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Part VII

Global Governance

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Post-Conflict Statebuilding: Governance Without Government

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Statebuilding, the development of international regulatory mechanisms aimed at addressing cases of intra-state conflict and state 'collapse', or at shoring up 'failing states', is commonly held to be the most pressing problem of global security, on ethical, humanitarian, and, in the wake of 9/11, realist security grounds. It is not unusual for leading commentators to argue that 'statebuilding is one of the most important issues for the world community' and to note that the issue has rapidly 'risen to the top of the global agenda' (Fukuyama, 2004: ix–xi). As the 2002 US National Security Strategy stated, 'America is now threatened less by conquering states than we are by failing ones' (US Government, 2002: section 1). It seems that no international policy or strategy document is complete without the focus on statebuilding as a key objective. Since the 1990s, the United States, UK and other major Western governments have established new statebuilding departments and policy units, while international institutions, from the UN down to more specialised international bodies engaged in economic development, democracy or human rights promotion, have seen statebuilding as a key policy focus. International aid is increasingly channelled directly into strengthening governing capacity rather than used to support discrete projects concerned with sectoral improvements in areas such as health and social welfare, economic sustainability or security reforms; more than a quarter of bilateral aid to Africa, for example, is channelled directly into state capacity-building (Commission for Africa, 2005: 136).

The focus on state capacities and institutions seems to herald a shift away from the 1990s when new, more interventionist, norms were heralded, which challenged the post-colonial codification of the rights of state sovereignty. These rights – of self-government and non-intervention – took their clearest institutional form in the UN Charter framework of international law which emphasised the rights of peoples to self-government (Article 1.2), the sovereign equality of member states (Article 2.1) and the principle of non-intervention – outlawing the threat or use of force

(Article 2.4). Throughout the Cold War, successive judgements of the International Court of Justice upheld these rights to self-government and denied the existence of any legitimate grounds for external intervention, even on the basis of 'humanitarian' or 'human rights' justifications (Chandler, 2002: 157–66).

After the end of the Cold War, the focus appeared to shift to an emphasis on the rights of individuals. States were no longer seen to be the primary security referent and state sovereignty was not considered to be an absolute barrier to external intervention. Following extended intervention in Iraq, to protect the Kurds and Marsh Arabs after the 1991 Gulf War, and external military intervention for humanitarian purposes in Somalia in 1992–1993 and Bosnia and Herzegovina (BiH) in 1993–1995, the high point of this new focus on individuals rather than states was the NATO-led international intervention over Kosovo in 1999. Much of the debate in the 1990s posed the human rights of individuals as counter to, and as undermining of, the rights of state sovereignty and as necessitating new rights of intervention for international institutions.

Rather than international intervention being posed in terms of the undermining of non-Western state sovereignty, international discourse now constructs international intervention as necessary to support and enhance the sovereignty of the non-Western state. This shift in international policy discourse demonstrates the socially constructed nature of 'sovereignty' and its conceptual opposite 'intervention' (see, e.g., Weber, 1995). However, the focus of this chapter is not so much on the 'simulation' of sovereignty, its lack of fixed representational meaning at the level of discourse, but how the changing discursive construction of sovereignty reflects changing material relations and practices. In particular, it seeks to demonstrate that the sovereignty of non-Western states – their capacity for self-government – is being transformed through the liberal political economy of international intervention.

Thus the non-Western state appears at the centre of security concerns, whether couched in terms of realist national interest or liberal and cosmopolitan frameworks of human security. However, the non-Western state is perceived less as a threat than as a potential ally or partner, in need of support and assistance. It now appears that states, particularly those that have been marginalised by the world economy or weakened by conflict, can no longer be ignored or isolated. In the aftermath of 9/11 – where the failure of the Afghan state to control its borders and the activities of its citizens was held to have opened the way for Al Qaeda's operations – the state is no longer viewed from a mainly negative perspective. Non-Western states now appear less obviously as objects of opprobrium and are more likely to be feted by international institutions and leading Western states that offer programmes of poverty reduction, capacity-building, democratisation and good governance.

This chapter questions the vision of the state which is being placed at the centre of the policies and programmes associated with the political economy of liberal peace. The following section puts the statebuilding discussion in the context of current problems in conceptualising the role of states and in response to the 1990s decade of humanitarian intervention. Further sections then lay out specific problems, which highlight the corrosive nature of current policy practices in this area. I show how the redefinition of sovereignty, central to this statebuilding framework, facilitates the erosion of ties linking power and accountability, enabling international interveners, acting under the programmes of liberal peace, to distance themselves from the consequences of the political and economic policies they promote.

