States of Emergency, States of Exception
Human rights and humane interventions: territory, sovereignty, person

What is a “state of emergency?”
- Circumstances under which “normal” order is seriously disrupted
  - Natural disasters, riots, insurrections, attacks

What is a “state of exception?”
- Circumstances under which the “constitutional” order is not able to respond
  - Disruption of chains of command, revolution, extra-territorial actions

What have they to do with Int’l Politics?
State of emergency

Disruptions of “normal” state order with international implications

These often occur when a domestic political order is lacking in capacity and legitimacy

Political authorities are unable to restore the “normal” order which, in fact, may be unjust, oppressive, discriminatory, etc.

Spillover of disorder across borders or “zones of chaos” as sources of disorder
Examples

1991

Somalia

State collapse in 1990-91

Warlordism & famine

Failure of U.S. intervention

1994

Rwanda

Invasion by Tutsi force

100-day genocide

No intervention

1998

Kosovo

Serbian violence

NATO bombing

Internat’lization by NATO & Europe
Human rights and humanitarian interventions

States have often intervened to protect "rights" of their nationals or co-religionists

Publics have become more concerned about visible human rights violations

Governments intervene to "civilize" disorderly societies as potential threats

These "protectorates" become the modern equivalent of colonies and mandates
States of exception

- Emergencies can lead to exceptions

- Consider Somalia: non-state with no operating government but clan-based polities

- How should this “space“ be dealt with? Should the “state“ be reconstructed? Who and how can this be done?

- There are no “constitutional“ rules for dealing with this kind of situation
Does global terrorism create a state of exception?

International state system is not well-equipped to deal with non-criminal or non-economic anti-state groups

States are the source of int’l law and the enforcers; private law is not among states

Global terrorists are viewed as not being part of any state, although they appear to target states and societies

Terrorists thus become the concern of a not-yet-constructed global political entity
“Sovereign is he who decides the exception”
--Carl Schmitt, legal theorist in Weimar & Nazi Germany--

As subjects of this “global entity,” terrorists have no right to rights

They are engaged in war against the entity, but are not state combatants

As mortal threats to the entity, they can be hunted down and killed

Who decides? the sovereign
But who is the sovereign?