1996) of the natural school of human rights wrote that 'A right is an individual's interest that ought to be respected and protected' (p. 9). Conversely, Ignatieff (2001) from the deliberative school claims 'All that can be said about human rights is that they are necessary to protect individuals from violence and abuse' (p. 83).

Donnelly (2007, p. 288) opines that the Universal Declaration of Human Rights (UDHR) is the foundational international legal instrument of human rights enforcement. Moreover, protecting internationally recognised human rights is widely seen as a precondition to a state's political legitimacy (p. 289). Similarly, Gaer (2003, p. 341) emphasises the importance of the UN charter and treaties, as according to her these treaties play an important role in upholding human rights in the states that are signatories to them. Weston (1984, p. 272) has claimed that the UN's vague approach to human rights has not prevented it from discussing, investigating, and prescribing action when human rights are violated.

Tallberg, Lundgren and Sommerer (2020, p. 627) maintain that international organisations (IO) follow liberal norms for two key reasons:

1. IOs composed of democracies offer accessible and transparent environments for norm entrepreneurs to spread their norms.

2. When pooled sovereignty, supranationalism, and access to transnational actors are part of the makeup of an IO, it easily facilitates norm diffusion.

Finally, Simmons, Dobbin, and Garrett (2006, p. 799) argue that norms spread through a process called emulation, where the environment in which an actor finds itself in is important as it creates general standards for conduct, giving actors legitimacy, stability, resources, and sustainability.

Overall, the literature has presented a comprehensive outline of what human rights norms are, their key aspects, and the institutions in which they are present. Also, it has given an understanding that norms are transfused and imported to others in the international community, which will be key to understanding how human rights norms have diffused to the EU. The literature does present a wide scope on norms, such as schools of thought and general academic theories. One element that unites the literature is that human rights norms have a moral component. However, problems persist as there is little work done that directly references the EU and its norm adoption, although the works by Tallberg et al., Simmons et al., and Gaer can provide a basic foundational understanding of how human rights norms might have impacted the EU's policy on interventionism.

Theoretical Framework

This section will fully define and explain the key concepts of the research question, which are interventionism and human rights norms. It will do so by using the theories and perspectives that were discussed in the literature review to create a clear outline of the concepts

that can best answer the research question. Given the broad scope in literature and for the sake of clarity, this paper will either use one set theory by an author or combine different theories into one definition. Additionally, it will be made clear why some theories were left out and why others best fit the conceptualisations. This section will conclude with a general hypothesis based on the theories and literature.

Conceptualising interventionism

The literature provided a wide range of understandings of what interventionism is, which actors are associated with it, and why interventions happen. Many academics agree that interventionism involves military action in another state to force a change in a particular policy, especially when that state is accused of human rights violations (Graubart, 2013; Glennon, 1999; Bellamy, 2008; Pearson, 1974; Little, 1987). Although this is the consensus, such a conceptualisation here would be unhelpful in gaining insight into the EU's methods of interventionism. As mentioned in the introduction, the EU does not have a proper federalised army that it can call upon to conduct military interventionism and can only rely on ad-hoc cooperation between member state armies. Defence and military are for the time being a competence exclusive to its member states. Therefore, other theories need to be considered and analysed to conceptualise interventionism in a way that fits within the EU's sphere of competences that may allow it to undertake some form of interventionism.

The literature has shown that peacekeeping and peace-enforcement operations can be classified as interventionism, even if they have the consent of the host-state (Doyle, 2001). Doyle's approach can indeed be used to conceptualise interventionism in this context because he makes it clear that peacekeeping does not have to be violent, nor does it require armed conflict between the state and the peacekeeping force. As such, this aspect of interventionism

fits within the EU's competences, considering the EU has previously conducted peacekeeping operations.

Additionally, the EU's image as a normative actor should also be conveyed, given that values and norms form an important part of its domestic and foreign policies. O'Hanlon et al.'s work reflects this as they stress that interventionism could prevent humanitarian disasters such as famine and disease and facilitate the protection of human rights. Consequently, this perspective can be incorporated to explain why the EU would support interventionism in the first place. Conversely, it is evident that economic measures such as boycotts can be loosely tied to interventionism because the aim is still to coerce another state. This viewpoint could be used for this conceptualisation because the EU has shown that it has the capacity to impose economic sanctions with the aim of stopping a state's course of action, as it did with Russia after its full-scale invasion of Ukraine in 2022.

