

## Liberal Peacebuilding Debates

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New perspectives on liberal peacebuilding



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# New perspectives on liberal peacebuilding

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Edited by Edward Newman, Roland Paris and  
Oliver P. Richmond

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## Endorsements

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“A timely and extremely valuable book by a distinguished group of authors that critically examines the liberal premises of contemporary peacebuilding efforts through a combination of incisive thematic analysis and well-chosen case studies. A ‘must read’ for scholars and practitioners alike.”

**Richard Caplan**, *Professor of International Relations, University of Oxford*

“After some years of controversy, peacebuilding is now generally accepted as an important tool in the conflict resolution toolkit. What is often far from clear, however, is exactly what type of peace is to be built and why. This volume thoughtfully takes apart these questions and puts them back together in new – and sometimes unexpected – ways.”

**Simon Chesterman**, *Global Professor and Director, NYU School of Law Singapore Programme*

“Timely, wide-ranging in scope, and hard-hitting in content, this book is crucial reading for those involved in policy and academic discussion on the ‘liberal’ framing of international peacebuilding interventions. The questions raised regarding the liberal nature of these policy interventions, their strategic coherence, their viability, and their goals, are far too important to be ignored.”

**David Chandler**, *Professor of International Relations, University of Westminster*





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Part I

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Themes

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## Introduction

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*Edward Newman, Roland Paris and Oliver P. Richmond*

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Peacebuilding in conflict-prone and post-conflict countries – aimed at preventing the resumption or escalation of violent conflict and establishing a durable and self-sustaining peace – has generated debates and controversies of great significance to scholarship and policy. The significance of these debates extends far beyond the realms of “peace operations”. The extent and scope of contemporary peacebuilding, the motivations of powerful actors that sponsor and implement these activities, and the impact of these activities upon the societies in which they operate all raise fundamental implications for international politics. A key element of these debates relates to the nature and impact of *liberal* peacebuilding: the promotion of democracy, market-based economic reforms and a range of other institutions associated with “modern” states as a driving force for building “peace”. This volume explores the nature, effectiveness and legitimacy of liberal peacebuilding and relates contemporary peacebuilding activities to broader debates in international politics.

Absolute numbers of major civil wars (as well as wars between states) are generally in decline in historical perspective; and the magnitude of wars, in terms of all kinds of destruction, also appears to be in decline.<sup>1</sup> However, civil wars, failing or weak states and various forms of low-level violent conflict remain a pressing global challenge, for two principal reasons. First, and most importantly, violent conflict is a direct and indirect source of human misery and human rights violations. Secondly, there is wide agreement that unstable and conflict-prone societies also pose a threat to international security and stability. Indeed, many analysts –

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especially after 9/11 – now consider these situations to be *the* primary security challenge of the contemporary era. Whether this view truly reflects “reality” or is a political construction, significant international effort and resources have been applied to peacekeeping, peacebuilding and post-conflict (re)construction, and the rationale for these activities is both strategic and humanitarian.

The outcomes of these efforts have been judged positively by many analysts, especially in terms of promoting stability and ending violent conflict.<sup>2</sup> However, the contributors to this volume suggest that the modalities and implications of international peacebuilding should be more critically questioned. Approaches to peacebuilding are often controversial. In particular, the effectiveness and appropriateness of promoting liberal democracy and market economics in volatile conflict-prone societies are contested. The perceived absence of “local ownership” and insufficient consultation with local stakeholders have led some observers to question the legitimacy of peacebuilding operations. The apparent emphasis in international peacebuilding on top-down mediation amongst power brokers and building state institutions – in contrast to more bottom-up, community-driven peacebuilding – has raised concerns about the sustainability of peacebuilding projects. The attention to reconstruction and stability and the neglect of the underlying sources of conflict suggest, to some, that the nature of the “peace” that is being built is not entirely inclusive or context sensitive. The seeming paradox of combining reconstruction with coercion – most obviously in Afghanistan and Iraq, but also more subtly in Bosnia and elsewhere – and the manner in which other components of the peacebuilding agenda also appear to be in tension with each other suggest that there are deep and unresolved internal contradictions in the peacebuilding project.

