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Access Details: [subscription number 773573297]
Publisher: Routledge
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Journal of Intervention and Statebuilding

Publication details, including instructions for authors and subscription information:
<http://www.informaworld.com/smpp/title~content=t741771150>

Book Reviews

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Online Publication Date: 01 November 2007

To cite this Article: Woodward, Susan L. and Jones, Lee (2007) 'Book Reviews',
Journal of Intervention and Statebuilding, 1:3, 379 - 388

To link to this article: DOI: 10.1080/17502970701592322

URL: <http://dx.doi.org/10.1080/17502970701592322>

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Book Reviews

Sustainability in Peacebuilding

Achieving Peace or Protecting Human Rights? Conflicts between Norms Regarding Ethnic Discrimination in the Dayton Peace Agreement by Gro Nystuen. Leiden and Boston: Martinus Nijhoff, 2005. Pp.xi + 253 + bibliography + table of cases + 2 annexes + index. €203.00/US\$ 274.00 (hbk). ISBN 90-04-14652-0.

After the Conflict: Reconstruction and Development in the Aftermath of War edited by Sultan Barakat. London and New York: I.B. Tauris, 2005. Pp.270 + notes + bibliography + notes on contributors + index. £45.00 (hbk). ISBN 1-85043-463-8.

In peacebuilding studies and operational evaluations on sustainability, increasing attention is now being focused not only on peace itself but on the specific projects donors fund and which international agencies initiate and manage. Despite overwhelming evidence that a long-term perspective is essential to building a lasting peace, the immediate goal of stopping the violence still drives the design, finance, organization, and focus of almost all external assistance in peacebuilding operations. These two books, though focusing on very different aspects of post-conflict assistance, tackle this problem of the long term outcomes of peacebuilding interventions. They also represent an important new stage of academic research, which aims to improve policy and practice through careful, theoretically informed, empirical research. Both Nystuen and the authors in the Barakat volume use case studies to analyse more general questions raised by third-party interventions to end civil wars and, thereby, seek to address crucial errors in current practice.

The general question that Nystuen analyses in the case of Bosnia-Herzegovina is how much one can compromise on, or even ignore, international conventions on human rights in order to obtain an agreement among warring parties to stop a war, even when one knows that violations of human rights were a significant cause of the war, and that norms and rules of non-discrimination are essential to the long-term sustainability of the peace. This dilemma is posed acutely in Nystuen's specific case, and she works from two advantages.

First, that the Dayton peace agreement has the status of an international treaty and contains substantial borrowings from international and European

conventions on human rights, this means that the resources of international law can be used both to analyse the problem and to provide tools for improving on such cases.

Second, Nystuen's analysis is grounded in her personal experience: as a legal counsellor at the United Nations-European Union conference of August 1992–1995, which sought to obtain a negotiated settlement to the war; again as legal counsellor at the US-led peace negotiations in Dayton, Ohio, in November 1995; and as a primary legal adviser to the Office of the High Representative, established to implement the accord, headed initially by Carl Bildt. Her conclusion will not surprise scholars of the Bosnian war: namely, that the goal of ending the violence in Bosnia conflicted with the obligations of international human rights conventions – both in the formal accord negotiated at Dayton and in its subsequent implementation – because the negotiators ended the violence by embedding ethnic discrimination into all aspects of the new state. The reader will, however, find much background on issues of international law, inside knowledge from the negotiations at Dayton, and precise legalistic analysis of the settlement and its implementation – all of which will be a welcome addition to the literature on Bosnia from 1995 to date.

Nystuen makes two important contributions to this field. One is to show in detail how international legal provisions, which enable a solution to this genuine conflict between international norms, were ignored by Richard Holbrooke's team at Dayton (on the wrong assumption that international law would be a hindrance and a constraint). For all her lawyerly circumspection, Nystuen's analysis is devastatingly critical of the US team.

