



Conference Report
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Post-conflict peace building: How to gain sustainable peace? Lessons learnt and future challenges

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Foreword

This report is the result of a conference held under the auspices of the Friedrich Ebert Stiftung (FES) and the Programme for Strategic and International Security Studies (PSIS). The conference brought together a multi-disciplinary group of experts from both the academic and the policy-making communities in order to examine the lessons learnt and the future challenges of Post-Conflict Peace Building (PCPB). The report is a synthesis of the conference proceedings, with the findings embedded in the relevant literature on the topic. It will help to inform discussion about PCPB in the context of humanitarian interventions, humanitarian relief, reconstruction efforts, and state building.

The conference represents the first collaboration between the Geneva Office of the FES, a German political foundation active in international cooperation and the PSIS, an independent think tank affiliated to the Graduate Institute of International Studies. The cooperation has been a fruitful one, and both parties are looking forward to further collaboration in the future.

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Introduction

The conference theme fits into a larger debate on “new interventionism” and the failure of creating a new world order in the aftermath of the collapse of the Soviet Union (Mayall 1992). It is also very timely in view of manifold cases of state failure and state collapse around the world, and particularly in light of the arduous process of state reconstruction and state building in Iraq. Geneva, as the home of many international agencies trying to help those being displaced in conflicts, seems a perfect place to reunite experts to discuss issues on post-conflict peace building (PCPB).

The broad approach of the conference, illustrated by the nexus between security, economy, governance and society, highlights the enormous tasks PCPB entails. Despite good intentions, the international community has often reacted too late and has done too little, as Erfried Adam stressed in his opening remarks. In view of the complexity of the problem, no tailor-made solutions can nor should be expected from any international expert meeting. The “art and science” of PCPB, as developed during the presentations and discussions of the conference, nevertheless emphasised a number of recommendations to address the problem.

The geographical focus of the conference was Central Asia (Afghanistan), South-Eastern Europe (the Balkans), and the Manu River region on the African Continent (Liberia, Sierra Leone). The various presentations were grouped thematically into four issue-areas: peace and security, war economies and reconstruction, governance and democracy building, and efforts to building a ‘new’ society. (For detailed information on the conference agenda and participants see: <http://www.fes-geneva.org/eventsFrame.htm>)

State Collapse and State Failure

Conflict, state collapse, state re-formation and peace building share a close relationship, perhaps even a symbiotic one. Conflicts and wars are increasingly accompanied today by state failure and state collapse. For several centuries, however, wars, conflicts, and international military competition were the driving force in the building of viable states on the European continent. In this process, state collapse had been a frequent outcome. Only with the triumph of the European state system and the emergence of states in the rest of the world, did statehood come to be taken for granted. Despite the attention state failure and state collapse has received in recent years, the state system has only allowed for the disappearance of states in a few cases.

In order to understand what tasks lie ahead for the international community in situations of PCPB, it is necessary to arrive at a better understanding of what state failure implies more concretely. To conceive of this increasingly prominent phenomenon, one has to start with the notion of the modern state. In a traditional understanding – focusing on Max Weber’s definition of the state as the holder of the monopoly of the legitimate use of violence within a given territory – many post-colonial states can only be conceptualised and measured in distance from the ideal type, and thus as usually falling considerably short of this ideal-typical definition, exemplified in the usage of terms such as weak states or failed states. A refined understanding of state failure ought to focus on a *functional* understanding of the state.

Drawing an ideational line from Thomas Hobbes to Max Weber, the basic functions of the modern state are commonly seen to include: (1) the provision of internal and external se-

curity; (2) the provision of a certain level of representation and legitimacy; and (3) the provision of welfare and wealth (Milliken/Krause 2002: 755-762). Despite this long line of antecedents, building a UN Leviathan is a different and more difficult task, as Keith Krause highlighted in his presentation. The relationship between external and local actors, between foreign and domestic solutions, and between outside and inside arrangements is often a problematic one. International programmes to collect weapons in times of insecurities, as tried in Kosovo, for example, can hardly succeed. Again, European history teaches us that the circumstances under which people surrender their security to others are rather complex, that it certainly never occurs over night, and that it demands considerable effort. Building a UN Leviathan is further complicated by "institutional pathologies" (Barnett 2002), as exemplified by many Disarmament, Demobilisation and Reintegration (DDR) programmes. Usually funded by the World Bank and UNDP, these institutions often endorse competing and at times contradictory approaches, when it is rather integrated action that is needed.

