

The State-Building Dilemma: Good Governance or Democratic Government?

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Introduction

In the twenty-first century the issue of post-conflict state-building and international attempts to prevent and manage the consequences of state failure have become major questions on the international policy agenda. In the wake of 9/11 and the problems of international intervention and administrative regulation in Afghanistan and Iraq, the international engagement in, and management of, state capacity-building initiatives has become central to international concerns. Not only are international state-building measures held to be necessary to ensure the protection of peoples from the threat of human rights abuse but also to prevent terrorist cells from operating with impunity where states are too weak to police their borders and enforce the rule of law. This interventionist desire, on the part of leading Western states, to shape the political process and reconstruct state institutions where states are perceived to be 'failing' is in marked contrast to the political norms and possibilities of the Cold War period where the geo-political divide between the Soviet Union and the United States meant there was little international consensus on how states should be governed or on which policies they should follow in the domestic arena. In the second half of the twentieth century, the reaction against colonial practices meant that the United Nations upheld the formal political equality of all sovereign states, regardless of their level of political, economic or social development or of the capacity or willingness of their regimes to uphold the rights of their citizens.^[i] Changed international power relations and changed political sensibilities have meant that today there is much less of a divide between how states are treated internationally and what they do domestically.

Despite the emergence of this new normative framework of international regulation of, and intervention in, the domestic affairs of states, there is a concern - even in leading policy-making circles - that the development and assessment of the effectiveness of international practices has lagged far behind this demand that international actions be undertaken.^[ii] This paper seeks to analyse the most striking, and potentially the most worrying, aspect of current international state-building policy-practices - the downplaying of the centrality of the political process. Whereas in the post-1945 era of de-colonisation there was an assumption that state-building could not be accomplished by external powers but depended on state sovereignty and political solutions decided by local actors, today there is an opposite starting-point.

Today's international state-building approaches insist on the regulatory role of international institutions and suggest that locally-derived political solutions can only be problematic. One consequence of this is that the frameworks of 'good governance', overseen and regulated by international bodies, are seen to take precedence over the domestic political process of *government*. This privileging of 'governance' over 'government' is based on the assumption that the political process is a product of state policies rather than constitutive of them. In terms of state-building, democracy and political autonomy are then seen to be the end goal, rather than crucial aspects of the process of state-building itself. The following sections consider this transformation in the assessment of the importance of the political sphere for state-building, consider how this shift

in perspective has been shaped by a changed - and de-politicised - understanding of war and conflict, and how the prioritisation of governance over government has fitted with critical and post-structuralist trends in academic thinking of international relations and critical security studies. The paper concludes with a more detailed discussion of the limits of this approach with reference to Bosnia-Herzegovina, which will have been under an international administration tasked with state-building for a decade with the ten-year anniversary of the Dayton agreement in November 2005.

State-building without politics?

Prior to the end of the Cold War, the political process was generally understood as key to the creation of stable and viable states. Samuel Huntington's pioneering late 1960s study, *Political Order in Changing Societies*, was the key work of political development studies for the last thirty years of the twentieth century.^[iii] His concern was not the creation of states which had the stamp of international approval because the ruling clique supported the policies of those in power in Washington, nor was he trying to design the perfect constitution for export around the world, with a bill of rights and a separation of powers and human rights protections. For Huntington, the key to state stability was a political question of building a domestic consensus, a sense of political community, and establishing a government with popular legitimacy. Huntington argued that bureaucratic rule or government by isolated cliques may be able to produce stability in simple pre-industrialised societies but that modernisation and democratic, participatory societies depended on the strengthening and institutionalisation of the political sphere.

Political institutions could only cohere society if they emerged out of existing social forces, if they represented real interests and real clashes of interests which then led to the establishment of mechanisms and organisational rules and procedures which were capable of resolving those disagreements.^[iv] It was the links between political institutions, political parties and individuals which were considered key to strengthening the state, both institutionally and in terms of its popular legitimacy. Although seen as a conservative by many commentators today, Huntington is worth returning to by those who argue that international administrators can draw up all the necessary legislation for state-building and post-conflict reconciliation. He argued that there was always a temptation of the powerful to attempt to bypass the political sphere:

Inevitably a ruling monarch tends to view political parties as divisive forces which either challenge his authority or greatly complicate his efforts to unify and modernise his country... The modernizing monarch necessarily sees himself as the "Patriot King" who is "to espouse no party, but to govern like the common father of his people".^[v]