From the 'right to intervene' to statebuilding

The discussion of statebuilding – of international mechanisms to capacity-build weak states – seems, at face value, to herald a return to traditional pluralist frameworks of international relations. But this focus on a familiar political form should not obscure, what is, in effect, a radical transformation of the mechanisms of international regulation. All observers seem to agree that states are not what they used to be. As Francis Fukuyama notes, 'for well over a generation, the trend in world politics has been to weaken stateness', a trend particularly marked since the end of the Cold War (Fukuyama, 2004: 161). It is only in the context of current uncertainties over the role and purpose of the state that we can understand the novel processes at the heart of liberal peace statebuilding policy and practice.

It would seem that states are losing their capacities rather than gaining them. For many commentators this is clearly a positive shift (Archibugi *et al.*, 1998; Linklater, 1998; Rosenau and Czempiel, 1992). Across the board of social theory, from historical sociology to postmodern international relations, states have been increasingly cast as problems rather than solutions. Charles Tilly's work is regularly drawn on to argue that states are merely government-run 'protection rackets' based on the repression and exploitation of their citizens in the interest of criminal or self-interested elites (Tilly, 1985). Postmodernists draw on the work of Foucault to argue that Clausewitz's famous dictum should be inverted to reveal the illegitimacy of the liberal democratic state and understand 'politics as the continuation of war by other means' (Foucault, 2003). David Campbell *et al.* argue that it was the state-orientated perspective of the international community – the view that the problems of nationalist conflict could be solved, rather than just reproduced, by the creation of new totalising unitary states – that encouraged many post-Cold War conflicts, such as the Bosnian war (Campbell, 1998; Kaldor, 1998).

In this context, the focus on the state rather than on alternative forms of international governance might seem to be an unexpected development.

Some commentators have explained this by suggesting that the new focus on state capacity is a reaction against the 'humanitarian intervention' policies of the 1990s which were held to have underestimated the importance of states for maintaining international stability (Malone, 2005: xv). One example of interventionist policies, often held to have been counterproductive in this context, is that of international aid provision which bypassed state institutions establishing parallel bureaucracies and encouraging a brain drain from the underpaid state sector (Ghani *et al.*, 2005: 10). The UK's Commission for Africa report argues that statebuilding policies should

stand in marked contrast to the approach in the 1980s and much of the 1990s, when aid was often used to try to compensate for poor governance, simply ignored governance issues, tried to force policies on reluctant countries, or aimed primarily at advancing the economic or political interests of the donor.

(Commission for Africa, 2005: 94)

Several commentators have stressed that the result of the 1990s humanitarian and human rights interventions has been the 'sucking out' of state capacity – as core state functions have been taken over by UN agencies, international institutions and international NGOs – thereby undermining the legitimacy and authority of non-Western states (European Stability Initiative, 2005: 10; Fukuyama, 2004: 139; Ignatieff, 2003).

With the end of the Cold War, there rapidly developed increasingly interventionist regimes of international regulation, clearly exposing claims of international sovereign equality and in the process forcing Western powers and international institutions to account for the outcomes of these regulatory practices. Once relations of sovereign equality were openly brought into question through aid conditionality and human rights intervention, the question of Western responsibility was sharply posed. This was most strikingly raised in the Balkans, where individual Western states and the EU, UN and other international institutions played a major role in overseeing the fragmentation of the Yugoslav state, making key decisions on state recognition and boundaries. The result of this process of being drawn directly into conflict prevention was the unwieldy international protectorates of BiH, since 1995, and Kosovo, since 1999, which have left intervening institutions overstretched and exposed to criticism (so much so that the UN was opposed to assuming responsibilities in Afghanistan). Since 9/11, with the likelihood that new Western responsibilities would be acquired through 'regime change', there was even greater pressure to develop new approaches which could help distance the West from the consequences of interventionist policies.

There is little doubt that international policy intervention in the 1980s and 1990s tended to bypass or reduce the non-Western state's administrative and

political institutional capacity. They gave coercive powers of conditionality to International Financial Institutions (IFIs) which imposed fiscal regimes cutting the state's role in the economy and service provision; implemented discrete projects run independently by international agencies and NGOs; and dictated policy-outcomes through tying aid to donor goods and services. However, the key element common to these various interventions was their overtly external and coercive nature. The relations of authority were transparent; nowhere more so than in aid conditionality where IFIs specified detailed policies which the recipient countries had to accept. It was clear that, in these cases, non-Western governments, particularly those in Africa, were more accountable to international donors than to their own people (Commission for Africa, 2005: 92).