In view of the difficult nature of understanding state formation in comparative perspective, it does not surprise that state failure and state collapse have been somewhat understudied (Milliken 2000: 1-2). Functional *state failure*, a sort of state deformation where the state fails in providing its most basic functions, should be distinguished from *state collapse*, where the complete order breaks down and a war of all against all emerges. Full-blown cases of state collapse are relatively uncommon phenomena. The genocide that took place in Rwanda in 1994 was not enabled or produced by the Rwandan state disintegrating or ceasing to exist. On the contrary, the genocide was produced by "highly disciplined agents of the state" who pursued the task of murdering many of its people with hideous efficiency: "There was no state collapse when the Rwandan state run by Habyarimana's successor was defeated and displaced in mid-1994 by the Rwandan Patriotic Front." (Clapham 2002: 776). What happened in Rwanda was merely the change from one regime to another. Likewise, the Soviet state did not collapse in 1991, although it had clearly failed in the sense that it was unable to continue to maintain its state functions. But even if its *raison d'être* had to be reconstituted, the other elements (structure, law, and political order) were carried on with minimal disruption into the post-Soviet states.

More recently, the case of Iraq illustrated very clearly the important distinction between functional state failure and full-blown state collapse. Under Saddam Hussein, state formation had for decades been de-coupled from the demands of society, and had aimed at a transformation of it. With declining oil revenues in the late 1980s, and especially during the decade of sanctions in the 1990s, the Iraqi state was seri-

ously restricted in fulfilling its most basic functions (welfare, security, representation); it had nevertheless managed to maintain a minimal level of statehood and order. Only after the US invasion in March 2003, and once the Iraqi state institutions had been dismantled by the Coalition Provisional Authority (CPA) in May 2003, did Iraq become a collapsed state, where the situation resembled that of a war of all against all. Further examples of state collapse include Liberia, Sierra Leone, Somalia, Congo/Zaire and Albania (Milliken/Krause 2002: 754-5). Since these cases of state collapse remain rare overall, more focus ought to be placed on functional state failure.

Liberia seems to be an extreme case of state collapse, as Adedeji Ebo, from the Centre for the Democratic Control of the Armed Forces (DCAF), stressed. In this respect, Liberia's history as Africa's first state in the nineteenth century might be misleading in many ways. The historical slogan of liberty that brought "us" (i.e. the Liberians) to Liberia, no longer adequately describes reality, given that only 5% of the population are descendants of these Americo-Liberian settlers. Present day Liberia is a failed state in many ways: it is estimated to suffer from 85% unemployment and display an alarmingly low 37% literacy rate. In its short history since independence, the army has always been a force of repression and never a source of security, according to Adedeji Ebo. Liberia thus displays all elements of a collapsed state, where public order broke down, where society resembles a war of all against all, and where a Leviathan has to be rebuilt from scratch. At the same time, the drastic situation represents an opportunity and a challenge for state building.

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Among the participants, some kind of disagreement existed about whether the UN's engagement in Liberia has been a success or not. While UN Under-Secretary-General Jacques Paul Klein stressed the fact that effective state institutions have been developed – as the establishment of a two-year national transitional government and a transitional legislative body illustrate – and that the UN's weapons collection programme has recently made fast progress, other participants complained that local views are rarely taken into account in this process of externally driven state building. Even with regard to the DDR programme, it has been claimed that only half of the work has been done, and that it is not geared toward long-term reintegration. That it might be too early for such a general and absolute judgement, however, was stressed by Kathryn Jones from the UN Department for Peacekeeping Operations in New York.

The distinction between state collapse and functional state failure was also highlighted by Adam Pain (University of East Anglia) in his presentation on Afghanistan. He ques-

tioned the common assumption that Afghanistan was really a failed state prior to 9/11. While it may be a moot point to contemplate whether Afghanistan was ever a functional state (Cramer/Goodhand 2002), one cannot deny the fact that the Taliban followed a state building project of creating an Islamic Leviathan. In some ways, this process even resembled the violent processes of European state formation in the early modern period. It was, however, not in conformity with the European notion of a liberal state and, more importantly, contrary to universal values of human rights, dignity, and freedom.

The effects of wars and violent conflicts thus generally seem not only confined to state formation and state building, as the European experience suggests, but also to state deformation and state failure, as more recent world history implies. In both cases, it is evident that wars represent fundamental ruptures in societies and states. This disruptive effect holds equally true for both military and humanitarian interventions.

Humanitarian Intervention

In the opening address of the conference, Michael Steiner, German Ambassador to the United Nations in Geneva, highlighted that interventions are profound ruptures in state formation processes. Steiner, who also served as Special Representative of the UN Secretary-General to Kosovo and as Head of UNMIK, underlined the importance of correctly assessing the impact of any humanitarian intervention, for intervening means becoming part of the local predicament. He also stressed the significance of showing lasting commitment to international efforts of peace building. The international responsibility to protect must be seen in all its amplitude: it demands time, consumes resources, and leaves no room for an easy exit strategy.