The desire of those in power to avoid popular accountability and to legitimise their authority on the basis of being above politics and instead being a direct representative of the 'public interest' will sound familiar to anyone who has read the statements of the succession of internationally-appointed administrators charged with state-building in the Balkans, for example, the international High Representative in Bosnia or the United Nations Special Representative in Kosovo. Bosnia's High Representative Carlos Westendorp saw the Bosnian Presidency, Council of Ministers and Parliamentary Assembly as 'painfully cumbersome and ineffective' when compared to the alternative possibility of the swift and signature of his administrator's pen.^[vi] Westendorp thrived on being the unaccountable judge of his own policy-making, arguing: 'You do not [have] power handed to you on a platter. You just seize it, if you use this power well, no-one will contest it.'^[vii] Lord Paddy Ashdown, the current incumbent of the Bosnia post, has used very similar phraseology, for example, in his inaugural speech of May 2002, stating:

I have concluded that there are two ways I can make my decisions. One is with a tape measure, measuring the precise equidistant position between three sides. The other is by doing what I think is right for the country as a whole. I prefer the second of these. So when I act, I shall seek to do so in defence of the interests of all the people of Bosnia and Herzegovina, putting their priorities first.'^[viii]

For Lord Ashdown, as for his predecessors, rather than facilitating consensus-building between the three main political parties - representing Bosnian Muslims, Bosnian Serbs and Bosnian Croats - his own personal perspective of 'what I think is right' was held to directly coincide with the interests of the population as a whole.

This high-handed approach, which has marked the ten years of international regulation in the tiny post-war Bosnian state, is at the centre of the state-building dilemma discussed here: the dilemma that imposing 'good governance' policy practices, alleged to be in the interests of all, inevitably means restricting the importance of the political sphere of political party competition and policy-

making by elected representatives. This dilemma is increasingly posed in the post-Cold War era when international actors have a much freer hand to impose conditions upon and to directly intervene in states which are judged to be at risk of failure or to have failed. The imbalance of power between intervening actors and those on the ground has meant that while this dilemma has been acknowledged, there is currently little thought given to the problems caused by this marginalisation of the political sphere. For international administrators and policy-makers, it is well nigh inconceivable that local actors could be better placed to take their own societies forward than international 'experts'.

For the international state-builders in Washington, London and Brussels, the political sphere is a problem for strengthening state-capacity rather than central to it. To return to Huntington:

The administrator opposed to parties accepts the need to rationalize social and economic structures. He is unwilling, however, to accept the implications of modernization for broadening the scope of popular participation in politics. His is a bureaucratic model; the goal is efficiency and the elimination of conflict. Parties simply introduce irrational and corrupt considerations into the efficient pursuit of goals upon which everyone should be agreed. The administrative opponent of parties may wear any dress, but he is less likely to be in mufti than in uniform.^[ix]

For Huntington, leaving aside the acuteness of his observation on the link between the military-mindset and the administrative one captured well by Bosnia's administrator-in-chief Paddy Ashdown the ex-Royal Marine Commando who has never enjoyed elected government office the point is that hostility to the political sphere is essentially counterproductive. While kings and bureaucrats, who understand their legitimacy as existing independently of society, are resistant to acknowledging it; it is only political parties that have the potential to bind society beyond disparate social groups, creating a loyalty to a state-based project which transcends parochial and particularist groupings.^[x] The more autonomy political parties have, the more they are forced to overcome the fragmented nature of their societies and build links between different social interests. Conversely, the more restricted political parties are, the less responsibility and accountability elected representatives have and the less likelihood there is of political institutions being able to build social bonds in divided societies.

Huntington's defence of the autonomy of the political sphere is rarely seen as relevant to today's policy practices in international administration. In fact, where his 1960s' work is referred to, his points about the importance of strong state institutions are taken out of context and these institutions are seen as being able to develop in isolation from real political processes. A leading example of this later approach is that of Roland Paris in his influential book, *At War's End*, published in 2004.^[xi] Paris critiques the 'liberal peace' thesis on the basis that international policy, which sees a market economy and liberal democracy as the two preconditions for a stable peace, misunderstands the process of transition from war to peace. Paris argues that it is necessary to have 'Institutionalization before Liberalization', i.e. to focus on strong institutions, the rule of law and human rights protections before giving post-conflict societies the right to have a say in their own affairs. He argues that the political process of democratic competition in a weak or failing state, or one making a transition from war to peace, is likely to be counterproductive. This is because party political competition is based on the idea of a conflict of interests, this process tends to exacerbate conflict and tension in society rather than ameliorating it, in a context where fragile or failing states do not have the social, economic and legal mechanisms necessary for ensuring that conflicts can be managed and contained.