The second contribution is to propose a solution to the political problem faced by negotiators: the initial justification for the derogation of human rights on internationally established emergency grounds and the long-term requirement of the protection of non-discrimination provisions in the Bosnian constitution and political system. Nystuen does this by distinguishing between temporary and permanent constitutional provisions. Instead of downplaying the underlying tension in peace settlements and operations between the 'short term' and the 'long term', she suggests that one should recognize the tension, discuss the long-term needs during the negotiations, and explicitly design peace settlements as transitional, provisional sets of rules to address the immediate political conflict. This should be done alongside the formulation of provisions that facilitate change over time towards more egalitarian citizenship regimes. In Nystuen's words, 'in all national as well as international emergency regimes – the emergency measures must end when the emergency ends' (Nystuen 2005: 237).

For readers interested in this general problem but not well versed in international law, this book is enormously informative and useful. That said, for those who know the Bosnian context, there are enough factual errors about the case (particularly in Chapter 3) and misunderstandings of the nature of the conflict to raise serious questions about the particular aspects of international

law and external expertise that she applies in this case. Nystuen is not a specialist on Bosnia or the former Yugoslavia, and she brings to her analysis (and one assumes, her advice in theatre) the dominant international political assumptions which shaped intervention in the former Yugoslavia – assumptions which, in this reviewer's view, prolonged the fighting and created the very problems that Nystuen identifies in the Dayton negotiations and peace agreement.

Thus, alongside the familiar tension between short-term and long-term perspectives in the literature on peacebuilding, Nystuen's analysis raises an equally serious but largely unaddressed problem in the political regime guiding such interventions. Namely, if one intervenes with a political bias regarding the nature of a conflict, one cannot protect the whole host of rules that aim at protecting the non-discrimination of individuals upon which the human rights regime is based.

A second issue faced by the Bosnian parties, which also applies to many other conflicts, is the mistaken labelling of the conflict, used by Nystuen and most outsiders, as an 'ethnicity question' (Nystuen 2005: 60 and *passim*). The long-term solution to an 'ethnic' conflict does indeed lie in non-discrimination principles. But the 1992–95 Bosnian War was a 'national' conflict. The national rights in the constitution of the former Yugoslavia, the European and then United Nations recognition of Slovene and Croatian independence (on the basis of the right to *national* self-determination), and the competing principles of national governance for a post-war Bosnia-Herzegovina (about which the three parties were fighting) – all require a different approach. It is not clear from the many contemporary civil wars, which are national rather than ethnic (for example, Israel and Palestine, Sri Lanka, most of the Caucasus, Cyprus, the emerging situation in Iraq), what normative assistance international law can provide. In seeking the basis for a long-term, permanent solution for Bosnia and similar cases, Nystuen's choice of a human rights framework instead of one based on the principles of democracy – which could have provided both a short-term and long-term solution simultaneously – reflects serious inadequacies, both in international law and in diplomatic practice.

Nystuen's most important contribution is her focus on the crucial role of the negotiating stage, when third-party mediation aims at a ceasefire and peace settlement. Policies and analyses of post-conflict reconstruction tend to treat the peace agreement as given, focusing only on implementation. But Nystuen rightly argues that the sustainability of peace depends on what happens in those diplomatic negotiations and on the terms of the accord. The Barakat volume goes one step further, arguing that post-war reconstruction 'should not wait for the signing of a peace treaty but should be viewed as a key instrument of peacebuilding in itself' (Barakat, 2005: 192). The predominance of chapters on humanitarian activities in a volume on 'reconstruction and development in the aftermath of war' would otherwise be surprising.

This volume is primarily an attempt to showcase the existence, approach, and research of the University of York (UK) Post-War Reconstruction and Development Unit. Barakat's argument is that 'post-war reconstruction' must be seen as 'fundamentally a development challenge' (Barakat 2005: 12). While Barakat's concept of development is never fully articulated, the explicit critique of the way international financial institutions, especially the World Bank and the International Monetary Fund, define development, with their emphasis on 'national "economic growth" employing liberal market strategies' (Barakat 2005: 12) rather than on questions of distribution, community participation, livelihood, and national (as opposed to international) control, already points quite far towards an alternative.