Decisions before intervention should therefore depend, to some extent, on prospects for institution building after intervention (Keohane 2002: 276). In order to avoid pathological deformations caused by international interventions, and in order to build self-sustaining structures of political authority after intervention, an estimation of this probability prior to the intervention seems of paramount importance. The debate on humanitarian intervention has brought forward a renewed discussion of the concept of *sovereignty*. The Report of the International Commission on Intervention and State Sovereignty (ICISS 2001) as well as the Kosovo Report (2000) both explicitly maintained the concept of sovereignty as the cornerstone of the present international system, and tried to strengthen the sovereignty of states. The ICISS Report proposed to shift the focus from absolute sovereignty to sovereignty as responsibility:

“ These approaches all see the basis for sovereignty shifting from the absolute rights of state leaders to respect for the popular will and internal forms of governance based on international standards of democracy and human rights. ... On a scale of values the sovereignty of a state does not stand higher than the human rights of its inhabitants” (ICISS 2001: 11).

According to this reading, sovereignty is no longer sacrosanct, but bound to performance and international criteria. Keohane (2003) and others have argued that sovereignty should therefore be unbundled. Drawing on the work of Krasner (1999), who has detailed various facets of sovereignty (international legal, domestic, and Westphalian sovereignty), an argument is made that in “troubled societies” towards which humanitarian interventions are directed, a focus on domestic and legal sovereignty seems more important than Westphalian sovereignty (Keohane 2003: 276). In other words, intervention, or the *droit d'ingérence* in post-conflict situations, remains valid. This understanding of sovereignty as reflecting performance criteria can be seen as a twofold track: the intervening state retains “its” sovereignty as long as these performance criteria are met, otherwise international actors take over this role for a transitional period.

While interventions may bring forth various pathological effects if inadequately planned, positive results of strengthening governance mechanisms and institutional securities for human rights protection in the intervening state are also to be expected in the long term. This kind of intervention for state building has, of course, a long pedigree, as Keith Krause highlighted. Often interventions were conducted unilaterally with the consent of local elites, for the purpose of “shifting the chairs on deck” in favour of some narrow concept of regime security. In recent years, interventions have increasingly been justified by making reference to *human security*. International debates have moved from a traditional understanding of national and state security to one in which the individual (and not the state elite) is the focus of attention.

Two conceptions of human security have been advanced in international debates, one broad notion captured in the phrase “freedom from want” – stressing all threats towards the individual, ranging from lack of development to environmental scarcity – and a narrow notion captured in the phrase “freedom from fear”, which only includes security threats that are directed towards the individual. Common to both conceptions is that threats to citizens in reality often emanate from predatory rulers, from corrupt judges, and, in short, from the state itself. Reshaping state-society relations thus becomes an end in itself, an end that is justified in the

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name of establishing or re-establishing human security. This approach of “social engineering” clearly remains a liberal project, given that it is guided by a universal understanding of human liberty, human dignity, and human freedom.

The inherent violence of this liberal project of state building becomes evident when asking how much outside intervention remains legitimate, whether “local” citizens can ultimately be “forced” to be free – to take up John Stuart Mill’s famous dictum – and whether this process can be driven externally without the consent of the people. Home-grown African interventions might be a theoretical solution, as Festus Aboagye (Institute for Security Studies, Pretoria) suggested when he advocated “African solutions to African problems”. Despite a general willingness of African actors to get involved, the reality looks a lot different, however, and remains far from the promoted standards. The duality of the human security agenda, which on the one hand sees the state (and particularly the military) as potentially threatening individuals but which, on the other hand, aims at strengthening the state in order to create strong and legitimate polities, manifests itself, as Neil Cooper from the University of Plymouth remarked, in international efforts to train the military without supplying it with the necessary equipment.

A short-term solution to this problem is therefore an enhancement in UN rapid deployment capacities, and secondly an awareness of African problems. How can it be justified, Festus Aboagye asked, that Haiti obtains 15,000 UN troops, while the Democratic Republic of Congo (DRC) remains clearly under-resourced with only 11,000 peacekeepers at the moment, and an announced increase to 17,000 peacekeepers in the near future? In light of these discrepancies, he asked whether the long-term costs of one intervention after another, of small-scale deployment after small-scale deployment, are not higher than an improvement in the UN rapid deployment capacities. Aboagye therefore concluded that the “UN is not learning the right lessons”. This claim was countered by Kathryn Jones, who underlined the fact that the UN can only deploy those troops that member states pledge to provide. That these numbers have often remained somewhat meagre is more the fault of member states than of the UN itself.

The discussions on the perceived shortcomings of UN engagements in Western Africa again highlight the importance of continued political will and the thorny issue of adequate resource allocation. The consistency in, and overall importance of, resource allocation for successful post-conflict reconstruction had also been stressed by Under-Secretary-General Jacques Paul Klein in his keynote address to the conference. If the success or failure of PCPB were to be distilled into one key factor, then adequate funding should be seen as ultimately contributing to the attainment of sustainable peace.