Paris argues that democracy is fine for developed stable states but is destabilising for states which are failing or are making the transition from war to peace. He asserts that elections are important, but secondary. The process of political reconciliation and the development of a shared sense of political community should precede competitive elections: 'Peacebuilders should proceed with elections only when there is evidence that "moderate parties" ...have sufficient popular support...to prevail over "immoderate" parties" at the polls.'^[xii] This interventionist project attempts not merely to reconstruct a state but also to transform the mindsets of the inhabitants of a post-conflict state. This latter task is to be undertaken through a number of means: civil society-building; the encouragement of cross-cutting links and interests; international attention to educational curricula from primary school through to university level; the strict control and regulation of the media; trauma counselling and other therapeutic practices; and through punishing political parties or elected representatives held to be 'obstructing' progress. Clearly this state-building agenda is an ambitious one, but one that in many ways reflects the existing policy-practices of international institutions, states and non-governmental organisations on the ground in many parts of the world.^[xiii]

There is not the space here to engage in a discussion about the efficiency of such interventionist measures,^[xiv] rather the point to be stressed is the increasingly common-place assumption that

democracy is good for the Western powers but tutelage is better for states judged to be 'under stress', at 'risk of failure' or in post-conflict 'recovery'. This assumption rests on a number of prior assumptions regarding the role of the political process. The argument that it is possible to create the institutional framework of a strong and stable state before liberalisation - i.e., opening up the political process to democratic competition - suggests that states and citizens can be socially-engineered by correct practices of external regulation. The assumption is that the problems of politics can be resolved outside the realm of the political, in the realms of law, social policy and administration.[xv] It would seem, as Alejandro BendaHa notes, that 'good governance or state-building...has deep ideological presumptions which purport to offer technical solutions to what in essence are political problems'.[xvi]

It is this view of 'peace without politics' that imbues much of the current discussion around state-building practice. In Bosnia, Kosovo, Iraq, and other parts of the world, international administrators argue that the rule of law and even 'respect for democracy' can be developed before elected representatives can assume political responsibility. In the wake of the US-led Iraq occupation, High Representative Ashdown toured Western capitals arguing that the 'rule of law' had to precede elections and political liberalisation.[xvii] This view of 'sequencing', which relegates the political process behind that of law, policing and administration, inverts the traditional understanding of the modern 'rule of law', derived from liberal democratic contract theory of consent, in contrast to the arbitrary and unaccountable rule-making of elites.[xviii] While laws could be issued by right-wing or Soviet-style dictatorships, that also had the prisons and the police to enforce them, these societies were not understood to be operating under the 'rule of law' as law did not derive from popular consent but the power of coercion. The assertion that the rule of law should come before political liberalisation heralds a fundamental critique of one of the cornerstones of liberal democratic theory.

War without politics?

The new international dispensation for military intervention and the undermining of state sovereignty in the case of gross human rights abuses and the growing demand for intervention to address the threats posed by 'failed states' has been reinforced by a growing tendency for international theorists and international security actors to perceive internal conflicts in the non-Western world as crimes to be judged and righted rather than as political conflicts to be mediated.[xix] Kalevi Holsti captured this new perception of conflict as 'wars of the third kind' where non-Western actors fought, not for social and political interests, as traditionally understood, but through the desire for different community boundaries and a strengthening of a particularist identity. He made the key point that these conflicts could not be dealt with in the traditional manner of dealing with inter-state conflict: 'In these wars, ordinary cost-benefit analyses that underlie wars as a "continuation of politics by other means" no longer apply.'[xx] War in the non-Western world is seen as distinct from war waged by Western powers; in the former case war no longer serves a legitimate political purpose, it is not a means to an end, rather it is an end in itself.[xxi] According to Antonio Cassese, former president of the international war-crimes tribunal at The Hague, for the people of non-Western states it is apparently 'less a noble clash of soldiers than the slaughter of civilians with machetes or firing squads, the mass rape of women in special camps, the cowardly execution of non-combatants'.[xxii] As a human rights campaigners' handbook *Crimes of War: What the Public Should Know* asserts in its introduction:

Wars [involving non-Western states] today increasingly are fought not between armies where officers are bound by notions of honour but by fighters...who are not soldiers in the conventional sense of the word. The goal of these conflicts is often ethnic cleansing - ...not the victory of one army over another.[xxiii]

No longer connected with rational political interests, it appears that conflict has a dynamic of its own. Martin Shaw makes the point that for non-Western societies 'genocide may be discerned, therefore, in relatively limited mass killing'.[xxiv] He argues that 'the concept of "genocidal massacre" should be proposed to cover smaller incidents, which are often a prelude to a larger-scale genocide'.[xxv] The use of the emotive term 'genocide' to describe these conflicts established them as qualitatively different from the slaughter of wars in which Western states were involved. Unlike war, which appears relatively more civilised in comparison, 'genocide' is regarded as either inherently atavistic and irrational or as morally evil.