Although Hendrickson has a negative view of interventionism and focuses exclusively on the US, his perspective should be considered as according to him, supporting regime change in another state is a form of interventionism. As previously mentioned, the EU presents itself as a values-based actor and as such this theory would be interesting to examine if or how often the EU expresses tacit or implicit support for a change in a regime that has a record of various human rights violations. However, it would still be best to exercise caution if this theory is used because the EU may act differently towards different authoritarian regimes, if vital interests are at risk.

After analysing and evaluating the different theories from the literature, it is clear the military-centric interpretations of interventionism will not be useful in this paper's

understanding of interventionism. Instead of choosing one theory, this paper will combine the different approaches of Doyle, O’Hanlon et al., Donnelly, and Hendrickson. Each of these scholars offer different interpretations of interventionism, broadening this paper’s scope and enabling it to consider the different types of interventionism that the EU propagates, hence answering the research question more concretely. For the context of this thesis, interventionism will be understood primarily as Donnelly has described it. It will also consist of the other authors’ viewpoints, including but not limited to, peacekeeping, peace-enforcement, humanitarian operations, protection of fundamental rights, and engaging in economic and diplomatic sanctions.

Conceptualising human rights norms

The consensus among human rights norms was that they are based on morality, they are diffused among international actors, and have their legal basis in institutions like the UN. The works of Florini, Gewirth, and Ignatieff demonstrate the importance of ethics to human rights norms. As such, their outlooks reveal that human rights are grounded in the moral perception that other actors have of them, which can include the EU. Since the scholars have made it clear that human rights are inherent to being a human being, this means that one can take this part of the definition and apply it universally. More broadly, one can conclude that there is or should be a basic standard that all states and actors must be held accountable to, which is that they should respect universal human rights. The EU is a normative and values-based actor so one could see how it would seek to protect the rights of others on the moral basis that it is the right thing to do. As such, these authors’ theories are useful to the conceptualisation because they have described that human rights are universal.

On another note, Gaer, Weston, and Donnelly's emphasis on the importance of treaties, the UN and UDHR, show how the UN is the body with the most legal standing and recognition when it comes to human rights norms. This standpoint emphasises the idea that international law has evolved to a point where all states are expected to respect human rights because they are signatories to various treaties emphasising them, said treaties being codified by the UN. For example, all the EU's member states are signatories to the UN charter and various treaties guaranteeing human rights; it would make sense that this adherence would spill over into the EU as an entity recognising the UN charter and its treaties as the final sum of international law. Thus, one can determine that human rights norms primarily have their legitimacy and enforcement in supranational organisations and institutions. These authors generally agree on the importance of the UN in maintaining human rights norms and other entities recognising its authority. Consequently, these authors show that the UN is a framework within which the EU operates if or when it wants to promote human rights abroad.

However, Tallberg et al.'s theory clearly shows how the EU adheres to the generally accepted international norms due to the spill over created by its member states, allowing for the EU to independently adopt and accept international norms. Similarly, Simmons et al.'s theory of emulation can be applied to the EU and shows links with Tallberg et al. Since the EU finds itself in a democratic environment attributed to its member states, it will also recognise the legitimacy of international norms because its members do so. Crucially, unlike the previous set of authors who focus on states, Tallberg et al. and Simmons et al. argue that IOs are just as capable of adopting international norms. Additionally, the latter supports the concept of spill over because the EU's member states are party to UN treaties and therefore the EU will take on these characteristics of its member states because it has emulated how they behave. Overall,

these scholars were able to explain how IOs adopt and internalise various international norms, including human rights, by engaging within the international system and copying other actors.

Like interventionism, a combination of the various theories is necessary to conceptualise human rights norms. Hence, human rights norms can be understood as normative fundamental rights inherent to humans. They are legitimised and enforced by international treaties, the UN charter and UDHR whose authority is recognised by the EU through emulation.

Hypothesis

After conceptualising interventionism and human rights norms, one can be led to hypothesize that because the EU recognises the legitimacy of UN treaties and the UDHR through emulation and norm institutionalisation, it will have a positive attitude towards interventionism in third states. The EU is widely regarded as a multilateral actor and places a lot of emphasis on promoting universal norms. In instances where it feels these norms are being violated or not properly applied, it will seek to rectify these cases through non-military means, and instead focus on implementing peacekeeping, peace-enforcement, economic sanctions, or other types of coercive behaviours to force another state or actor to deviate from its actions.