The Privatisation of Security

Given the somewhat arduous process of getting sufficient troops, the question was posed why the UN is not privatising peace building. Why cannot private military companies (PMCs) be the solution, in view of the fact that Western powers are unwilling to “sacrifice their soldiers”? Of course, the question of accountability of these PMCs is most pressing, as was highlighted by several participants. If security is conceived of as a public good, then no such privatisation seems legitimate. If, however, security is seen as a private good, then such a move seems conceivable. In any case, little doubts remain about the applicability of the Geneva Conventions to private military groups as well. The First Additional Protocol to the Geneva Conventions of 12 August 1949 defines, in Article 47, mercenaries as those persons that have been “recruited locally or abroad in order to fight in an armed conflict” and who “do, in fact, take a direct part in the hostilities” (ICRC 1977).

Privatisation of military services seems to be a part of state building processes.

The crucial distinction thus relates to what constitutes direct participation in the hostilities, given that PMCs are increasingly entrusted with “civilian” security tasks, such as the guarding of hospitals or other civilian buildings. It is difficult to determine whether such a situation should be considered as taking part in hostilities, or whether the tasks must be closer to military objectives, such as the guarding of army barracks or detention facilities, in order to qualify for inclusion here. Some participants indeed voiced the opinion that there is a role for PMCs beyond mere logistics, as did Eric Berman, Managing Director at the Small Arms Survey in Geneva. Since international humanitarian law generally deals with the way hostilities are conducted, and since it ascribes various rights to certain categories of protected persons, it is clear from the Additional Protocols to the Geneva Conventions of 1949 that civilians are protected and should not be attacked if they do not take part in hostilities (Article 51 of the First Additional Protocol and Article 13 of the Second Additional Protocol). International humanitarian law hence also applies to the personnel of PMCs, as civilians, provided that they find themselves in a situation that can be qualified as an armed conflict. Article 47(1) of the First Additional Protocol to the Geneva Conventions of 1949 stipulates, however, that mercenaries are not entitled to the status of combatant or prisoner of war when they directly engage in hostilities.

Furthermore, states do hold a responsibility for the action of PMCs if the company’s conduct can be attributed to the state. This would be the case if the state had empowered the company to exercise elements of governmental au-

thority on a contractual basis. Moreover, acts of PMCs could also be attributed to the responsibility of a state if its personnel acted *de facto* on the instructions of, or under the direction or control of, that state.

The increasingly prominent role of PMCs in armed conflicts, especially in Africa, but also recently in Iraq, witnesses a move towards a privatisation of security. The apparent novelty of this phenomenon does not exclude the applicability of “traditional” elements and documents regulating the way hostilities are conducted. Privatisation of military services seems to be a part of state building processes, whether part of a process within Western states – which exhibit reticence in sacrificing “their” troops in foreign combats, and which increasingly revert to sub-contracting PMCs for that purpose – or whether part of a process in failed states, where the state is no longer able or willing to fulfil its basic security function. Whether the role of PMCs is the ideal solution for these dilemmas is an open question; that their actions ought to be accountable under the Geneva Conventions and attributable to states’ responsibilities, however, seems obvious.

State Building

The discussion on state building highlighted a fundamental dilemma in setting priorities in the agenda of rebuilding states. Should the primary focus be on democracy promotion or on creating effective state capacities (governance promotion), or on simultaneously promoting both? Some disagreement existed among the participants of the conference as to the priority setting. All agreed, however, that democracy remains the long-term goal of state reconstruction. Such a liberal vision of world politics, driven by a belief in the pursuit of an ideal form of life, in the conviction of a liberal state as the only legitimate mode of political organisation, remains ridden, however, with tensions regarding the liberal goal of toleration and the historical fact of pluralism (Gray 2002). Those practitioners who have worked in developing societies agreed that at times a short-term focus on capacity building seems more adequate. Ottaway (2002) recently suggested that the achievement of *de facto* power may be a more certain route to state building, even without *de jure* recognition.

The illiberal state building project of the Taliban in Afghanistan, already mentioned above, seemed to fit that category. The example of post-Taliban Afghanistan displays a somewhat different path, where *de jure* recognition has not given suite to full control of the monopoly of legitimate violence, as Adam Pain highlighted. Whether a government is in

office or in power are two fundamentally different things, as illustrated by the dictum ‘*il règne mais il ne gouverne pas*’.

Almut Wieland-Karimi, resident country representative of the FES in Kabul, portrayed a more positive view of the state reconstruction efforts in Afghanistan, particularly in light of the recent presidential elections. In view of the fact that Afghanistan has no prior fundamental experience of democracy, and that the country witnessed twenty years of war and civil war, the holding of elections already represents a success in itself. That traditional Afghan steps towards reconstruction, such as the two *loya jirgas*, were mixed with modern elements, such as the participation of women, international observers, and state-of-the-art conference technology, represent further positive signs.