This re-representation of non-Western conflict as driven by atavistic desires of ethnic identity, economic crime and human rights abuse, rather than rational causes, has been held to illustrate the incapacity of non-Western states and peoples and the need for international intervention. Mary Kaldor developed Holsti's themes with the concept of 'New Wars', which has become the ideological template for current international security regimes.[xxvi] The concept of 'new wars'

takes the politics out of armed conflict in two ways, firstly the conflict or crisis in the non-Western state is held to be the product of domestic or internal problems which are exacerbated by rapacious or criminal elites which have no political legitimacy. Therefore the United Nations' Cold War approach of neutrality and respect for peace agreements drawn up by the parties to the conflict no longer stands; instead, international actors are held to be necessary to create and safeguard a just peace.

Secondly, and more importantly, politics is taken out of conflict by portraying the intervention (military or otherwise) of Western powers as above politics. There is no self-interest at work in external intervention, rather it is equated with the neutrality of policing; merely enforcing international or 'cosmopolitan' norms and laws. Rather than war, there are crimes and human rights abuses (conflict in non-Western world) or there is policing and law enforcement (armed conflict undertaken by Western powers).^[xxvii] Neither non-Western state 'failure' nor the international response to this are conceived in traditional terms of political interests. This discursive dichotomy, between the failed state and the post-national or post-political intervention, in one move delegitimises the political process of the state intervened in while at the same time setting up the intervening powers as being beyond or above political interests. Rather than being the Cold War neutral observers to a legitimate conflict of interests, today's international interveners assume on the ground the self-appointed roles of judge, jury and administrator in a situation where there are no alleged to be no legitimate interests which should be taken into account.^[xxviii]

The relationship between external intervening powers (increasingly seen as legitimate) and domestic political actors (now increasingly portrayed as pursuing illegitimate interests) has been transformed through a succession of innovative international policy-shifts since the end of the Cold War. At the heart of this transformation has been the United Nations itself, which has extended its remit and reinterpreted the formal restrictions of the UN Charter while increasingly giving free reign to self-selected 'coalitions of the willing' to set their own conditions on when and how interventions should take place and be formally brought to an end.^[xxix]

Over the last fifteen years, a process of international administrative oversight and intervention, which developed in a relatively arbitrary and ad hoc way has been increasingly institutionalised. At the end of 2004, the Report of the UN Secretary-General's High-Level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, advised the establishment of a Peace-building Commission to oversee the international administration of failing and post-conflict states.^[xxx] According to the UN advisers and the Secretary-General Kofi Annan, a select committee of the 'great and the good' from around the world, acting under UN auspices, should have the requisite skills to help co-ordinate a panoply of international intervention, from early warning, through preventative action and onto post-conflict transitional administrations, where states are 'under stress or recovering from conflict'.^[xxxi]

The 'ethical turn' in international theorising

The rejection of the domestic political sphere as a constitutive sphere, in which social and political bonds are constituted and strengthened and the re-representation of this sphere as purely one of division and conflict has received relatively little critical evaluation from academic commentators involved in international relations and international security studies. In fact, since the end of the Cold War, new approaches to theorising security have stressed that states are part of the problem rather than part of the solution to conflict and political and social division.^[xxxii] Many of these critical approaches draw on post-structuralist theorising and follow Foucault's widely cited inversion of Clausewitz, seeing 'politics as a continuation of war by other means'.^[xxxiii] The existence of states, in this reading, is the result of war and domestic social conflict, with the domination by victorious elites being enforced and reproduced by political processes of representation rather than military force. For these theorists, states inevitably engage in war and internal conflict as they are based on domination and relations of exclusion and exclusivity.^[xxxiv]

For critical, post-structuralist and normative theorists of international relations and international security, the political sphere is the problem to be addressed, not the sphere where solutions are to be found. Rather than starting from politics, from social forces and the clash of interests in society, many theorists start from ethics and norms and then seek to derive (non-exclusionary) political frameworks from this basis.^[xxxv] The approach of privileging ethics above the political process, central to the 'ethical turn' in international theorising, fits closely with international state-building practices which privilege bureaucracy, law and administration above the political and may in part explain why there is little critical focus on these developments in many academic circles.^[xxxvi] Where 'realist' theorists often highlighted the autonomy of the political and the limits of bureaucratic attempts to impose law and administration over clashes of power and interest, today's intellectual fashion is to focus on the indeterminacy and socially constructed nature of power and interest, emphasising the importance of norms and law.^[xxxvii]