Bearing this context in mind, the argument here is that the new focus on the non-Western state has less to do with the desire for strong non-Western states, or a new found confidence in non-Western governing elites, than a desire on the behalf of Western advocates of the programmes of liberal peace to avoid direct accountability for policy interventions, which have thrown up as many problems as they have answered. The fact that statebuilding is not driven by the need to strengthen non-Western states is highlighted by the strong consensus, among those engaged in the field, that 'strong' states are deeply problematic; that state capacities should not include the traditional 'right to do what they will within their own borders'.

For example, I. William Zartman argues that 'weak/soft' states are no worse than 'hard/brittle' states – while weak states cannot exercise adequate authority over the domestic arena, 'strong/hard/brittle' states exercise too much authority and tend to marginalise other voices in civil society (Zartman, 2005). Robert I. Rotberg agrees that there is a 'special category of weak state: the seemingly strong one' and that the number of states in this category has grown rapidly in recent times (Rotberg, 2004: 5). States that are resistant to external engagement in their affairs, which cling to traditional ideas of 'Westphalian sovereignty, referring to the exclusion of external actors from domestic authority configurations', are seen to be problematic (Fearon and Laitin, 2004; Keohane, 2002, 2003; Krasner, 1999: 9 and 2004). In fact, the more one investigates the capacity-building literature, the more difficult it is to isolate exactly what is meant by claims that states are being 'capacity-built' by external interveners. It is patently clear that the aim is not to create states as classically understood, self-governing, independent and autonomous political subjects.

The contemporary thrust for 'bringing the state back in', in the policy discussions of state failure and statebuilding, can be better understood as a radical extension of the practices of the 1980s and 1990s which internationalised the domestic policymaking sphere of non-Western states (Straw, 2002). The key difference with the overtly 'interventionist' approach of the 1990s is that the emphasis is now on the non-Western states rather than

on those states and institutions doing the intervening. The transition away from justifying and holding intervening powers to account was presaged by the International Commission on Intervention and State Sovereignty (ICISS) *Responsibility to Protect* report of December 2001, and formulated prior to 9/11.

The Commission proposed a shift in language away from the 'human-centred' framework of a 'right to intervention' and towards a 'state-centred' framework of the 'responsibility to protect'. Whereas the 'right of intervention' put the emphasis on the international interveners to justify and legitimise their actions, the 'responsibility to protect' sought to avoid this 'attention on the claims, rights and prerogatives of the potentially intervening states' (ICISS, 2001: 16). The 'responsibility to protect' seeks to off-load responsibility onto the non-Western states at the same time as these states increasingly lose their policymaking authority.

The ICISS report successfully set out to 'shift the terms of the debate' and facilitated the evasion of any clarification of the competing rights of state sovereignty and of those of intervening powers by arguing that state rights of sovereignty can coexist with external intervention and statebuilding. The report contends that 'sovereignty then means accountability to two separate constituencies: internally, to one's own population; and internationally, to the community of responsible states' (ICISS, 2001: 11). As the Commission co-chairs noted, this shift changes 'the essence of sovereignty, from control to responsibility' (Evans and Sahnoun, 2002: 101). The major implications that this would have for accountability (a power which is accountable to another, external, body clearly lacks sovereign authority – the capacity for self-government) have been consistently played down by the report's authors and academic commentators. Robert Keohane, for example, disingenuously argues that the ICISS report is not at all 'devaluing' sovereignty, merely that it is 'reinterpreting' it, to bring the concept more into line with the modern world (Keohane, 2003: 276).

Rather than the 1990s debate, where international intervention was posed as a clash of competing rights – the 'right of intervention' against the 'right of state sovereignty' – today the language is one of 'shared responsibilities' and 'new partnerships'. Where the non-Western state was the subject of overtly coercive external intervention, it is now more likely to be the focus of supportive, empowering, and capacity-building practices and new modalities of surveillance. The product of this change has been the enthronement of the statebuilding discourse as the framework for discussing Western regulation of and intervention in non-Western states.