Additional evidence from Afghanistan was provided by Herbert Sahlmann, former representative of the German Ministry for Economic Cooperation and Development (BMZ) in Kunduz, who highlighted the need to get even a weak Afghan government involved in international reconstruction efforts. The German led Provincial Reconstruction Team in Kunduz is an example of how co-ordinated efforts between the military and the development community can be made, which in turn strengthens emerging Afghan state structures. The example of the recent setting-up of a local television station in Kunduz, broadcasting programmes in local languages and operated by local NGOs, is a small step in this process towards reconstruction, but it also illustrates that long-term commitment is needed to build effective state structures.

The case of Afghanistan clearly demonstrates that traditional Western notions of the state, of the market, and of civil society seem somewhat misplaced. There is a persistence of authority structures based on kinship, commerce, and extended family networks, which resemble what have been called “state-in-society” entities (Migdal 2001). Despite much talk about failing structures in Afghanistan, one element that persisted were markets, which, rather than disappear, adjusted to the changing environment. History again teaches us that states grew through the control and regulations of markets. Judging from that perspective, the liberal state building agenda of the international community in Afghanistan, which stresses that the market can build a state, appears somewhat misguided. A strengthening of the state seems a more promising approach, as was both underlined by Adam Pain and Herbert Sahlmann.

In Kosovo, the challenges of state building are slightly different, yet still comparable. The continued engagement of the international community in Kosovo for several more years

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demands a shift in focus from capacity building (assuming the beginning of state reconstruction) to capacity development, implying a portfolio of projects from which local actors choose. In the long-run, local ownership of the process of state building seems inevitable, as Johan te Velde, Director of the Department of Democratisation at the OSCE Mission in Kosovo, claimed. Any authentic and genuine democratic development should be built on local and generally accepted principles and value systems. The overall policy in Kosovo of “standards before status” might therefore have to be re-discussed in order to allow for more local participation, for a public debate about the direction of Kosovo society, and for the emergence of a political vision for Kosovo beyond the aspect of solving the status issue. That such a policy must subscribe to political toleration and cannot permit a tendency not to respect minorities seems unquestionable. All of this process, whether externally driven with local partnership or locally driven and externally monitored, still requires large-scale social engineering. Societal change, however, is a complex process and involves many different aspects.

Historical studies have shown that state formation took centuries in Europe (Strayer 1970; Tilly 1975). Furthermore, it has been shown that violence had played an integral part in this process (Tilly 1990). An understanding of these processes teaches us that they were organically driven by local actors. In view of this, Keith Krause critically asked whether we can apply a social engineering approach at all, and certainly if it is useful if we do not understand local dynamics. A tentative solution to this dilemma would not entail denying the importance of local actors, but would point towards the notion of local ownership and international standards in the reconstruction of viable states. Much attention is hereby placed on the separation of political and military power holders as captured in the debate on security sector reform. It is, however, often forgotten that the separation between organs that provide internal security (i.e. the police) and organs that provide external security (i.e. the army) is a relatively late development in the European history of state building. This separation is still incomplete in Spain or Italy, as Keith Krause highlighted. Whether PCPB, however, means immediately looking at security sector reform, is not clear given that this has repercussions for the security function of the state, and given that this clear distinction is not fully present in many European states.

Adam Pain questioned standard assumptions about what represents the “normal” process of state building. Is there an inevitable process of European state building towards which all states drive? How normal is state building in view of rampant cases of state failure, not to mention the few cases of full-blown state collapse? Much of the academic and policy discussion around state building highlights the normative and teleological underpinnings of the universal nature of the European experience. Why should European state institutions be built elsewhere, e.g. in Afghanistan? For there we find a dif-

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ferent perspective of security, one in which the UN and other donor agencies are sometimes seen as opposing the local population, especially with regard to the reconstruction of market structures. This process highlights the danger of a securitisation of development aid (Duffield 2001), and again under-

lines that a narrow view of human security seems analytically desirable. That there is no inevitability and no tailor-made answers in this linked process of state and market building is underlined by the case of Rwanda, which was a success story in terms of development, but where the process of state building nevertheless led to extreme pathologies of violence.

Fundamental problems remain, therefore, since the international state building agenda entails building a liberal, reformed state, and not a strong, effective, welfare state. This implies an insurmountable tension of objectives (Fukuyama 2004). This tension resides both in security-related matters, as well as in economic ones. A global liberal economic order needs strong states, since weak and corrupt states are not attracting FDI nor international enterprises, and thus have been called the “black holes” of the world economy (Wolf 2004). In security terms, lack of state capacity has come to haunt the developed world directly, as exemplified by the attacks of 9/11, and weak states have become a problem of the international political order (Fukuyama 2004). It seems beyond doubts that a shift in international order has occurred, for conceiving of weak states as a security threat to their population (reminiscent of the concept of human security) or as a challenge to world order, seem entirely different things. International developments since 9/11 appear to have tilted the balance towards the latter. Whether this renewed preoccupation with weak states will shift the focus of international PCPB activities on creating effective state structures rather than democratic polities, remains to be seen.