The new focus of 'human security' doctrines is no longer on the defence of states but on the rights of individuals where ever they might be in the world. This is construed to be a moral or an ethical duty placed upon the powerful to take responsibility for the protection of the rights of those elsewhere.[xxxviii] The 2004 Barcelona Report of the Study Group on Europe's Security Capabilities, *A Human Security Doctrine for Europe*, argues, for example, that: 'A human security approach for the European Union means that it should contribute to the protection of every individual human being and not focus only on the defence of the Union's borders, as was the security approach of nation-states.'[xxxix] Here it is assumed that the EU has risen above the politics of state interests and that, as a post-national or post-political constellation, it is capable of judging upon and acting in the interests of 'every individual' regardless of which state they happen to be a citizen of. The UN High-Level Panel Report, referred to above, also explicitly awards might with the badge of righteousness, suggesting that when it comes to the new tasks of external state-building, 'all those in a position to help others...[have] the responsibility to do so'.[xl]

Politics as a barrier to peace

There is a tendency for international interveners to separate post-conflict state-building from politics; seeing state-building as a technical or administrative process which does not require building a popular consensus for policy-making. Where the post-World War Two external administrations of Germany and Japan engaged the local populations in a major project of social, economic and political reconstruction, and through doing so won a high-level of popular legitimacy and support, international administrations, such as those in Bosnia, Kosovo and Iraq, have excluded all but token local input into the making and implementation of policy.

In the Balkans, the international administrations have not just operated above the sphere of representative politics but have also consistently criticised the programmes and personnel of the main political parties and argued that the both the Bosnian and Kosovan electorate are not yet to be trusted with a meaningful vote. Rather than deriving policy from local concerns and needs, the legislative process has been driven by technical and administrative 'experts' in Brussels and Washington. Policies have then been imposed through the international Office of the High Representative in Bosnia and the UN's head of mission in Kosovo. Locally accountable political leaders then must accede to these demands, under the threat of being dismissed on the grounds of 'obstruction'.

There has been a trend towards granting external administrative powers greater and greater reimits of authority. This process is reflected in the Bosnian example, where close international oversight was intended to last for one year only, until the first state elections in September 1996. However, ten years on from Dayton, not one piece of substantial legislation has been devised, written and enacted by Bosnian politicians and civil servants.[xli] This is in marked contrast to Japan and West Germany where, in the first case, the external occupation lasted nearly seven years and, in the latter, there was four years of occupation and full control over industrial and security policy was returned ten years after the end of the war.[xlii]

A decade on from the Dayton settlement of the Bosnian conflict, the lack of political autonomy for Bosnian representatives, and of political accountability for Bosnian citizens, is possibly the most remarkable feature of current state-building practices, in this tiny and fragmented state. However, the lack of democracy in Bosnia has posed little barrier in the negotiations over the accession process towards European Union membership, in fact, the European Union has given its formal blessing to the maintenance of a highly restricted political sphere, with the establishment of the EU's Special Representative as the international High Representative in 2002. There would appear to be a clear international consensus that, for state-building to be a success, rule by externally-appointed bureaucrats is preferential to rule by Bosnian representatives accountable to Bosnian citizens.

It could be argued that the ten years of state-building experience in Bosnia serve as a symbol of the return of liberal faith in the science of law and administration, reminiscent of the inter-war period of the last century. This is evidenced in the return of the idea of conditional sovereignty, reminiscent of the Versailles restrictions on the sovereignty of the new states established in central and eastern Europe, and in the renewed faith in the powers of international conferences and committees to establish the borders of states (the European Community Badinter Commission did this for the former Yugoslavia) and to appoint external governors (as the Peace Implementation Council did for Bosnia and the United Nations for Kosovo). There is without doubt a growing consensus that international experts and bureaucrats can better govern a country than politicians accountable to the people who have to live with the consequences of their policy-making. However, in our post-colonial era, there is little support for the return of traditional empire, for a new network of colonial protectorates bringing 'order' to the regions of the world threatened by failing states. Rather, new international administrative regimes are, in the terminology of Michael

Ignatieff, most often run on the basis of 'Empire Lite'.^[xliii] International administrators are loath to take any responsibility for, or to be held to account for, the policies they pursue or the outcome of their interventions into the political process. At the same time, local actors are denied the political autonomy to reach their own compromise solutions and assume accountability themselves. BiH highlights the contradictions of having regularly contested elections at state, entity and local levels and, alongside this, the existence of a parallel administration headed by unaccountable international appointees with the power to draw up and impose legislation and sack elected officials.