This shift in the language of the Western projection of power reflects both the new relations of subordination with the end of the bi-polar world and at the same time the desire of Western institutions to reject direct accountability and distance themselves from the direct management of 'zones of instability'. The statebuilding framework seeks to obfuscate and confuse relations

of power and accountability which stood clearly exposed in the 1990s as a fundamental clash of rights. The *Responsibility to Protect* report, in emphasising the responsibilities of the non-Western states, heralded the shift towards statebuilding as a policy of both intervention and avoidance. The contradictions involved in this process are highlighted in the irony that states are alleged to being 'built' at the same time as they increasingly lose the traditional attribute of sovereignty: self-government.

States without sovereignty

Sovereignty in international relations signifies political and legal autonomy: constitutional independence. It is a legal concept which is unconditional and indivisible. As Robert Jackson summarises,

[It is] legal in that a sovereign state is not subordinate to another sovereign but is necessarily equal to it by international law Absolute [unconditional] in that sovereignty is either present or absent. When a country is sovereign it is independent categorically: there is no intermediate condition. Unitary [indivisible] in that a sovereign state is a supreme authority within its jurisdiction.

(Jackson, 1990: 32)

Prior to decolonisation in the last century, the sovereign state form was only one of several kinds of international status. Under European colonialism territorial entities took the form of 'colonies', 'protectorates', 'mandates', 'trust territories' or 'dominions' (ibid.: 33). These various forms had in common a formal legal subordination to a foreign power; they were a denial of sovereignty. There is nothing inevitable or natural about the sovereign state form or about its universalisation in the twentieth century, in the wake of the First and Second World Wars (Morgenthau, 1970: 258–61; Wight, 1979: 23).

Few people engaged in the field would argue that international statebuilding in post-conflict situations is a framework for the creation or support of traditional sovereign entities. This can be seen clearly in practice in the cases of international engagement in BiH, Afghanistan, the handing over of 'sovereignty' in Iraq, and moves to make Kosovo an independent state since 2006, and more broadly in the UN and G8 proposals for state capacity-building in Africa. The sovereign state forms are held up but sovereignty is being redefined (or 'unbundled' in Stephen Krasner's phraseology), emphasising the importance of the legal shell of the state form while abandoning its political content of self-government and autonomy (Krasner, 1999).

This is done in three ways. First, sovereignty is redefined as a variable 'capacity' rather than an indivisible right, thereby legitimising a new hierarchy of variable sovereignty and undermining the UN Charter principle of sovereign equality. Second, sovereignty is redefined as a duty or responsibility rather than a freedom; legitimising external mechanisms of regulation, held to enhance 'sovereignty' despite undermining the traditional right of self-government or autonomy. Third, the formal importance of international legal sovereignty is exaggerated; this formal shell then facilitates the repackaging of external domination as 'partnership' or 'country ownership' and the voluntary contract of formally equal partners.

Sovereignty as capacity?

The most important challenge to traditional conceptions of sovereignty has been the conflation of the formal political and legal right to self-government (an absolute quality) with the question of state capacity (a variable quantity), usually formulated in terms of 'good governance'. The conception of sovereignty as a capacity, rather than as a formal legal right to self-government and international legal equality, creates a 'continuum' of sovereignty or a hierarchical structure of sovereignty, in which some states are considered to be more sovereign than others. This approach was famously developed by Robert Jackson, with his conception of 'quasi-states' (Jackson, 1990). For Jackson, the sovereignty granted to post-colonial states was artificial: not because they were often still under the influence of their former colonial rulers, but because many of these states did not have the capacity to regulate and control their societies to the same extent as states in the West. For Jackson, these states possessed *de jure* sovereignty, formal international legal rights, but lacked *de facto* sovereignty, the capacity to govern domestically.

This idea of the 'unbundling' of sovereignty into its different attributes was popularised by Stephen Krasner in *Sovereignty: Organized Hypocrisy* (1999). In later work, he has focused on sovereignty as a 'bundle' of three separate attributes: 'domestic sovereignty', the capacity of domestic governance structures; 'Westphalian/Vattelien sovereignty', that is self-government or political autonomy; and international legal sovereignty, formal juridical independence (Krasner, 2004: 87–8). Krasner uses the problem of weak capacity to argue that self-government should not be a barrier to international intervention. Whereas in the 1990s intervention would have been posed as a conflict between human rights (or the right of intervention) and the right of state sovereignty (self-government and autonomy), in Krasner's terminology there is no conflict with sovereignty because human rights would be protected if governments possessed adequate governing capacity ('domestic sovereignty'): 'Honoring Westphalian/Vattelien sovereignty... makes it impossible to secure decent and effective domestic sovereignty... To secure decent domestic governance in failed, failing, and occupied states, new

institutional forms are needed that compromise Westphalian/Vattellian sovereignty for an indefinite period' (ibid.: 89).