Specific contributions to the volume are notable as well for their useful and explicit criticism of current approaches on the basis of field research, for example: in Chapter 4 Sultan Barakat, David Connolly, and Judith Large analyse the failure of the 'proactive humanitarianism approach' in Aceh, Indonesia, of the Geneva-based Centre for Humanitarian Dialogue from late 1999 to May 2003; in Chapter 5, Arne Strand analyses why moves for coordination among humanitarian donors and actors in Afghanistan, beginning from 1986, were doomed from the start because of the number of actors and their conflicting interests; in Chapter 12, Sultan Barakat and Sean Deely analyse the problem of participatory approaches to community development with the specific case of community health facilities in Somalia, which proved very effective but required so much effort, time, and external expertise that any serious cost-benefit calculation would likely rule against their use in other instances.

There is great value in the larger project, of which this volume is one contribution, but this volume itself contains internal contradictions, which the project needs to address to fulfil its broader objectives. Not only is Barakat unclear on what a developmental approach to post-conflict reconstruction means or what it means to 'start early', but the authors' analyses do not even agree on the project's second thesis, that post-conflict reconstruction actually begins, through efforts by the population itself, *during* the war and *before* the peace settlement. Much of the analysis in the volume presumes that a peace agreement has already been signed. Unfortunately, none of the contributions engage directly with the intriguing contrast, provided in the Foreword by Jordanian Prince El-Hassan Bin Talal, between the international emphasis on the repairing of 'physical infrastructure' and the 'more obscure' but essential question of the 'relationships between citizens' and the 'internal values of a society' (Barakat 2005: ix). For these reasons, I look forward to another volume that addresses these questions directly.

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Absent Sovereigns?

Politics without Sovereignty: A Critique of Contemporary International Relations edited by Christopher J. Bickerton, Philip Cunliffe and Alexander Gourevitch. London and New York: UCL Press, 2007. Pp.204+ index. £20.99 (pbk). ISBN 978-0-415-41807-2.

There is a widespread suspicion of sovereignty in international politics today. From hard-nosed State Department bureaucrats to human rights activists, the classical idea of sovereignty as autonomy is under relentless attack. *Politics without Sovereignty* takes aim at this ‘unholy alliance’, producing a refreshing collection of essays yielding real insight into the present state of international affairs, and a thoroughly unfashionable (and therefore extremely welcome) defence of that most maligned institution, the sovereign state.

Sovereignty is often regarded as a slippery term. Scholars are wont to break it down, as in Krasner’s fourfold distinction in *Sovereignty: Organized Hypocrisy*.¹ But this ‘loses the vitality of the concept’, argues James Heartfield in his contribution to *Politics without Sovereignty*: ‘sovereignty is something like subjectivity, man’s dominion in the world’, and ‘a theory of sovereignty that fails to take cognisance of the underlying structure of subjectivity will fail’ (Bickerton *et al.* 2007: 135).

What is meant by this idea is fleshed out in Philip Cunliffe’s chapter on the ‘responsibility to protect’, which forms a sort of theoretical spine for the book. Sovereignty is the expression of the coming together in public life of otherwise isolated individuals in a bid to address collective challenges. Unlike, say, under feudalism, where people stood in clear relationships of domination and subordination as members of separate estates, in the modern state, formally equal citizens are connected to one another as politically conscious actors *only* via the state. The fact that popular sovereignty is a ‘mediated relationship between people and the state’ means that ‘it *cannot* belong to the body of the people separate from the state. Without a state, modern society cannot conceive of itself as a polity’ (Bickerton *et al.* 2007: 49-50, original emphasis).

It is therefore a dangerous mistake to differentiate, as Kofi Annan famously did, between the ‘sovereign’s sovereignty’ and the ‘people’s sovereignty’, since it is precisely the state that makes popular sovereignty possible. This crucial relationship ‘provides the sovereign people with a barometer by which to observe whether their collective, general will is being carried out’ (Bickerton *et al.* 2007: 49). Break that relationship, by making the state accountable to a remote ‘international community’, and you make true accountability impossible – along with any chance of political ‘responsibility’.