Uniquely, the political process is squeezed from above and below. There is no accountability for policy-making either domestically or internationally. In this sense the borders between the domestic and international have been effectively erased. However, the external regulation of Bosnian people as 'humans', rather than as 'citizens' with rights of political equality, has done little to overcome the 'politics of exclusion'. Bosnian political representatives who have been elected are accountable to international overseers rather than to Bosnian voters, reducing political institutions to irrelevant talking shops. In this context, elections are not a judgement on government policies; in fact, the inverse relationship is in play. Elections are openly seen as educational exercises where the Bosnian voters have to submit to the judgement of the international administrators as to their political capacities as voters.

A few international analysts have stood out against the view that the political process can be short-cut or replaced by bureaucratic and administrative edict. Amitai Etzioni and Francis Fukuyama have, for example, questioned 'over-ambitious societal engineering'.^[xliv] Gerald Knaus and others at the Brussels-based think-tank, the European Stability Initiative, have attempted to initiate a debate on the 'Travails of the European Raj' in Bosnia, highlighting the limitations of the high-handed approach taken to post-conflict reconstruction.^[xlv] William Bain has also challenged the 'New Paternalism' of the failed states discourse and highlighted the return of a more hierarchical world order with the institutionalisation of new forms of political inequality between states and between individuals.^[xlvi] Simon Chesterman's study of post-conflict international administrations points out that today's international rule over Bosnia and Kosovo provides even less local accountability than the last century's mandate system or that under the presently defunct UN Trusteeship Council.^[xlvii] Chesterman's in-depth comparative study also concludes that current international state-building practices are prone to a number of fundamental flaws which stem from the inequalities built into the relationship of political pedagogy and external regulation: the means are often inconsistent with the declared ends; the resources are often inadequate to achieve the ends sought; and finally, much policy-making is more declaratory than practical, being largely irrelevant to the tasks at hand.^[xlviii]

Conclusion

It is necessary to extend this discussion of the questions and contradictions raised by international state-building in the specific 'post-imperial' context of our times. In the case of Bosnia, for example, it is undoubtedly true that it is possible to have peace without politics.^[xlix] Dayton itself established that peace could be achieved through the external pressure of military intervention and economic and political sanctions. This external pressure created a state, but one with no real basis in Bosnian society and little popular legitimacy. Since Dayton, external administrators have built roads and schools, issued banknotes, restructured economic institutions, provided incentives for refugee return, banned political parties or removed their elected leaders, and accomplished a wide range of policy-ends. The successful assertion of external influence is hardly surprising considering the small size of the Bosnian state and its dependency on external assistance. However, it is also becoming apparent that state-building requires more than the largess - and coercive power - of external benefactors. Ten years after Dayton, the Bosnian state still lacks a secure basis in Bosnian society and commands little social or political legitimacy. While the international administration has been able to institute a large number of mechanisms and policy reforms to meet the externally-decided needs of 'good governance', it has been unable to establish Bosnian institutions of government i.e. those institutions which are crucial to legitimising the Bosnian state and are capable of overcoming the divisions of the war. In this respect, the international experiment in state-building without democracy has revealed major short-comings.