The discovery that the equality of sovereignty hides the inequality of state capacities was not a new one. The same problem, although to a lesser extent, is present in domestic politics, where equality at the ballot box or under the law in liberal democracies does not necessarily ameliorate social and economic inequalities between individuals. In the domestic context, of course, relatively few people would argue that these inequalities should mean that formal political and legal equalities should be abandoned. In the international sphere, the existence of vast inequalities of power was one of the reasons that state sovereignty, held to be unconditional and indivisible, was the founding principle of international society. It was only on this basis, of formally upholding the equality and autonomy of states and the sovereign rights of non-intervention, that post-colonial societies could be guaranteed the rights to self-government. UN General Assembly declarations during the Cold War regularly asserted that differences in state capacity could never be grounds for undermining the rights of state sovereignty.

The affirmation that differences in capacity were no justification for the unequal treatment of sovereign equals was confirmed most notably in the UN General Assembly Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960 (Resolution 1514 (XV)) which proclaimed that 'all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development' and that 'inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence' (Declaration, 1960). This was passed in the General Assembly by a vote of 89 to 0, with 9 abstentions. Even the colonial powers were unwilling to reject it (Jackson, 1990: 77). This was followed by the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and Protection of their Independence and Sovereignty of 21 December 1965 (Resolution 2131 (XX)) and the Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations of 24 October 1970 (Resolution 2625 (XXV)). The latter declaration makes it clear that 'All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature' (Declaration, 1970).

By associating sovereignty with a sliding scale of 'capacities', rather than political and legal rights of equality, not only is a new international hierarchy legitimised but intervention can be framed as supporting 'sovereignty' at the same time as it is undermining the rights of self-government. This inversion of the concept of 'sovereignty' is formulated in the clearest terms in the UK Overseas Development Institute (ODI) working paper report 'Closing

the Sovereignty Gap'. In this report, sovereignty is understood in functional rather than political or legal terms:

The consensus now emerging from global economic, military and political institutions signals that this gap between *de jure* sovereignty and *de facto* sovereignty is the key obstacle to ensuring global security and prosperity. The challenge is to harness the international system behind the goal of enhancing the sovereignty of states – that is, enhancing the capacity of these states to perform the functions that define them as states. Long-term partnerships must be created to prepare and then implement strategies to close this sovereignty gap.

(Ghani *et al.*, 2005: 4)

Here sovereignty is no longer conceived as a right to self-government. Sovereignty is merely a capacity which can be 'enhanced' or, presumably, 'weakened'. The conflation of external intervention for the purposes of 'capacity-building' with enhancing state sovereignty and independence is central to the statebuilding discourse. In Africa, where state capacity is held to be a fundamental concern for external powers engaged in supporting a multitude of empowering projects, headlined by the UN Millennium Development Goals (MDG), these governance interventions have gone furthest (Commission for Africa, 2005: ch. 4; UN Millennium Project, 2005).

If sovereignty is defined as the capacity of non-Western states for 'good governance', there would seem to be little wrong in external institutions implementing strategies for long-term engagement in these societies in order to enhance their 'sovereignty'. In fact, governments which resisted this external assistance could, in the Orwellian language of international statebuilders, be accused of undermining their own sovereignty. The key to the success of this conceptual conflation is not in its legitimisation of external intervention (already accepted in the 1990s) but in its portrayal of external regulation as somehow empowering or strengthening non-Western states. Here is the virtuous circle for the new political economy of liberal intervention, one that was not possible in the post-conflict interventions of the 1990s: the more intervention there is, the more the target state is held to be responsible and accountable for the consequences of these practices.

Sovereignty as responsibility?

The second shift articulated by the advocates of statebuilding as empowerment is the assertion that non-Western states have the 'responsibilities' of sovereignty rather than the rights of sovereignty. The constitution of these 'responsibilities' is not held to be a decision made solely by the citizens of a state or their representatives, but in 'partnership' with external bodies. Rather than being a barrier to external interference, sovereignty becomes a medium through which non-Western states and societies become

integrated into networks of external regulation. International regulatory mechanisms of intervention are legitimised, first, through the role of international institutions in deciding the content of the 'responsibilities' of sovereignty, and second, through holding states to external account for 'failings' in the exercise of sovereignty (now discussed in the language of responsibility/capacity).