These controversies lead to a number of core questions, which are addressed in this volume: Is there a coherent international peacebuilding doctrine? What realistic expectations can we have in terms of peacebuilding in the most challenging cases such as Bosnia, Timor-Leste, Afghanistan and the Democratic Republic of Congo? What are the benchmarks for success? Does international peacebuilding as we see it in the world today represent a viable project in *liberal* peacebuilding? If a liberal peace is viable, is it also legitimate? Or is it, as some claim, a new form of hegemonic control or neo-imperialism? What is the relationship between state-building, liberal peacebuilding and the more emancipatory agendas of peacebuilding? Insofar as peacebuilding resembles – or perhaps constitutes – state-building, what or whose vision of the state is being promoted? Is peacebuilding a “realist” strategic enterprise meant to *contain* conflict and its international repercussions, or are there prospects for resolving the underlying sources of conflict? Should it

address objectives such as emancipation and social justice, and if so how? Do peacebuilding practices suggest that state sovereignty, human rights and the norms relating to international peace and security are changing? Is the liberal peace more broadly “in crisis” and, if it is, what are the implications for liberal peacebuilding?<sup>3</sup> Can “critical” approaches to scholarship deepen our understanding of these issues?

This volume provides fresh insights into these debates, focusing on the activities of peacebuilding operations but also engaging broader themes. It offers new perspectives in a number of ways. First, although focusing mainly on cases of major UN peacebuilding, it also considers the implications and record of liberal peacebuilding in a wider range of experiences. Secondly, it goes beyond the narrow focus on democracy and market economics by interrogating a wider area of peacebuilding activities, including the (re)construction of state institutions. Thirdly, it applies “critical” analysis to the study of peacebuilding, exploring the implications of peacebuilding activities for broader debates about power, legitimacy and international order. Finally, it takes the debate beyond the realms of liberal Western academia by involving scholars and analysts with direct experience in conflict-prone and post-conflict societies.

## Peacekeeping, peacebuilding and international peace and security

International peacebuilding in conflict-prone and post-conflict societies – covering security, development, humanitarian assistance, governance and the rule of law – has developed rapidly in recent years in terms of the range of activities conducted, the number of operations deployed, and the number and variety of international actors involved in these missions. Indeed, one explanation for the decline in major civil war is that international organizations – in particular the United Nations – are more active and more successful in preventing, managing and terminating conflict and consolidating peace after conflict. A key aspect of this renewed activism is a post-Cold War transformation of peacekeeping and peacebuilding activities, reflecting an evolution of norms, in particular the weakening of inviolable territorial integrity and a growing acceptance of certain forms of intervention. Some have drawn a qualitative distinction between classical “Westphalian” peacekeeping and post-Westphalian peacebuilding activities.<sup>4</sup> A sketch of the evolution of UN peace operations will illustrate this.

First-generation peacekeeping generally involved the interposition of UN military forces to monitor ceasefires, to facilitate the withdrawal of troops and to act as a buffer between countries in volatile situations.

This was a mechanism of great power management: it aimed to contain conflicts and prevent them from escalating, and to maintain stability so that a political solution could be achieved between states. In line with the Westphalian norm, first-generation peacekeeping – based upon impartiality, the consent of the local parties to the conflict, and the non-use of force except in self-defence – is based upon the primacy of international security between states, the principal challenges being aggression and war between states (not civil war). Peacekeeping aimed to assist states to peacefully resolve disputes in their external relations between each other in the interests of international order and stability. Classical peacekeeping in some ways also reflected a pluralist view of international society, emphasizing the sanctity of sovereign states and rules of cooperation that sustain international order and peace amongst states, such as mutual recognition and non-interference.

Almost all the major operations of the Cold War represented the classic model of inter-state conflict management and few deployed in civil war situations. These operations were aimed at containing – and not resolving – the sources of international instability, and even less at preventing or resolving civil war. The UN Truce Supervision Organization (established in 1948) was set up to monitor ceasefires, supervise armistice agreements, prevent isolated incidents from escalating and assist other UN peacekeeping operations in the Middle East region. The UN Military Observer Group in India and Pakistan (established in 1949) was deployed to supervise the ceasefire agreed between India and Pakistan in the State of Jammu and Kashmir. The first UN Emergency Force (1956–1967) was established to secure and supervise the cessation of hostilities after the Suez War, including the withdrawal of the armed forces of France, Israel and the United Kingdom from Egyptian territory. After the withdrawal, it served as a buffer between the Egyptian and Israeli forces. The UN Peacekeeping Force in Cyprus (established in 1964) was set up to prevent further fighting between the Greek Cypriot and Turkish Cypriot communities. After the hostilities of 1974, the mission's responsibilities were expanded to supervise ceasefire lines, maintain a buffer zone and undertake humanitarian activities. The second UN Emergency Force (1973–1979) was created to supervise the ceasefire between Egyptian and Israeli forces, to supervise the redeployment of Egyptian and Israeli forces and to control the buffer zones established under those agreements. The UN Disengagement Observer Force was established in 1974 following the disengagement of the Israeli and Syrian forces on the Golan Heights. The UN Interim Force in Lebanon was created by the Security Council in 1978 to confirm Israeli withdrawal from Lebanon, restore international peace and security and assist the Lebanese government in