Methodology

Due to the nature of international law as a discipline, a qualitative methodology is best suited to answer the research question. As this paper broadly examines how external factors influence the EU's policy positions, these positions and their motivations can easily be discerned through analysing texts and words. Furthermore, textual sources give a clear indication of where the EU stands based on the type of language its officials use to convey its

positions. Qualitative research can help researchers examine the origins of problems or events, which in this case is to understand in what way human rights norms influence the EU's perceptions towards interventionism either in a positive or negative way. Revealing these trends will help to further contextualise the EU's place in international law and uncover international law's evolution from Westphalian norms to multilateral ones, revealing wider patterns. Hence, the research question can be effectively answered through this methodology because it enables the researcher to point to specific policy positions as they are stated and presented, and to show a link between specific words and phrases that indicate the EU's view on interventionism in third states.

Type of Analysis

This thesis will implement a textual analysis, specifically a qualitative content analysis. Halperin & Heath (2020, p. 365) write that a qualitative content analysis consists of interpreting and analysing the meanings, motives, and purposes of a text. This is the best analysis to use as the purpose of this paper is to uncover in what way, through dialogue and words, human rights norms have influenced the EU's positions on interventionism. This method will help to uncover the meanings and motivations behind certain policy choices of the EU because it enables a researcher or target audience to discern what actions the EU takes and why. The types of sources used will consist of political speeches made by EU officials who have an important role in its policy-making processes and who lead and implement the EU's agenda. A content analysis will permit one to look at these speeches and uncover how human rights norms impact the EU's views on interventionism, through looking at key phrases and words that might indicate policy positions. Since a comprehensive theoretical framework has already been established, it should be relatively simple to look for and analyse key words and phrases.

Lastly, there are other forms of textual analyses, with a discourse analysis being particularly popular in qualitative approaches, however, that method is unsuitable. A discourse analysis aims to uncover the motivations, beliefs, values, and ideologies of the people who give discourses (p. 366). In short, its main area of focus is that understanding the person behind the text will uncover the text's meaning. Since this paper looks at the EU's positions on a broad level and as a single unit of analysis, there is no need to examine the individuals behind the speeches. Furthermore, the aim of this research is to understand how or if external factors in international law influence the EU's policy positions, not how individuals themselves try to mould the EU.

The EU as a primary case study

As the EU is this paper's focus, according to political research it is a single case study. Halperin and Heath (2020, pp. 234-235) write that the two advantages of the case study are:

1. They reveal insightful and meaningful information about the case.
2. Case studies should be able to shed light on a general topic.

Firstly, this paper will be able to discern what the EU's attitudes are towards interventionism and how human rights norms may have had an impact on those attitudes. Secondly, the findings can contribute to the general theme of this thesis, which is to demonstrate how international law has evolved from Westphalian-style sovereignty to creating enforceable codes of conduct for states. The authors also write that in research methods of political science, a case study can be used to examine deviant cases, particularly ones that do not fit already-existing patterns and deviate from established theories (p. 236). As previously mentioned, the EU is unique in its own right in that it possesses attributes that can be found in

states and IOs. The EU has previously undertaken operations typically associated with states, such as being at the forefront of the negotiations in the Iran Nuclear Deal of 2015.

Studying the EU also has broader academic and societal relevance. Firstly, as demonstrated in the literature review, pre-existing studies are too state-centric and omit the relevance of non-state entities like the EU. The EU's general relevance and power has gradually increased, which in turn has boosted its profile on the international stage. Adding to the existing literature will allow for greater understandings of the functions and power of the EU. This will detract from state-centric studies and broaden the scope of international law. Given that European integration has gradually increased and has the potential to spill over into foreign policy areas, which are traditionally associated with statehood, it will be important to understand and study the foundations of this potential development so that scholars will be able to map out how a non-state entity fulfils certain state-like functions and roles. These levels of integration and the ceding of sovereignty from member states could be used in the future to argue that the EU is evidence of a general shift away from the principles of the treaty of Westphalia, to an international system where states are willing to work through supranational organisations and institutions.