Sovereignty as 'responsibility' enables a new consensual or 'partnership' approach to statebuilding. Non-Western states are in a poor position to resist new international mechanisms of regulation which come replete with carrots of international aid, trade privileges, debt forgiveness or integration into international organisations, in return for external support for governance reforms and institutional capacity-building. Statebuilding or 'sovereignty-building' involves non-Western states being firmly embedded in international institutional frameworks, over whose decision-making processes they have little influence. For the UK's Overseas Development Institute, the focus on strengthening sovereignty entails a much more interventionist role by external institutions:

We define a sovereignty or statebuilding strategy as... the alignment of the internal and external stakeholders... In order to design and implement statebuilding strategies, the operation of the current international system must be reorientated towards a model where partnership and co-production of sovereignty becomes the aim of both national leaders and international partners.

(Ghani *et al.*, 2005: 13)

This 'co-production of sovereignty' has involved opening up all aspects of domestic governance to external regimes of liberal political economy. This is highlighted in the strategies adopted by the EU towards Balkan states from 2000 onwards where international partnerships enmeshing applicant states in a network of international institutional processes were coordinated through the Stability Pact, the Stabilisation and Association Process, the Community Assistance for Reconstruction, Development and Stabilisation Programme, and the 'European Partnership' process. The prospect of future EU membership was explicitly offered to Albania, BiH, Croatia, Macedonia and Federal Republic of Yugoslavia at the Feira European Council in June 2000. At this point the EU shifted away from external conditionality and towards statebuilding in the Balkan region, initiating a project of 'reforming and reinventing the state in South Eastern Europe' (EastWest Institute, 2001: 18).

This shift from external relations of aid and trade conditionality to 'partnership' in domestic governance is symbolised by the dropping of the term 'Balkans' by international institutions, as too 'negative' and 'hegemonic', and its replacement by 'South Eastern Europe' symbolising that this is a

joint project of partnership, addressing 'European problems' with 'European solutions' (see, e.g., *Balkanologie*, 1999; Hatzopoulos, 2005). The EU argued that it was well placed to assist these states in developing governance capacity which was identified as not just their main barrier to progress but also an area where the EU held a vital 'comparative advantage' and could 'provide real added value' (European Commission, 2001: 9). This engagement in domestic policymaking is held to have 'both pedagogical and political' benefits for the target states (EU, 2001). Although talking up the partnership between international institutions, the EU and target states, the statebuilding process has been directed by close cooperation between the EU and the IFIs. Together they provided 'an effective means of focusing authorities' minds on essential reforms and of engaging with them in a sustained way to secure implementation' (ibid.: section 111c).

Since 2000, the concept of statebuilding through international partnerships to enhance governance capacities has increasingly replaced external pressures. Where the incentive of European membership is not available, a wide range of other governance partnerships have been established around acceptance that the core problem of non-Western states is that of state capacity and that the solution lies with the shared 'responsibilities' of both the non-Western states and international institutions. The general rule of thumb appears to be that the greater the inequalities at play in the relationship between non-Western states and international institutions, the more grandiose the language of partnership. As would be expected, it is in relation to Africa that the rhetoric and reality are most out of step. Here the language is of 'African leadership' and an entirely 'new kind of partnership' not based on inequality and hierarchy but based on 'mutual respect and solidarity' (Commission for Africa, 2005: 17). The UN MDG project, following and extending the 'country ownership' approach of the interventionist Poverty Reduction Strategies, requires that states engage in far-reaching governance reform and open up every area of domestic policymaking to international scrutiny and involvement. The 'responsibilities' or 'leadership' or 'ownership' lies with the domestic state but their partners (or joint 'stakeholders', in the language of the ODI authors) decide the policies:

The host country should lead and own the effort to design the MDG strategy, drawing in civil society organisations; bilateral donors; the UN specialized agencies, programs, and funds; and the international financial institutions, including the IMF, the World Bank, and the appropriate regional development bank. The contributions of the UN specialized agencies, programs and funds should be coordinated through the UN Country Team, and the UN Country Team should work closely with the international financial institutions.

(UN Millennium Project, 2005: 53)

The 'host country' books the meeting rooms but the 'guests' come along with the policy frameworks. These external policy prescriptions closely tie international aid to new institutional frameworks of regulation and monitoring. In effect, this transforms external assistance from being a subject of international relations, between states, to one of domestic politics, of management and administration. This radical transformation in the relationship between non-Western states and international institutions is highlighted forcefully by the UK's Commission for Africa report (2005), which stresses that it is 'not simply recommending throwing money at the problems' but a 'fundamental change in the way in which aid works' (Commission for Africa, 2005: 94).