restoring its effective authority in the area. The UN Yemen Observation Mission (UNYOM, 1963–1964) was established to observe and certify the implementation of the disengagement agreement between Saudi Arabia and the United Arab Republic. The UN India–Pakistan Observation Mission (UNIPOM, 1965–1966) was set up to supervise the ceasefire along the India–Pakistan border. The UN Observation Group in Lebanon (UNOGIL, 1958) was established to ensure that there was no illegal infiltration of personnel or supply of arms or other materiel across the Lebanese borders. The operation in the Congo (ONUC, 1960–1964) was the major exception in that it was deployed in a situation of civil war, but ultimately it was aimed at maintaining the territorial integrity of Congo rather than resolving conflict in that country.

In contrast, post–Cold War peacebuilding operations reflect a different – perhaps post–Westphalian – approach to conflict management and international security. Contemporary peacebuilding approaches reflect the idea that maintaining peace in post-conflict societies requires a multifaceted approach, with attention to a wide range of social, economic and institutional needs. They reflect a liberal project: not just managing instability between states but seeking to build peace within and between states on the basis of liberal democracy and market economics. In line with this, the types of activities in peace operations have been transformed and entail engagement with a wider range of actors, including non-governmental organizations, humanitarian organizations and commercial entities.

Most post–Cold War peacekeeping and peacebuilding operations have been deployed into domestic situations – after or sometimes during civil conflict – and have involved some combination of tasks related to promoting domestic security, development and humanitarian assistance and strengthening governance and the rule of law. Such activities have included supporting ceasefires and peace processes; demobilization and disarmament of former combatants and reintegrating them into society; stabilizing the economy; employment creation and economic development; repatriation (or resettlement) of refugees and internally displaced persons; responding to food insecurity; responding to acute health concerns; strengthening law and order; promoting and facilitating democratic practices; strengthening institutions of justice and legislation; resuming and strengthening public service delivery; promoting human rights and reconciliation; addressing land reform claims; and constitutional drafting or amendments (see Box 1.1). The key examples are the UN operations in Cambodia, Angola, Burundi, Central African Republic, Liberia, Mozambique, Rwanda, Sierra Leone, Chad, Sudan, Côte d’Ivoire, Democratic Republic of Congo, Somalia, Kosovo, El Salvador, Guatemala, Haiti, Timor-Leste, Bosnia and Herzegovina, Eastern Slavonia and Croatia.

**Box 1.1 Components and goals of peacebuilding**

The components and objectives of peacebuilding cannot be easily described because this is subject to debate and disagreement. However, a broad definition is the following:

- preventing the resumption or escalation of violent conflict in conflict-prone societies and establishing a durable and self-sustaining peace;
- addressing the underlying sources of conflict;
- building or rebuilding peaceful social institutions and values, including respect for human rights;
- building or rebuilding institutions of governance and the rule of law.

Such a broad approach to peacebuilding entails a wide range of activities. The criterion for inclusion as an activity related to peacebuilding is those policy challenges that, in their most acute form, can potentially threaten to undermine overall peacebuilding objectives if not adequately addressed.

*Security*

- supporting a ceasefire and peace process, as appropriate;
- demobilization and disarmament of former combatants, and their reintegration into society;
- collecting and destroying weapons and de-mining;
- withdrawal of foreign forces (if any);
- addressing regional sources of instability and conflict;
- achieving security (security sector reform, police enforcement capacity-building).

*Development*

- addressing property and land ownership disputes and reaching settlements;
- stabilizing the economy (controlling hyperinflation, addressing exchange rate crises, establishing currency stability);
- securing natural resources against illegal predation;
- addressing inequality among ethnic (or other identity) groups in society;
- employment creation, economic development, securing livelihoods;
- attracting skilled ex-patriots back to the country to contribute to the recovery;
- basic welfare provision.

## Box 1.1 (cont.)

*Humanitarian assistance*

- repatriation (or resettlement) of refugees and internally displaced persons; finding durable solutions to “protracted refugee situations”;
- responding to food insecurity;
- responding to acute health concerns.