Cosmopolitans and their partners in the ‘unholy alliance’ will find much to loathe in this highly political notion of sovereignty, particularly since Cunliffe

argues that even despotic states rely on the 'willed consent' of their citizens. In situations of tyranny, 'it must be up to the people to restore their own supremacy by recapturing the state. The moment that popular sovereignty truly becomes null and void is when the people do not assert their sovereignty by disciplining the state' (Bickerton *et al.* 2007: 50). Some may be tempted to judge this as arcane political theory, ignorant of the realities of tyranny. Cosmopolitans will no doubt argue that it is impossible for victims of human rights abuses to 'discipline' despotic states, instead requiring international intervention to aid them.

But where *Politics without Sovereignty* differs from other defences of sovereignty is in its explicit commitment to a *political* argument alongside empirical analysis. This sets it apart from, say, Michael Walzer's *Just and Unjust Wars*, which mounted a defence of self-determination and set a very high threshold for humanitarian intervention, using an explicitly 'moral' argument.² This left Walzer exposed to accusations that he was 'romancing the nation state', positing some mystical social contract that should not be violated, and thus arbitrarily raising politics above moral theory.³ That critique will not suffice here. The argument is not that intervention is immoral, but that interventionist policies violate citizens' own political subjectivity, and therefore must *necessarily* fail to achieve their objectives. 'Moral' or not, intervention does not work.

For instance, Christopher Bickerton's chapter on statebuilding provides a stern riposte to anyone thinking it possible to 'save' oppressed people by building a benign state on their behalf. Bickerton's political analysis demonstrates how statebuilding exports 'state failure'. However technically accomplished any statebuilding policy may be, the people it is supposed to serve will only see the transformed state as an alien force, since they played no part in generating it. 'Capacity-building' breeds disillusionment, withdrawal, and political instability. Repeated interventions are then required to prop up the new states, precisely because they have no roots in their own societies. This argument is powerfully demonstrated using evidence ranging from Kosovo to Haiti. The violence in Timor-Leste in 2006, prompting the return of international peacekeepers, confirms Bickerton's argument.

John Pender's chapter on 'country ownership' of aid provides further close analysis of the case of Tanzania. Faced with a state exhausted by the failure of neoliberal policies foisted on it by donors, the World Bank set out to create in its own image an entirely new Tanzanian political elite to carry out Bank policies under the rubric of 'ownership'. The new elite was selected expressly for their scepticism of local leaders, their dissociation from the political process and their distrust of representative democracy. To 'hold them to account', the Bank created new civil society organizations as 'watchdogs' and actually inserted donor agencies into institutions of government. This left an externally created civil society holding an externally created political elite accountable for externally created policies – a bizarre 'shadow theatre for the benefit of donors' (Bickerton *et al.* 2007: 120–3). The result is a disillusioned population, unaware of or apathetic to these alien policies, which withdraws from political participation. Being so alienated from its own society, it is hardly surprising that the

Tanzanian state requests continued supervision, even after aid programmes end. Blurred lines of authority and power make it impossible for Tanzanians to hold their government to account for policies exercised in their name.

Tara McCormack's chapter on 'human security' is a particularly incisive illustration of the well-intended but ultimately perverse logic behind the policies endorsed by the 'unholy alliance' against sovereignty. If we fail to see that states, even despotic ones, are very much *of* society rather than just some force standing above it, we can easily fall into the trap of seeing citizens as victims, robbing them of the very possibility of agency. McCormack makes it clear that by rendering the state-individual relationship as a predatory one, the 'human' to be protected in 'human security' doctrine is a 'pre-political individual', incapable of cooperating with others to solve shared challenges, and thus in need of external intervention to change their government's policies (Bickerton *et al.* 2007: 84). This is particularly pernicious since the most serious threats to 'human security' can only be solved through collective political action. By closing off this avenue of engagement, human security 'perversely [makes] the condition of insecurity ... quasi-permanent' (Bickerton *et al.* 2007: 87).