Once IFIs have a more direct role in the *internal* governance mechanisms of non-Western states, aid is much less likely to be based on overt external regulation in the form of *external* conditionality. Graham Harrison usefully highlights the 'post-conditionality' regimes of IFIs in states such as Tanzania and Uganda, where the influence of external donors is better conceived not as a 'strong external force' but as 'part of the state itself', through direct involvement in policymaking committees (Harrison, 2001: 669; 2004). The undermining of sovereign autonomy and the enmeshing of subject states in international institutional frameworks fundamentally blur the lines of accountability and control and the relationships of power behind these mechanisms. The relationship between Western institutions and non-Western states is a highly coercive one which forces these states to cede their sovereign powers to external institutions; the fiction of 'partnership' then relies heavily on an exaggeration of the importance of international legal sovereignty.

International legal sovereignty?

Despite the new interventionist consensus and the international attention given to 'failing' states and the lack of governance capacities in 'zones of instability', there is surprisingly little support for the return of international protectorates and direct external administrations. Few commentators argue that states should be 'allowed to fail' and more capable neighbours allowed to directly govern these territories (e.g., Herbst, 2004), or that the UN Security Council should establish new international trusteeships (Helman and Ratner, 1993).

Intervening powers and international institutions seem to have a particularly strong desire to preserve the formal trappings of sovereignty. The contradictory desire to intervene but also to avoid responsibility is most sharply posed in questions of military intervention, such as post 9/11 'regime change' in Afghanistan and Iraq. Few acts are as fundamentally undermining of sovereignty as the external removal of a state's government. Yet, no sooner have intervening actors destroyed sovereignty than they are talking up its fundamental importance and pledging to restore authority to local actors at the soonest possible moment. Statebuilding is the process of negotiating

these contradictory drives towards intervention and away from responsibility for outcomes.

Leading US policy advisers and international think tanks are increasingly singing from the same hymn sheet, suggesting that international regulation should no longer be seen in the old ways. Today's policy context means that the old restrictions on international intrusion no longer exist. In the absence of Cold War rivalries between competing great powers, external intervention no longer needs to be overtly recognised in the undermining of sovereignty and open return to trusteeships and protectorates. In fact, the maintenance of formal sovereignty is at the heart of new approaches to 'neotrusteeship' (Fearon and Latin, 2004), 'pooled sovereignty' (Keohane, 2002) or 'shared sovereignty' (Krasner, 2004). In Krasner's words,

Shared sovereignty would involve the engagement of external actors in some of the domestic authority structures of the target state for an indefinite period of time. Such arrangements would be legitimated by agreements signed by recognized national authorities. National actors would use their international legal sovereignty to enter into agreements that would compromise their Westphalian/Vattellian sovereignty [self-government/autonomy] with the goal of improving domestic sovereignty [governing capacity]. One core element of sovereignty – voluntary agreements – would be preserved, while another core element – the principle of autonomy – would be violated.

(*ibid.*: 108)

The key difference between new forms of liberal governance – 'neotrusteeship' or, even more user-friendly, 'shared sovereignty' – and traditional notions of a trust or protectorate is that, today, the subordinated territory will formally be a contracting legal equal. International legal sovereignty is maintained while political autonomy – self-government – is given up. The Bosnian Peace Agreement at Dayton in 1995 is the epitome of the voluntary surrender of sovereignty; the 'neo-trusteeship' was legitimised not through war and intervention or through international legal agreement (the UN Security Council's blessing was bestowed retrospectively) but through the signature of the Bosnian parties (Chandler, 2005).

Law and reality no longer coincide when considering the location of sovereign power and authority (Yannis, 2002: 1049). Kosovo, for example, is, in mid-2007, still formally part of the state of Serbia, but again the lack of fit between the formal location of sovereignty and external mechanisms of regulation makes discussions of final status hard to resolve. Decision-making authority lies with neither the elected Kosovo government in Pristina nor the government in Belgrade. Afghanistan and Iraq have the juridical status of independent states despite their dependence on the political and security role of the United States. The artificial nature of these regimes is highlighted

by the fact that their governments' writs seldom extend outside the protected security zones of the capitals. The restrictions on the Iraqi interim government's authority have meant that the formal transfer of Iraqi sovereignty from the US-led Coalition Provisional Authority to an Iraqi government in June 2004 did not reflect any change in the real relations of authority (Klein, 2005).