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- [i] See for example, United Nations General Assembly resolution 1514 (XV) of 14 December 1960, 'Declaration on the Granting of Independence to Colonial Countries and Peoples'. Available at: http://www.unhchr.ch/html/menu3/b/c_coloni.htm.
- [ii] See for example, RAND Corporation, *America's Role in Nation-building: From Germany to Iraq*, Santa Monica, CA: RAND, 2003; The Conflict, Security and Development Group, *A Review of Peace Operations: A Case for Change*, London: Kings College, 2003; M. Lund, 'What Kind of Peace is Being Built?: Taking Stock of Post-Conflict Peacebuilding and Charting Future Directions', discussion paper for the International Development Research Centre, Ottawa, Canada, January 2003. Available at: http://web.idrc.ca/uploads/user-S/10527469720lund_final_mar_20.pdf.
- [iii] S. Huntington, *Political Order in Changing Societies*, New Haven: Yale University Press, 1968.
- [iv] Ibid, p.11.
- [v] Ibid, p.403.
- [vi] *Office of the High Representative Bulletin*, No.62, 11 October 1997.
- [vii] J. Rodriguez, 'Our Man in Sarajevo', *El Pais*, 29 March 1998 (trans. Office of the High Representative).
- [viii] P. Ashdown, 'Inaugural Speech by the new High Representative for BiH & Herzegovina', BiH State Parliament, 27 May 2002. Available from: http://www.ohr.int/ohr-dept/presso/presssp/default.asp?content_id=8417; see also discussion in D. Chandler, 'Bosnia's New Colonial Governor', *Guardian*, 9 July 2002. Available at: <http://politics.guardian.co.uk/comment/story/0,9115,751918,00.html>.
- [ix] Huntington, (n.4 above), p.404.
- [x] Ibid, p.405.
- [xi] R. Paris, *At War's End: Building Peace after Civil Conflict*, Cambridge: Cambridge University Press, 2004.
- [xii] Ibid., pp.189-90.
- [xiii] See, for example, the state-building agendas laid out by the UN advisory panels, for example, the Report of the Panel on UN Peace Operations (Brahimi Report), A/55/305 - S/2000/809 (August 2000), available at: http://www.un.org/peace/reports/peace_operations/, and the Report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, Ottawa: International Development Research Centre, 2001.
- [xiv] See, for example, Chandler, *Bosnia: Faking Democracy after Dayton* (2nd ed.), London: Pluto Press, 2000.
- [xv] The potential hubris of the desire to externally reshape 'failed states' in isolation from social forces, is captured in the RAND Corporation recommendations for Iraq, (n.2 above), which suggest that rather than co-opt existing Iraqi institutions, the sounder approach is that of a 'root and branch overhaul of state and political structures', involving 'the creation of wholly new organizations at the local and national levels and the recruitment, training, and management of new staff', p.205.
- [xvi] A. BendaHa, 'From Peace-building to State-building: One Step Forward and Two Backwards', presentation at 'Nation-building, State-building and International Intervention: Between 'Liberation' and Symptom Relief', CERJ, Paris, 15 October 2004. See also, J. Demmers et al, *Good Governance in the Era of Global Neoliberalism: Conflict and Depoliticisation in Latin America, Eastern Europe, Asia and Africa*, London: Routledge, 2004.
- [xvii] See, for example, Ashdown, 'What Baghdad can learn from BiH', *Guardian*, 22 April 2003; and 'Broken Communities, Shattered Lives: Winning the Savage War of Peace, speech to the International Rescue Committee, London, 19 June 2003. Available at: http://www.ohr.int/print/?content_id=30130.
- [xviii] See further, Chandler, "'Imposing the Rule of Law": The Lessons of BiH for Peacebuilding in Iraq', *International Peacekeeping*, Vol.11, No.2, (2004), pp.312-333.
- [xix] See the excellent discussion in A. Columbo, 'Asymmetrical Warfare or Asymmetrical Society? The Changing Form of War and the Collapse of International Society', in A. Gobbicchi (ed.), *Globalization, Armed Conflicts and Security*, Rome: Cernis-Rubbettino, 2004, pp.111-27.
- [xx] K. Holsti, *The State, War, and the State of War*, Cambridge: Cambridge University Press, 1996.
- [xxi] See also M. Shaw, *On Slaughter: From War to Genocide*, London: Polity Press, Forthcoming, Chapter 1 (draft). Available at <http://www.sussex.ac.uk/Users/hafa3/slaughter1.htm>.
- [xxii] A. Cassese, 'Reflections on International Criminal Justice', *Modern Law Review*, Vol.61, No.1, (1998), p.5.
- [xxiii] R. Gutman and D. Rieff, 'Preface', in Gutman and Rieff (eds), *Crimes of War: What the Public Should Know*, New York: W. W. Norton, 1999, p.10.
- [xxiv] Shaw, (n.21 above).

[xxv] Ibid.

[xxvi] M. Kaldor, *New and Old Wars: Organized Violence in a Global Era*, London: Polity Press, 1998.

[xxvii] See further, Chandler, *From Kosovo to Kabul: Human Rights and International Intervention*, London: Pluto Press, 2002.

[xxviii] If they are any legitimate interests these will not those of parties to the conflict but rather those of selected 'victims', or in Kaldor's words those identified to be 'local advocates of cosmopolitanism' or 'islands of civility', see Kaldor, (n.26 above), p.120

[xxix] Holsti (n.20 above), pp.190-91. For an excellent survey see S. Chesterman, *Just War or Just Peace?: Humanitarian Intervention and International Law*, Oxford: Oxford University Press, 2002.

[xxx] Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, *A More Secure World: Our Shared Responsibility*, New York: United Nations, 2004. Available at: <http://www.un.org/secureworld/>.

[xxxi] Ibid., p.83.