Another apparently radical initiative is debunked by David Chandler, who demonstrates that the deracinated anti-politics of global civil society, which eschews the rough-and-tumble of mass mobilization in domestic settings in favour of individuated moral stances and international protests, produces weak, isolated movements capable only of carrying out 'courtier politics'. Rather than effectively mobilizing social forces to force concessions from governments, one-off initiatives like Live8 can only latch onto the pre-existing agenda of powerful institutions like the World Bank and the G8 – 'the activists need the elites even more than the elites need them' (Bickerton *et al.* 2007: 162).

The 'sovereignty as subjectivity' thesis is a remarkably powerful one, applied forcefully to a wide range of issues to provide a telling critique of both the way IR theory conceptualizes these issues, and the way policy-makers have addressed them. But *Politics without Sovereignty* is not a book without problems.

One problem is the relationship of the collection to Marxist theory, from which some concepts in the book are adopted, but to which other ideas seem opposed. Several references are made to the sovereign state being the particular form politics takes 'under the specific historical conditions of capitalism' (see Bickerton *et al.* 2007: 30 and 63). Unfortunately, this is not really fleshed out, doubtless leaving non-Marxists somewhat puzzled unless they follow up references in the footnotes. The basic idea is that the separation of politics and economics into distinct fields is unique to the capitalist mode of production (unlike feudalism, which involves direct coercion to extract surplus from peasants who are left in possession of the means of production). The shift in the legitimacy of the state from divine right to popular sovereignty finds expression in the form of an abstracted state, standing above formally equal, individuated political subjects. Marxists have also traditionally argued that the bourgeois state is an instrument of class domination and does not, therefore, represent true freedom. Nonetheless, since clear lines of political authority and

accountability at least hold open the possibility of freedom, the authors are right to defend this notion of sovereign statehood – at least as against anything the ‘unholy alliance’ has to offer in its stead.

However, there remains an important problem. The essays in this volume leave no room for doubt as to the pernicious effects that ignoring the state-society relationship has for international politics. But it leaves us in the dark about why the dominant ideology of the ‘unholy alliance’ exists at all. Why are Western states and agencies engaged in reformulating sovereignty, building states, promoting human security and civil society actors, creating new political elites in the Third World, integrating their states into the European Union (EU), and occupying Iraq?

Several of the authors posit the collapse of domestic political contestation after the Cold War as an important explanatory factor. This is especially important in Alexander Gourevitch’s account of US foreign policy as an expression of domestic class conflict. Absent such contestation today, American interventions are acts of ‘isolated statesmen’ struggling to regain moral authority but unable to transcend the politics of emergency to formulate a national interest comparable to that of the Cold War (Bickerton *et al.* 2007: 71–2). Unfortunately this appears to elevate *absence* into *causation*. This is equally striking in James Heartfield’s account of EU integration, which adopts the structuralist Marxist theorist Louis Althusser’s idea of a ‘parallelogram of forces’, which ‘does not correspond to the consciousness of each will – and at the same time it is a force without a subject, an objective force, but from the outset, nobody’s force’. EU integration is theorized as such a ‘process without a subject’, which ‘operates behind the backs of the actors, as a kind of cunning reason’ (Bickerton *et al.* 2007: 140). This is oddly mystifying for a book seeking to critique the obfuscation of power relations.

The failure to identify *effective agency* rather than *permissive causes* is particularly significant given the editors’ coruscating criticism, in their second opening chapter, of the failure of theories of constructivism and post-structuralism to grasp subjectivity. The arguments in the book imply that the only advance possible is a theory that accounts for the *lack* of subjectivity – a dissatisfying conclusion. As Michael Savage rightly notes in his chapter on international law, ‘the allocation of resources and authority continues apace, even if it does not speak its name’ (Bickerton *et al.* 2007: 183). Althusser himself pointed out, in a different context, that uncovering the way power is distributed ‘itself poses a question: to whose advantage is this share-out made?’⁴ Critical enquiry must always try to uncover in whose interests power is exercised. Heartfield, in his own chapter, remarks in relation to the European Monetary System (EMS), ‘one has to ask, from whose point of view does it make sense willingly to give up discretion to a higher authority’ (Bickerton *et al.* 2007: 138)? This is an excellent question.