Among the participants of the conference, there was some reticence over discarding the democratic transition paradigm altogether, as had been called for by Carothers (2002). Most nevertheless agreed that the framing of weak states as a global security threat poses problems in both intellectual and practical terms. As Neil Cooper showed, the war economies literature has not been included in this new shift towards the securitisation of failed states. That such an omission is crucial becomes obvious when looking at current developments in Iraq, where a lack of imagination to conceive of pre-invasion Iraq as an entity that exhibited features of a war economy – high levels of corruption, weak infrastructure, and a shadow trade in oil – led to misguided expectations after the invasion, particular in terms of an underestimation of the relative strength of the Iraqi state. US assumptions about jubilation awaiting the allied forces in Iraq were also based on a misguided view of a fragile state. This was despite the fact that in the thirteen years since the end of the 1990-91 Gulf War, a successful *coup d'état* had failed to materialise (Dodge 2004).

Whether the solution can be to promote state building without promoting democracy, to establish efficient states without making them democratically accountable, seems prima facie a lesson of centuries of European history.

Beyond the case of Iraq, the risk of conflict recurrence based on parallel economies seems even more acute in today's world, as was highlighted by Achim Wennmann from the Graduate Institute of International Studies. Whether a decriminalisation of “parallel economies” is the way out, however, remains a much debated issue. Given that parallel or informal economies play an important role in many developing societies (88% in India) and even in developed societies, such a policy seems not very practicable, as Michael Dauderstädt, Head of the International Policy Analysis Unit of the FES in Bonn, and Adam Pain both observed. Stefan Mair, Deputy Director of the Stiftung Wissenschaft und Politik (SWP) in Berlin, suggested that the Kimberly Process ought to be seen as a successful example of how war economies can be

tackled. While not all natural resources can be approached in that way, as the example of oil and gas show, Mair still suggested that a conditional approach, where the focus is laid on the tycoons of war economies, seems practicable and desirable. Beyond the policy questions of how to deal with the problem of war economies, it seems evident that a linkage between human rights protection and parallel economies remains very much at the forefront of international politics. This is illustrated by the efforts to create a global covenant for multinational corporations engaged in war-torn areas, as Klaus Leisinger from Novartis outlined.

The global trends over the last decades away from dictatorial rule and towards more democratic rule were analysed in the context of international democracy promotion programmes. While much of the enthusiasm accompanying these programmes in earlier years has recently been quashed with the observation that many of these states did not rapidly follow the assumed stages of democratisation, did not develop well-established democracy, and in some cases even consolidated authoritarian rule, most now seem in a permanent state of transition, where they display elements of a political grey zone. Of the nearly 100 countries considered as transitional in recent years, only a relatively small number – probably fewer than twenty – are clearly en route to becoming successful, well-functioning democracies, or at least enjoy a positive dynamic of democratisation (Carothers 2002: 171). Some authors have therefore proclaimed the end of the democratic transition paradigm.

Michael Dauderstädt examined the European Union's (EU) approach of democracy promotion, showing that it is often not appropriate given structural impediments on the ground in the form of rent economies. These rent-driven economies insulate political elites to a great degree from pressures to democratise. While genuine democratisation did occur in a handful of states in Central Europe and the Baltic

region in recent years, this seems to be linked to EU enlargement in these countries. In light of this observation, the only possible solution seen by Michael Dauderstädt for furthering democracy abroad is either a form of liberal imperialism – manifested in the form of international protectorates such as in Bosnia and Herzegovina, Kosovo, and Afghanistan, and (partially and temporarily) in Albania, Macedonia, and some African countries – or further opportunities of EU accession for the Balkan countries and Turkey. Beyond Europe, such a policy is not an option, of course. The inherent violence of the first approach has already been outlined above, while the political support for the second seems somewhat limited for the moment, and in any case restricted to a narrow geographical focus.

Whether one should go so far as Carothers (2002) in calling for an end of the democracy transition paradigm, remains an open question. That democracy promoters need to approach the issue with very different assumptions seems to be clear. Today, the most common political condition of developing countries is a middle ground between fully-fledged democracy and outright dictatorship. Far from being a purely transitional phenomenon, this represents “a state of normality for many societies” (Carothers 2002: 180). Whether the solution can be to promote state building without promoting democracy, to establish efficient states without making them democratically accountable, seems *prima facie* a lesson of centuries of European history (Tilly 1975). Such a solution appeals understandably little to the international community today. Exporting Western models of democracy by force, as recently witnessed in the case of Iraq, runs into similar if not greater problems. Questions about the universal nature of that model and the Euro-centric focus of such policies are flagrant. Neither a return to the standard of civilisation of the nineteenth century (Gong 1984), nor a return to the discriminatory practices evidenced in the era of European imperialism, seems a desirable solution.