*Governance and the rule of law*

- strengthening law and order;
- democracy assistance (electoral assistance and observation, party regulation, developing civil society and media);
- governance assistance (strengthening governance at both national and local levels, strengthening institutions of justice and legislation, addressing corruption);
- resuming and strengthening public service delivery (health service, education, infrastructure, transportation, energy);
- human rights, reconciliation, truth, “transitional justice”;
- addressing land reform claims;
- constitutional drafting or amendments.

This transformation of peace operations also reflects an evolving security environment. In the post–Cold War era, and certainly after 9/11, situations of civil war and state failure are seen – or at least constructed – as a threat. According to the conventional “Westphalian” model of international politics, threats to international security come primarily from powerful aggressive states. In the twenty-first century, by contrast, there is wide belief that threats are equally likely to come from failing or conflict-prone states, or even from non-state actors.<sup>5</sup> Theories of conflict and instability increasingly point to the weakness of the state as a key factor in the onset of violent conflict – the “declining state”<sup>6</sup> or “the problem of the modern state”,<sup>7</sup> which is the source of “never-ending wars”.<sup>8</sup> Amongst foreign policy elites, this is a paradigm shift in security thinking: challenges to security “come not from rival global powers, but from weak states”.<sup>9</sup> As a result, greater efforts and resources have been forthcoming from powerful states to contain, resolve and to some extent prevent civil war.

Although analysts may disagree about the sources of civil war and state failure, there is greater agreement that they are associated with a range of problems. Forced migration, a challenge in itself, also can lead to the

spread of insurgents, threatening regional stability on an ongoing basis and sometimes causing conflicts in neighbouring states.<sup>10</sup> Conflicted and failed states are conducive to trafficking in small arms and light weapons through porous borders. These states are also more likely to host war economies: the illegal commercial networks and activities that thrive in environments where there is no effective rule of law.<sup>11</sup> There has also been speculation that such states – as a point of either transit or origin – may be a site for the transfer of chemical, biological and nuclear weapons materials. Such states typically have very poor health services and standards, which results in proportionally high levels of contagious disease such as HIV/AIDS. This, combined with migration flows, constitutes a direct threat to regional neighbours. These situations can directly or indirectly have negative regional environmental impacts, since government regulation of environmentally hazardous industrial activities does not function. They also provide an environment in which – owing to the absence of orderly institutions and accountable governance – recalcitrant or aggressive governments can come to power, abuse the privileges of sovereign statehood or pose a threat to regional security. Finally, many studies have argued that weak or failed states may provide an environment that enables the emergence or operation of terrorist organizations, which may attack local or international targets.<sup>12</sup>

The securitization of conflict-prone and weak states in the developing world is not uncontroversial. Nevertheless, it is within this context that current thinking about peacebuilding must be seen. A great deal of effort and resources have been applied to peacebuilding and post-conflict (re)-construction and these activities clearly have a strategic as well as a humanitarian rationale in the context of evolving threat perceptions. The recent interest – and funding – directed towards peacebuilding can only be explained by the post-9/11 merging of underdevelopment, state failure and insecurity. Mainstream thinking is illustrative of this new thinking. Fukuyama suggested that “weak and failing states have arguably become the single most important problem for international order”.<sup>13</sup> As a corollary, according to some, state-building has “become one of the critical all-consuming strategic and moral imperatives of our terrorized time”.<sup>14</sup> Peacebuilding – as far as it involves (re)building state institutions in failed or conflicted states – is viewed by powerful developed states as a strategic imperative for international action.

### Liberal peacebuilding

Because of the scope and breadth of peacebuilding activities – and the emphasis on building institutions based upon market economics and de-



mocracy – contemporary peacebuilding is often described as “liberal peacebuilding”. The theoretical underpinning of liberal peacebuilding is the liberal peace: the idea that certain kinds of (liberally constituted) societies will tend to be more peaceful, both in their domestic affairs and in their international relations, than illiberal states are. The international variant of this theory is the “democratic peace”. According to this, consolidated democracies do not go to war with each other because democracies have institutional constraints upon leaders that make initiating conflict with other countries more difficult; in addition, because such countries are interdependent economically, going to war may disrupt economic/trade relations. There has been a great deal of debate about – and challenges to – the democratic peace theory, focusing on the definition of “war” and “democracy” and the manner in which democratic countries have been aggressive to non-democratic countries. Nevertheless, the theory enjoys strong support. Moreover, in recent years there has been resurgent interest in the domestic variant of liberal peace theory. That is the notion that liberally constituted states are more internally peaceful, prosperous and humane and even better environmental managers than non-democracies. Indeed, the international and domestic versions of liberal peace theory have recently blended into far-reaching claims about the manifold peace-producing benefits of democratization and marketization:

Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically “cleanse” their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.<sup>15</sup>

All major peacebuilding operations have involved elections or broader democracy-assistance activities. This has given rise to a lively debate exploring the modalities, effectiveness and legitimacy of international efforts to stabilize conflict-prone societies and build peace. Beyond

democracy and market economics, liberal peacebuilding also embraces a broader range of practices and values, including secular authority, capacity-building, centralized governance and institutions of justice.