In the context of the EMS, the answer was that part of the ‘national community’ (the ruling class) which wanted to ‘lock in’ certain policies to ‘constrain another part’ (the working classes, who were suffering from ‘rising

expectations' and needed to be put in their place). The answer today might not be much different, even in the absence of political class struggle, which might simply increase the 'elbow room' for ruling elites to manoeuvre. European Monetary Union 'locks in' policies designed to favour the control of inflation over the stimulation of employment or growth in wages. Certainly the ruling class, as the main beneficiary of the status quo, is likewise the main beneficiary of the transfer of authority to unaccountable bureaucracies that further entrench existing arrangements. *Politics without Sovereignty* rails against this move, but cannot explain why it is happening. As David Kennedy points out in his contribution, 'what's elided ... is the actual work of actual people' in real institutions who do 'make decisions ... [a]nd ... allocate resources among people' (Bickerton *et al.* 2007: 196):

We can ask them what they're doing ... why they thought it was a good idea. And we can study the process by which they shift responsibility from one to another, so that they all imagine that they are not the place where responsibility happens ... try to map who gets to decide what for whom, and who ends up getting the stuff and who doesn't. (Bickerton *et al.* 2007: 188)

It seems to me that asking who benefits, who rules, and how, is both the crucial next step in developing a truly critical theory of the present era, and a prerequisite for any uncritical embrace of liberal notions of state sovereignty. Nonetheless, the authors of *Politics without Sovereignty* begin this task in a way that IR theorists who do not have a firm grasp of the notion of politics could not have. For instance, in the chapter in which Kennedy makes his remarks, he claims to defend sovereignty, saying he prefers 'the public to private', 'the local to the global' and 'politics to ethics' (Bickerton *et al.* 2007: 187). But he goes on to say that he rejects 'accountability and a politics of representation in voting' (p. 188), declaring decolonization 'a disaster' (Bickerton *et al.* 2007: 201) because it favoured self-determination and statehood. He would prefer 'a public policy jury that decides everything, randomly selected; and they decide whether to go to war' (Bickerton *et al.* 2007: 188), and giving everyone three votes 'that they can cast in any election around the world that they care about' (Bickerton *et al.* 2007: 201).

James Der Derian meanwhile declares sovereignty to be an 'illusion whose illusionary nature we've forgotten' (Bickerton *et al.* 2007: 192) in the 'complex matrix' of 'hetero-polarity' we now inhabit (p. 194); sovereignty has 'this vampire quality and I just don't know how to kill it' (Bickerton *et al.* 2007: 202). Kennedy rightly implies that 'hetero-polarity' certainly will not do the job, denouncing it as 'some whacked-out, bizarre, fluid thing' (Bickerton *et al.* 2007: 196). But his alternative is scarcely more appealing. By contrast, the essays in this collection show up the incoherency and political indiscretion of mainstream scholarship.

Politics without Sovereignty is an important and challenging intervention in the field and deserves to be taken seriously by both scholars and practitioners interested in understanding today's political dynamics. Many of the chapters are

important contributions to their individual sub-fields. Collectively, they form a powerful opening salvo versus the 'unholy alliance' against sovereignty, and even their shortcomings point usefully towards questions ignored by contemporary scholarship, pointing the way towards fruitful avenues of research in a field threatened by stagnation via tacit agreement on important fundamentals. By identifying and challenging this unspoken agreement, the collection breaks several taboos and is therefore likely to provoke a series of long-running debates that should generate both heat and light – and, who knows, perhaps even a defection or two from the 'unholy alliance'.

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Notes

1 Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*. Princeton, NJ: Princeton University Press, 2000.

2 Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*. New York: Basic Books, 1977.

3 David Jay Luban, 'The Romance of the Nation State', *Philosophy and Public Affairs*, 9:4 (1980), 392–7.

4 Louis Althusser, cited in Nicos Poulantzas, *Political Power and Social Classes*. London: New Left Books, 1973, 306.