[xxxii] See for example, K. Booth, 'Security and Emancipation', *Review of International Studies*, Vol.17, No.4, (1991), pp.313-26; K. Krausse and M. C. Williams (eds) *Critical Security Studies*, London: UCL Press, 1997; K. Booth (ed.) *Critical Security Studies and World Politics*, Boulder. CO: Lynne Rienner, 2005.

[xxxiii] M. Foucault, *Society must be Defended: Lectures at the Collège de France 1975-76*, trans. D. Macey, London: Allen Lane / Penguin, 2003.

[xxxiv] See, for example, D. Campbell, *National Deconstruction: Violence, Identity and Justice in Bosnia*, University of Minnesota Press, 1998; R. Keane, *Reconstituting Sovereignty: Post-Dayton Bosnia Uncovered*, Aldershot: Ashgate, 2002.

[xxxv] See, for example, R. Falk, *On Humane Governance*, Cambridge: Polity Press, 1995; D. Archibugi and D. Held (eds) *Cosmopolitan Democracy: An Agenda for a New World Order*, Cambridge: Polity Press, 1995; A. Linklater, *The Transformation of Political Community*, Cambridge: Polity Press, 1998.

[xxxvi] Kenneth Minogue highlights the despotic dangers of 'political moralism', which sees autonomy and independence - i.e., the political sphere - as a barrier to ethically-derived notions of justice, and argues that this approach to politics is especially strong in discussions of international relations. See, for example, his *Politics: A Very Short Introduction*, Oxford: Oxford University Press, 1995, pp.104-5.

[xxxvii] For 'realist' critiques of the privileging of law and administration above the political, see, for example, the classic texts, E. H. Carr, *The Twenty Years' Crisis, 1919-1939*, Basingstoke: Palgrave, 2001; and H. J. Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, New York: McGraw-Hill Education, 1992, see especially Chapter 3. For a more in-depth discussion, see Chandler, *Constructing Global Civil Society: Morality and Power in International Relations*, Basingstoke: Palgrave, 2004.

[xxxviii] International Commission on Intervention and State Sovereignty, (n.13 above).

[xxxix] Study Group on Europe's Security Capabilities, *A Human Security Doctrine for Europe*, Barcelona: 15 September 2004, p.9. Available at:

<http://www.lse.ac.uk/Depts/global/Human%20Security%20Report%20Full.pdf>.

[xl] Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, (n.30 above), p.18; see also Chandler, 'The Responsibility to Protect: Imposing the "Liberal Peace"?', *International Peacekeeping*, Vol.11, No.1, (2004), Special Issue: Peace Operations and Global Order, pp.59-81.

[xli] For further reading on the post-Dayton international regime see the website of the international Office of the High Representative, available at <http://www.ohr.int/>; see also Chandler, (n.14 above); E. M. Cousens and C. K. Cater, *Toward Peace in Bosnia: Implementing the Dayton Accords*, Boulder, CO: Lynne Rienner, 2001; D. Sololovi and F. Bieber (eds) *Reconstructing Multiethnic Societies: The Case of Bosnia-Herzegovina*, Aldershot: Ashgate, 2001; S. Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention*, London: Hurst & Co, 2002.

[xlii] For background on post-war state-building in Germany and Japan, see for example, J. W. Dower, *Embracing Defeat: Japan in the Wake of World War II*, New York: W. W. Norton, 1999; D. G. Williamson, *Germany from Defeat to Partition, 1945-1963*, London: Longman, 2001.

[xliii] M. Ignatieff, *Empire Lite: Nation-building in Bosnia, Kosovo and Afghanistan*, London: Vintage, 2003.

[xliv] A. Etzioni, 'A Self-Restrained Approach to Nation-Building by Foreign Powers', *International Affairs*, Vol.80, No.1, (2004), p.15; see also F. Fukuyama, *State Building: Governance and World Order in the Twenty-First Century*, London: Profile Books, 2004, p.123.

[xlv] See, for example, G. Knaus and F. Martin, 'Lessons from Bosnia and Herzegovina: Travails of the European Raj', *Journal of Democracy*, Vol.14, No.3, (2003), pp.60-74; see also the European Stability Initiative website at: <http://www.esiweb.org/>.

[xlvi] W. Bain, *Between Anarchy and Society: Trusteeship and the Obligations of Power*, Oxford: Oxford University Press, 2003.

[xlvii] Chesterman, *You, the People: the United Nations, Transitional Administration, and State-Building*, Oxford: Oxford University Press, 2004, p.45.

[xlviii] *Ibid*, pp.238-49.

[xlix] This is a best case example, in Kosovo the internationally-administered peace has not facilitated the return of ethnic-minority refugees, as in Bosnia, while Iraq under international administration failed even to achieve peace.