Data Selection

Halperin and Heath (2020, p.19) write that political speeches and addresses are regarded as important plentiful sources of information that reveal how politics is accomplished. The primary function of speeches is to convey the specific policy decisions and positions of an actor, why they take these positions, and what motivates them. Since the speech givers are addressing a public audience, the aim is to argue for and convince the audience of a specific policy issue and why theirs is best. Not only are domestic audiences important, but speeches

indicate to other international actors the aims of the speech-givers, their principles and how they will achieve their objectives.

Consequently, it is likely that speech givers will use powerful or emotive language to convince the audience. Borgstrom (1982, p. 325) contends that politicians use speech strategically to create the perception that they have more power, which will enable them to gain a favourable reception from the target audience; this is the main limitation of speeches: they are rhetoric. Rhetoric and actions do not often align and sometimes politicians do not necessarily fulfil their promises and rely on rhetoric to be elected or for status. The same can be said about the EU, where figures such as Von der Leyen and Josep Borrell want to convey a position of strength but may be limited by various factors. For example, Von der Leyen could reveal a desire for the EU to prevent humanitarian catastrophes to the European parliament, but it might simply be rhetoric to guarantee the support of some parliamentary groupings, its feasibility is another concern. Similarly, Borrell might stress the consequences for states that don't respect human rights, but if the venue is the UN, then that could also be seen as grandstanding as opposed to solid guarantees of policy implementation. Despite these flaws of using political speeches as sources of data, they are nonetheless still the best option. The general aim of this research is to reveal the EU's principles on paper, not necessarily to what extent they are effective.

The first set of data consists of the annual state of the union speeches given by the current president of the European Commission, Ursula von Der Leyen. State of the union speeches are given once a year by the president to the European parliament, where the president outlines the commission's objectives and goals for the remainder of their term. Since these addresses are broad, they will very likely include foreign policy objectives which fit in with interventionism and the influence of human rights norms. Furthermore, the president of the

European commission is the closest that the EU has to an executive or head of state and thus it makes sense to use speeches by such a figure because they reflect the EU's general foreign policy positions and the commission itself is responsible for setting the EU's agenda in all aspects. This is a better option than say a speech by a member of the European parliament (MEP) because individual MEPs are either expressing their personal views or those of their political grouping and play no concrete role in the agenda or policymaking processes.

The second set of data consist of speeches by the EU's high representative, Josep Borrell, the closest position that the EU has to a national foreign minister. The main role of the high representative is to set the EU's agenda in the areas of foreign policy, defence and security, and the EU's interactions with the international community. Consequently, the high representative's role is to spearhead and mould the EU's foreign policies and represent its values abroad. Given that the high representative is a member of the EU's executive branch - the European Commission - he therefore has legitimacy and decision-making power. As a result, one can take speeches made by Borrell and discern what exactly the EU's foreign policy objectives are and if human rights and interventionism are priorities. Moreover, his speeches are typically addressed to a wide range of audiences which include the European parliament, international conferences, heads of state and public institutions. The wide range of audiences signify that Borrell's speeches need to convey the EU's foreign policy objectives and priorities properly and clearly, showing that these speeches have the possibility to offer meaningful insight and information that can answer the research question.

Results and Analysis

State of the Union Addresses

Overall, the addresses given by Von der Leyen indicate that the EU is willing to take coercive measures against states which it feels violate human rights norms. However, the data shows that this position did vary in each of the different addresses. It should be noted that the quotes that were chosen in both data sets are not exhaustive but are just a few chosen from a wide selection.

Von der Leyen's address in 2020 showed greater support for intervening in third states to uphold human rights. 'It is with a strong United Nations that we can find long-term solutions for crises like Libya or Syria' (Von der Leyen, 2020). 'So we must always call out human rights abuses whenever and wherever they occur – be it in Hong Kong or with the Uyghurs' (Von der Leyen, 2020). It is clear from these quotes alone that the EU is concerned about humanitarian situations and human rights violations abroad given that Von der Leyen is expressing opinions about these situations. 'I want to say it loud and clear: the European Union is on the side of the people of Belarus' (Von der Leyen, 2020). 'The elections that brought them into the street were neither free nor fair. And the brutal response from the government ever since has been shameful' (Von der Leyen, 2020). Here is another example of the EU directly intervening in the domestic affairs of another state by expressing a particular view on the supposed elections in Belarus which are the country's internal matters. Although not calling for a type of regime change, it can infer that there is a desire for Belarus to adopt democratic values which would involve a change of the current regime, referencing Hendrickson's work.