Turning Soldiers into Workforce

One of the most pressing issues in post-conflict situations remains the question of how the economy can get restarted in order to emerge from the conflict trap. International efforts have focused primarily on the creation of jobs in reconstruction efforts. That jobs matter in post-conflict reconstruction and peace building was recognised as early as 1919, when the Treaty of Versailles stipulated that employment promotion was critical for building sustainable peace. Creating new jobs has henceforth often been portrayed as part of a larger peace dividend that is to be reaped in post-conflict situations.

Employment promotion is often not a question of re-integration, but rather a question of first-time integration into the job market.

Eugenia Date-Bah, from the International Labour Organisation (ILO) in Geneva, warned that employment promotion is often not a question of re-integration, but rather a question of first-time integration into the job market. International efforts should take account of that subtle difference, and ought to consider strengthening the informal economy in order to create employment. Federico Soda, from the International Organisation for Migration (IOM) in Sarajevo, gave empirical insights from the case of Bosnia and Herzegovina, where considerable progress has been made in demobilising and integrating former combatants into society and the job market, i.e. in “turning soldiers into workforce”. According to Soda, some 93% of those who have received assistance through the IOM programme managed to have a sustainable income thereafter. These positive signs should not, however, hide the fact that international interventions often have a drastic negative impact on the labour market in the intervening state. The politically and socially disruptive force of any intervention, which had been highlighted by Ambassador Steiner in his opening remarks, is clearly shown in the case of Kosovo and East Timor (ILO 2002).

Building a New Society

It has already been observed that building new states is a long, complex, and arduous process. This process is even more difficult in post-conflict situations, where questions about guilt, violence and responsibility abound. One way of reconfiguring state-society relationships in this context involves conscious efforts to re-create a “new” society out of the ashes of conflict. Truth and Reconciliation Commissions, as well as Human Rights Commissions, play a key role in building a spirit of trust and respect for human rights. Kathryn Jones highlighted the role of the Court for Sierra Leone, where considerable progress has been made in indicting and judging war criminals. Such a court can play an important role in establishing an effective judicial system, although its success will ultimately depend on whether Charles Taylor, who has been indicted for war crimes in Sierra Leone, will be brought before it to stand trial. Similarly, reservations about the political will to bring war criminals to justice were raised in relation to the former President of Ivory Coast, who, despite having been named in various UN reports, has not been brought to justice.

Rama Mani, working for the Geneva Centre for Security Policy (GCSP), questioned the role of Truth and Reconciliation Commissions in general, suggesting that they often deepen divisions within society between victims and perpetrators, and exclude those who cannot be defined as either. Introducing the concept of “survivors’ justice” in post-con-

flict situations, she stressed the fact that all stakeholders in post-conflict reconstruction are survivors and deserve, according to Gandhi, respect or pity. Such an inclusive approach should be centred around the idea of reparation, both materially and psychologically, and on the notion of “reparative justice”, building on the idea of recreating a situation resembling the situation prior to the conflict. The rewriting of history books, symbolic commemorations, and other measures present in the concept of peace education (*éducation à la paix*), all focus on the long-term and durable goal of recreating a culture of reparation and human respect.

The need for building a “culture of human rights” was also underlined by Yasmin Louise Sooka, former member of the Truth and Reconciliation Commission in Sierra Leone and South Africa. In particular, Sooka highlighted the promotion of women’s rights in view of many sexually related crimes during the conflict, as sadly evidenced in the case of Sierra Leone. Whether NGOs and non-state actors can contribute to this process of creating a new society was analysed by Béatrice Pouligny, Senior Research Fellow at the Centre for International Studies and Research (CERI) in Paris. She questioned the standard assumption that NGOs are *per se* contributing to democracy and democratic practices. The mushrooming of NGOs in post-conflict situations, and the often undemocratic nature of these organisations, ultimately put a Western understanding of civil society into question. Often the Western counterparts of NGOs and local partners do not exist or are difficultly identified, as Béatrice Pouligny illustrated with the case of Cambodia and Guatemala. This does not mean, of course, that any partnership is doomed to failure from the start, but it does suggest that more local and historical knowledge is necessary to identify partners in the recreation of society.

A rare case of how human rights have been fostered beyond the state in post-conflict situations, and how a culture of human rights is slowly emerging, was presented by Jakob Möller, Judge at the Human Rights Commission for Bosnia and Herzegovina. The uniqueness of the Commission is exemplified in its instituting a collective remedy for the victims of Srebrenica, when it ruled that the Republic of Serbia (Republika Srpska) had to build and fund a memorial in remembrance of the Srebrenica massacre.

That such measures contribute to a culture of human rights and political accountability is evident. Paradoxically, however, the success of this unique feature in a process of PCPB highlights a crucial dilemma. While the early years of the Human Rights Commission were characterised by a high level of international funding but a lack of awareness and confidence from the local population, the later years witnessed the re-

verse, with the number of cases brought before the court rapidly increasing, but international funding starkly diminishing.