As many of the chapters in this volume argue, the concept of liberal peacebuilding and the manner in which it is promoted in fragile and divided societies are problematic. The tenets of liberal peacebuilding – liberal democracy, liberal human rights, market values, the integration of societies into globalization and the centralized secular state – are not necessarily universal (or universally applicable) values. Moreover, the liberal peace and its neo-liberal economic dimensions, which have displaced older liberal ideas about welfare, are not necessarily appropriate for conflicted or divided societies. Indeed, democracy and the market are arguably adversarial or even conflictual forces – taken for granted in stable Western democracies but not necessarily suitable for volatile societies that do not enjoy stable institutions.

Peacebuilding activities are not neutral in their normative orientation or impact, and this raises important questions concerning the role of international organizations in attempting to end civil conflict through the promotion of certain political and economic models. In some circumstances, some of the values and approaches may be at odds with the attainment of sustainable peace, when, for example, they promote a neo-liberal economic agenda, which may exacerbate social or economic tensions or obstruct the reintegration of displaced people; or where democracy promotion exacerbates political conflict and sectarian divisions. As Paris has observed, “the process of political and economic liberalization is inherently tumultuous: It can exacerbate social tensions and undermine the prospects for stable peace in the fragile conditions that typically exist in countries just emerging from civil war.”<sup>16</sup> Some aspects of the liberal peace model are also potentially in tension with each other. Democratization has had questionable results in Afghanistan, Kosovo, Bosnia, Burundi and Iraq. This is not to question democracy but to highlight the observation that democratic politics can still be a vehicle for, and indeed exacerbate, sectarianism. Sometimes, the linkage of peacebuilding with state-building and the assumption that it will produce a sovereign state with territorial integrity and inviolable boundaries are also problematic in that they touch upon key causal factors in some conflicts, such as in Kosovo or indirectly in Bosnia.

More fundamentally troubling questions are emerging regarding the value system underpinning the approach of the international community – and imbuing international organizations. Is the liberal peace being promoted in societies in which it may be, for social or cultural reasons, fundamentally inappropriate? Or is it more a matter of sequencing: ensuring that stable foundations and national institutions are installed before

liberalization? Either way, there is real concern that “post-conflict” peacebuilding programmes may sow the seeds of their own failure by exacerbating the social tensions that resulted in violent conflict in the first place, or by failing to create the domestic foundations for democratizing and marketizing reforms. As a result, different components of the liberal reform agenda may be clashing with each other in ways that cast doubt on the viability of the larger liberal peacebuilding project.

This also points to a secondary issue of whether international peacebuilding really is “liberal” when (in terms of conflict resolution) it tends to mediate – from the top down – between local power brokers, who are often politically extremist or exclusionary, and ignores grassroots community actors, who are potentially more inclusive and moderate. Thus, the essential mechanism of a liberal social contract is generally absent in post-conflict states, which instead are held together by external actors. This also obstructs more progressive bottom-up forms of peacebuilding that cultivate cosmopolitan peaceful forces and address underlying sources of conflict. The longer-range issue of whether a “better” liberalism is transferable and adequate for a higher quality of peace is still very contentious.

The legitimacy of liberal peacebuilding has come under growing criticism, although there are major differences in terms of whether this is a result of the values and assumptions that underpin it or of its “performance”. Thus, some analysts focus on improving sequencing (for example, establishing institutions before liberalization) or increasing “local ownership”, participation and consultation, whereas others focus on more fundamental questions about the suitability of liberal political and economic values in different contexts.