Similarly, the address of 2021 contains connotations related to upholding and supporting human rights in states where they EU strongly believes they are violated. ‘And first and foremost, I want to be clear. We stand by the Afghan people. The women and children, prosecutors, journalists, and human rights defenders’ (Von der Leyen, 2021). ‘... we must continue supporting all Afghans in the country... We must do everything to avert a real risk of famine and humanitarian disaster... We will increase humanitarian aid for Afghanistan by 100 million euro’ (Von der Leyen, 2021). Interestingly, the last quote does reveal that humanitarian operations and relief missions do factor into the EU’s foreign policy as it feels the need to intervene in these catastrophes. One can then assert that there is an idea that victims of natural disaster should be helped, linking to the ‘should’ component of the natural school of human rights. As previously stated, there are signs of the EU taking a position on the internal functions of another state by applying soft diplomatic pressure. Moreover, one can see how the EU expects every country to conform and uphold general standards of human rights.

By contrast, the addresses of 2022 and 2023 put less emphasis on upholding human rights in other states or giving aid and resources towards regions afflicted by humanitarian tragedies. Instead, Von der Leyen’s approach to interventionism is evident in the emphasis placed on helping Ukraine fight off Russia’s full-scale invasion. ‘... Europe has stood at Ukraine’s side. With weapons. With funds... And with the toughest sanctions the world has ever seen’ (Von der Leyen, 2022). ‘So far Team Europe have provided more than 19 billion euros in financial assistance. And this is without counting our military support’ (Von der Leyen, 2022). ‘This is about autocracy against democracy’ (Von der Leyen, 2022). In this case it is evident that the EU takes an interventionist approach to the war in Ukraine by supporting Ukraine militarily, diplomatically, and by imposing sanctions on Russia. The last quote demonstrates that the EU’s choice to intervene is at least partially motivated by fundamental

norms as it is an emotional statement appealing to notions of civilisation and what a modern state should look like. The 2023 address follows the same general line as in 2022, particularly about the war in Ukraine. ‘Russia is waging a full-scale war against the founding principles of the UN charter’ (Von der Leyen, 2023). This extract not only reveals the EU’s own policy towards interventionism in the Russo-Ukrainian war, but also how it regards the codification of human rights and other fundamental rights of the UN charter as the sum of international law and its primary reference for human rights norms. Intriguingly, this address also showcases evidence of the EU’s devotion to maintaining humanitarian operations by using emotional language to solidify the idea that the EU should be helping because it is its duty. ‘Our heart bleeds when we see the devastating loss of life in Libya and Morocco after the violent floods and earthquakes. Europe will always stand ready to support in any we can’ (Von der Leyen, 2023).

Borrell Speeches

Josep Borrell has served as the EU’s high representative since 2019 and over the course of his term has made various speeches. The chosen data comes from 5 speeches he gave over the course of his 5-year term. It can be broadly stated that Borrell’s vision for the EU’s external policies are based on one where the EU intervenes in various ways across different states and regions to uphold and promote human rights which are seen as universal norms.

In his speech at the 24th EU-NGO forum on human rights, Borrell makes clear the EU’s position on human rights violations in third states and the importance of promoting human rights across the international community. ‘We need to stand for democracy, for human rights, for free media – abroad and here – and defend them from attacks’ (Borrell, 2022b). This quote is a good summary demonstrating the EU’s fundamental values and the need for them to be

promoted elsewhere, highlighting the importance of an EU engaged with the rest of the world. ‘We need a Global Human Rights Sanction Regime, we have it. We have the legal instrument’ (Borrell, 2022b). It is evident here that the EU is using coercive measures, namely sanctions, to force other actors to comply with human rights. This links back to the theoretical framework where sanctions can indeed be considered a form of interventionism. Furthermore, the quote clearly demonstrates how human rights violations encourage the EU to implement pressures that can affect the domestic functions of states that take part in these violations. ‘Human rights are universal values, but they can be considered [through] different approaches’ (Borrell, 2022b). This phrase exhibits the universality that the EU attributes to human rights and by extension, the justification for why they should be promoted abroad. Lastly, Borrell also points to cases in Afghanistan and Belarus as examples of human rights violations, where he outlines the EU’s position on the matter showcasing a desire for these states to change their actions.