The gradual dissolution of the Commission, which had received an initial five year mandate upon its creation in 1996, and which had been extended for three years in 2001, poses serious questions about the sustained political will of the international community in light of more pressing humanitarian disasters world-wide. It also reflects the dilemma that the more success you have, the less support you get, an observation that had already been made by Michael Steiner. Again, the Human Rights Commission highlights the importance of *long-term* political commitment by the international community and the overall significance of adequate funding.

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Conclusion

The main issues that arose during the three day debate were the legitimacy of humanitarian interventions, the pathological dangers such interventions might bring with them, the idea of externally driven processes of state building, and the overall importance of creating a new society beyond hatred and mistrust within the overall process of building effective and democratic states.

On a whole, consensus existed among the participants that some lessons had been learnt in the past, but that a lot has yet to be done at a very conceptual level. Most pressing in this regard is the fact that the very idea of state building has to be revised: what kind of state is to be erected and built? Should this process focus on democracy promotion or on the promotion of effective governance structures? Moreover, a general understanding of the violent coercion of the liberal project of modernity seems paramount at this stage. Finally, our theoretical understanding of the process that established democracy in Europe needs to be refined, a process that was initially driven by contention and violence, and that only eventually converged on the emergence of effective states that were successfully “tamed” and “civilianised” (Tilly 1975; Tilly 1990).

Bearing this historical understanding in mind, the challenge of how to build states in a new international environment remains. Power and responsibility have to go hand in hand in such a process, as Cornelio Somma-ruga, former President of the International Committee of the Red Cross (ICRC), asserted in his dinner speech. The task of academics, practitioners, and policy makers, according to Sommaruga, is to become “warriors, prophets, and merchants” of peace, and

thereby contribute to just and legitimate peace, "for durable peace cannot exist without justice".

The international responsibility to care and to help needs to start with a constitutional understanding of sovereignty, which – drawing on the work of Simeon E. Baldwin – proposes a *division* of sovereignty in the international realm based on constitutional principles, just as in the domestic realm. How these elements of an international constitutional sovereignty could look like, have been sketched out elsewhere (Schwarz 2004). Shinoda rightly poses the question why such an understanding still seems unthinkable:

To avoid that humanitarian interventions and post-conflict reconstruction remain two antipodes – the season of light and the season of darkness – the establishment of the rule-of-law remains the central component common to all international reconstruction efforts.

"Why cannot a division be made on a basis of vesting part of the whole of sovereignty exclusively in one public agency and the rest of that whole in another agency?" (Shinoda 2001:69). Similarly, other authors have spoken of a "redistribution of sovereignty" to non-state actors (Laidi 2003: 12). In view of the debates about the privatisation of security in the context of state reconstruction, some scepticism might be warranted in this regard. That a fundamental rethinking of sovereignty is urgent and paramount, is highlighted by the tensions inherent in the current UN system between the promotion of "quasi-civilisational" purposes – such as the promotion of human rights and social progress beyond national borders – and the principle of sovereign equality of states (Keene 2000; Ayoob 2002).

In recent years, these tensions in the world order have been further exacerbated by interventionist policies in Afghanistan and Iraq. Neil Cooper showed that weak and failed states have become part of a discourse of security in the post 9/11 world. Indeed, a kind of re-emergence of the "just war doctrine" can be witnessed (Brunée/Toope 2004). The Bush Administration concluded in its National Security Strategy of 2002 that America is now threatened less by conquering states than by failing states. While the question of failed states had previously been seen as largely a humanitarian or human rights issue, it has since 9/11 been constructed as a problem of Western security (Fukuyama 2004). Mark Duffield also critically noted that the preoccupation of new security concerns is closely linked to the "fear of underdevelopment as a source of conflict" and the destabilising elements of underdevelopment are seen as "justification for continued surveillance and engagement" (Duffield 2001: 7).

Are we thus witnessing a form of new imperialism (Ottaway/Lacina 2003), or simply a renewed focus on humanitarian responsibility? What is clear is that both humanitarian interventions and PCPB efforts share a symbiosis, and are a joint challenge for the international community. While war

might be easy to conduct, the real challenge lies in building sustainable peace. To achieve this end, the three essential principles proposed by Michael Steiner, namely (1) the awareness of the *responsibility* that interventions entail, (2) the *consistency* in terms of resource allocation, political will, and long-term commitment, and (3) the necessity for international *legitimacy* in the absence of domestic legitimacy, remain very much valid.

To avoid that humanitarian interventions and post-conflict reconstruction remain two antipodes – the season of light and the season of darkness – the establishment of the rule-of-law remains *the* central component common to all international reconstruction efforts. The recent history of

genocide and mass murder has brought forward the "darkest forces of human nature", as Under-Secretary-General Jacques Paul Klein remarked, and thus highlights the thread that at times seems to separate civilisation from barbarism.

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