Here we have states without sovereignty. States exist on paper, in terms of juridical status, for example, as members of the United Nations, with national flags, and maybe their own currencies, but not as independent political subjects capable of self-government. As Keohane argues,

We somehow have to reconceptualize the state as a political unit that can maintain internal order while being able to engage in international cooperation, without claiming the exclusive rights ... traditionally associated with sovereignty ... The same institutional arrangements may help both to reconstruct troubled countries that are in danger of becoming 'failed states', and to constrain the autonomy of those states.

(2003: 277)

He suggests that statebuilding can establish the 'institutional arrangements' which are capable of taking responsibility for maintaining order ('domestic sovereignty') but without giving rise to rights of self-government ('Westphalian sovereignty'). He recommends an exit strategy for Kosovo, for example, where there is a shift from existing trusteeship status, which could be called 'nominal sovereignty' to 'limited sovereignty', with external powers able to override domestic authorities, to a final stage of 'integrated sovereignty' where the state is locked into international institutions able to override domestic authorities (ibid.: 296–7). This would resolve the problem of Kosovo's independence as it would never achieve independence beyond the purely formal trappings of statehood: 'Westphalian sovereignty... is simply bypassed in the movement from limited to integrated sovereignty' (ibid.: 297).

His proposals are strikingly similar to those subsequently advocated by the International Commission on the Balkans. The commission's report, *The Balkans in Europe's Future* (2005), discussed Kosovo's 'independence without full sovereignty', to be followed by 'guided sovereignty' with 'reserve powers' for the EU and a final stage of 'full and shared sovereignty' (International Commission on the Balkans, 2005: 18–23). Here statebuilding refers to technical success in securing the regulatory controls of liberal regimes of political economy, rather than to any change in social and political relations. The new state, which will have formal 'sovereignty' (UN membership, a national flag and a national anthem) will be essentially in the same position to determine its own policies as it was when it was formally a protectorate. The difference

is that formal accountability has been shifted away from the international policy managers and back to the non-Western state.

James Fearon and David Laitin suggest a similar approach arguing that a return to traditional forms of sovereignty is not the solution, but instead that the transfer of power in cases of post-conflict intervention and regime change should be 'not to full sovereignty but rather as a state embedded in and monitored by international institutions' (Fearon and Laitin, 2004: 42). Krasner argues the point even more openly in his support for the concept of 'shared' sovereignty, which similarly uses 'sovereignty' as a means of enabling external regulation. Here, international legal sovereignty allows post-conflict states to enter into 'partnerships' which informally violate their sovereign rights:

For policy purposes, it would be best to refer to shared sovereignty as 'partnerships'. This would more easily let policymakers engage in organized hypocrisy, that is, saying one thing and doing another. Shared sovereignty or partnerships would allow political leaders to embrace sovereignty, because these arrangements would be legitimated by the target state's international legal sovereignty, even though they violate the core principle of Westphalian/Vattellian sovereignty: autonomy. . . . Shared sovereignty or partnerships would make no claim to being an explicit alternative to conventional sovereignty. It would allow actors to obfuscate the fact that their behaviour would be inconsistent with their principles.

(Krasner, 2004: 108)

Conclusion

It is this 'obfuscation' of the maintenance of international legal sovereignty that enables the new forms taken by the political economy of liberal peace interventions to present intervening states and international institutions as facilitating partners in a shared project rather than as coercive external powers. Robert Cooper, focusing particularly on the enlargement policies of the EU, describes this as a new conflict-free 'postmodern' or 'voluntary' form of imperialism (Cooper, 2003). Mark Leonard argues that unlike the old imperialism based on conflict and overt subordination, the EU is completely transforming states from the inside, rather than ruling them from above, for example, 'Europe is changing all of Polish society, from its economic policies and property laws to its treatment of minorities and what gets served on the nation's tables' (Leonard, 2005: 6).

The more 'sovereignty' is voluntarily shared between target states and intervening institutions upholding the liberal peace, the more coercive external conditionality is exchanged for internal forms of 'enhanced surveillance'

through the reporting mechanisms generated by the good governance requisites of openness and transparency enforced by international institutions (Commission for Africa, 2005: 376). Policy advisers can no doubt see the gains to be made in enabling liberal interventionist powers to talk about sovereignty and accountability in non-Western states, while avoiding policy responsibility and political accountability for their actions and policy prescriptions.

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