Borrell’s speech on civilian crisis management missions had less direct references to human rights norms and instead focused on concrete civilian and peacekeeping operations conducted by the EU. ‘Overall, we have deployed 23 civilian missions around the world, since our first mission in 2003’ (Borrell, 2022a). Since peacekeeping operations do fall under the umbrella of interventionism, this extract reveals that the EU is engaged all over the world in promoting stability during crises. Moreover, Borrell does point to concrete examples of civilian missions in other states, most notably in Kosovo, Afghanistan, Ukraine, Georgia, and Somalia. ‘In early 2000, we were confronted with the outbreak of piracy in the horn of Africa. Our CSDP response was targeted, sequential and comprehensive’ (Borrell, 2022a). Overall, the data makes little reference to human rights directly, but these, as well as other passages in this speech, do contain subtle indicators to human rights, which will be further discussed in the analysis.

Like the first speech, Borrell's address at a European Parliament debate highlights the need for the EU to promote and enforce human rights beyond its frontiers. 'We have to engage with China on global challenges... At the same time, we must stay firm on defending human rights and Hong Kong. That is clear' (Borrell, 2021). This passage reveals that despite geopolitical realities, the EU is still firm in its commitment to enforce human rights in other states which further reinforces the image of the EU as a values-based and normative actor. 'We have to work more on the security side of this policy. We have to work more to ensure human rights are taken seriously by third countries' (Borrell, 2021). This is the most obvious indication that the EU adheres to a multilateral and universalist approach to human rights. It also subtly supports the idea that the EU would be willing to engage in tangible actions in the domestic situations of third states to make sure they respect human rights, which is clearly a shift away from Westphalian principles of non-interventionism.

Borrell's speech to the UN security council on EU-UN cooperation reveals the extent to which the EU regards the UN and its principles as the foundations of modern international law, its commitment to multilateralism, and its desire to uphold the UN charter and UN principles internationally. 'But equally, that is why we must counter the worsening human rights situation we see in many countries. We remain committed to all human rights' (Borrell, 2023). "'Universal' means that human rights do not belong to any specific culture, they are universal' (Borrell, 2023). As with previous speeches, these two quotes encapsulate the idea that the EU is concerned about the domestic situations of other states when it comes to human rights abuses because it clearly believes that all people are entitled to human rights given their universality. '...this war [in Ukraine] was and remains a clear-cut case of aggression, in breach of the United Nations Charter' (Borrell, 2023). This extract reveals that the EU regards the UN and its founding ideals as the sum of international law and is a frame that all states must work

within and respect. Moreover, it is an example of how modern international norms have diffused down to the EU because its member states are all signatories to the UN charter. It is further evidence of how the EU represents the transition from a post-Westphalian international order. More broadly, Borrell's speech indicates that the EU is engaged in all crises and conflicts around the world as he references Syria and Afghanistan. To emphasise the importance that the EU attributes to the UN, he cites various cases of collaboration between the EU and the UN on crisis resolution and managing crises in the name of human rights protection.

His final speech at Georgetown University is more security and defence oriented as it brings into light the EU-US relationship, but nonetheless Borrell makes it clear the EU does support interventionism as this paper describes it. However, the references to human rights are subtle and play a less important role compared to the other speeches. '... we provided substantial military aid of EUR 28 billion, either through bilateral aid from member states or through EU mechanisms...' (Borrell, 2024). This reference to the War in Ukraine highlights how the EU uses financial and military means to intervene in the war. Although they are not directly belligerent, the objective is to force Russia to change its behaviour or to accelerate its defeat, by intervening in all means bar military. In reference to the on-going war in Gaza between Israel and Hamas, the following quote illustrates the desire to intervene in other conflicts between actors and to make those actors change their course. 'If the two-state solution is really what we all agree on, the Security Council should now define the parameters to achieve it' (Borrell, 2024). In essence, this quote shows that the EU supports an external actor effectively imposing a solution to a conflict on all parties concerned. This further reveals how the EU believes in multilateral interventions in other states' affairs during a conflict. This can simply be understood as the EU viewing any conflict as morally wrong because civilians are

the primary victims, which again harks back to the moral and ‘should’ aspects of human rights, that wars and casualties are fundamentally wrong and morally undesirable.

Discussion

This section will briefly summarise the general findings of the results and analysis, followed by an explanation on the implications these findings have on the field of international law and this paper’s general topic. Lastly, this segment will discuss the two main limitations of the entire research process.

Firstly, the results and analysis of the data clearly demonstrate that human rights norms are key to understanding how and why the EU chooses to intervene in the domestic affairs of third states, but also in global challenges. Its commitment to human rights norms is largely based on their conception as natural rights and on the contents of the UN charter. Moreover, it can be concluded that the EU takes a keen interest in the domestic situations of third states when it feels that human rights have been violated and has taken various non-military measures to force the state in question to refrain from its current course. These measures are typically sanctions and humanitarian aid and relief. However, the data does show that the EU can deploy military measures only to counter general threats and not against another state’s military. On another note, the data also shows that other factors besides human rights, such as general security threats, influence the EU’s perspective on interventionism. This broadly represents the EU’s commitment to multilateralism as opposed to non-interventionism or isolationism.

The first limitation of this paper lies with the data. The two sets of speeches were given by individuals and as a result, they have a degree of freedom to choose where to direct the EU’s priorities. For example, von der Leyen’s addresses in 2022 and 2023 focused mostly on the

Russo-Ukrainian war over human rights concerns, signalling that the war is an utmost priority. Similarly, considering that Borrell is part of the EU's centre-left Socialist grouping, it could explain why human rights were at the forefront of his priorities, given that they traditionally fall under left-wing politics. Perhaps if there was a different high representative or commission president, human rights and interventionism would have been considered differently among the EU's key concerns. Secondly, upon reflection, the methodology used here is limited as discourse analysis was not expanded on in the methodology section. A discourse analysis allows one to understand the speech-giver and their beliefs and intentions. Lastly, the choice to use the EU as the single case does not necessarily represent a general shift in international law. Although all states are party to the UN charter, states such as a Russia and China seem to adhere more to Westphalian sovereignty and are generally sceptical of interventionism. The aim of this paper was to go beyond a state-centric approach and to focus on the EU, which has largely been omitted in past literature. This limited scope did not allow for consideration of other cases.

The results and analysis of the data do represent a general shift in international law, with the EU being evidence of this. Gradually, international law has been codified in various fundamental norms and institutions that demand a general standard of conduct for all states. This is a complete change from Westphalian principles of international law like state sovereignty and non-interventionism. Due to the increasing globalised nature of the world and the emergence of fundamental rights, states can no longer take decisions, whether domestic or international, without some manner of concern or meddling from other states. However, these aspects relate more to public relations and international reputations, and ultimately a state can in effect do whatever it wants within reason. This underlines the paper's general theme that international law is created and dictated by states themselves. There is in fact no higher authority, but rather international law is the sum of its parts, and even to that end states do

mostly use these institutions and norms in the pursuit of self-interest. Even the EU has made agreements and aligned itself with some states that have and continue to consistently violate human rights in their domestic policies.

Conclusion

In conclusion, the EU favours forms of interventionism in third states on the basis that human rights norms are universal and codified in institutions like the UN, which it views as the sum of international law, hence proving the hypothesis. Therefore, the EU feels the responsibility to uphold and defend human rights everywhere, even if that involves interfering in the domestic affairs of other states. Answering the research question was made possible by a qualitative approach using textual analysis to uncover the meanings and motivations behind texts to discern policy-making choices. This method proved useful as the data revealed a great deal both about how the EU views international law and how it wants to apply these principles universally. However, as previously stated, other methods such as a discourse analysis could have proved equally useful due to the personal dynamic of the speech-givers. For future research, it would be interesting to study how the EU's policy towards human rights and interventionism have evolved over time and to what extent the EU's policies are driven by individual policymakers and member states. Additionally, one could also compare the EU with states like Russia or China to show a contrast between multilateral and Westphalian perspectives on international law. This thesis has filled a gap in the literature where interventionism had only been considered on a military basis and has demonstrated that actors can still intervene without the use of military force. Moreover, this thesis has gone beyond the state as the main unit of analysis in international law and international relations, and shed light on the EU, a unique actor. International law is malleable and is constantly prone to shifts depending on the prevailing values of the international community. Although states have

accepted various form of supranationalism, ultimately these institutions are the sum of their parts, and states dictate international law and what should be acceptable. In 1648 sovereignty and non-interventionism were the accepted norms, today human rights and multilateralism shape our understanding of international law.

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