In practice, in local contexts there has tended to be a general acceptance of the institutions and norms as well as the material resources of liberal peacebuilding, while at the same time strong criticism of these. This is a clear paradox, which needs unpacking. As Bhikhu Parekh has written, for example: “the liberal principle of individuation and other liberal ideas are culturally and historically specific. As such a political system based on them cannot claim universal validity.”<sup>17</sup> This resonates strongly on the ground, yet at the same time those who want peace see liberal peacebuilding as a plausible beginning. The legitimacy of international peacebuilding (or key components of it) has also been challenged by the perception of a lack of “local ownership” and local consultation in international peacebuilding, by its elements of coercion (either overt or subtle), and by the apparent lack of accountability that has accompanied some forms of peacebuilding. Yet the overall project continues for want of an alternative that does not involve a reversion to violence and lawlessness on a grander scale than currently exists. Nevertheless,

legitimacy is crucial for peace and for liberalism, and so this raises the issue of how legitimacy might be restored, especially in the wake of the flaws in the US-sponsored state-building operations in Afghanistan and Iraq, as well as inefficiencies and local rejection in many other more traditional peace operations.

This points to a need for a more concerted examination of the political, social and economic resources that individuals and communities need in order to fulfil their role in the social contract within the liberal state in transitional phases when they are dependent upon external support. This would require a readjustment of the role of international financial institutions in particular and of development and donor praxis in order to provide the material resources urgently required to make democracy, human rights, the rule of law and development meaningful for ordinary people in their everyday lives.

From this analysis some related issues emerge. International peacebuilding currently revolves around a distinction between the “internationals” and “locals”. In this framework lies a danger of “romanticizing” the “local” and validating the “international” without much connection or communication between the two. This raises the issue of how the “international” engages the “local” without accepting certain practices not commensurate with international norms, or performing experiments on the powerless that might have problematic unintended consequences. It may well be that this points to the need for a non-liberal type of peacebuilding, or at least a far greater consideration and respect for alternative modes of politics or polities, if this can be done without creating even greater problems for the population of the host countries. We might even wish to explore more hybridized forms of peacebuilding that involve a mixture of conventionally liberal and local practices and models. The chapters all contribute to these debates.

## Summary of the chapters

The first five chapters engage the broad liberal peacebuilding debate. Building upon this introduction, Edward Newman’s chapter (“‘Liberal’ peacebuilding debates”) explores the challenges, controversies and debates related to peacebuilding and presents a typology of different forms of peacebuilding: transformatory, realist and liberal. The chapter challenges some of the theoretically “critical” approaches to peacebuilding and in particular the generalized – and exaggerated – claims that are often made. In conclusion, he argues that although peacebuilding is often presented – and debated – as a “liberal” exercise aimed at resolving the

underlying sources of conflict, in reality it tends to be aimed at containing or repressing conflict in the interests of international stability in general or particular hegemonic strategic interests, in line with the “new” security agenda. Therefore, international peacebuilding appears to reflect the legacy of Hobbes rather than – as is generally claimed – Wilson or Kant.

Oliver P. Richmond’s chapter (“Beyond liberal peace? Responses to ‘backsliding’”) is written from a “critical” perspective, arguing that the contemporary liberal peacebuilding project is in many ways flawed. He contends that this project essentially involves transplanting and exporting conditionality and dependency, creating a mix of institutional regulation and liberal freedoms that constitutes liberal peace as “peace-as-governance”. According to this, peace is viewed by policymakers and analysts as resulting from the establishment of the institutions necessary for the liberal governance of society, the economy and politics. However, what often emerges is a hybrid form of the liberal peace subject to powerful local critiques, sometimes even resistance, and a perceived failure to live up to local and international expectations. This is partly a consequence of neo-liberal strategies inserted into the liberalization process, which undermine the idea of a social contract institutionalized via state–society consent and replace it with a reiterated class system. It also results from the liberal tendency to avoid engaging with local culture and its essentialization of identity in the political institutions it tries to create. The chapter suggests that this effectively reiterates Polyani’s fear that elites tend to counter democratic moves towards welfarism and to a social contract. Richmond argues that, if peacebuilding is to move beyond the modernist claims and failings of the neo-liberal peace (by which it appears to have been co-opted) towards the goal of building a stable polity that provides for everyday life, the rationalizing and reductionist machinery of peacebuilding itself must reform its engagement with its “subjects” and recognize the inter-subjective nature of the relationship between the sponsors and recipients of the rapidly hybridizing liberal-local peace.

Michael Pugh’s chapter (“Towards life welfare”) provides a critical assessment of “liberal developmentalism” and the formulaic “progressive benchmarks” encompassing security sector reform, rule of law, democratization, capacity-building, institution-building and so-called “free market” liberalization. Within this broader critique, Pugh focuses on the impact on and implications for welfare in post-conflict societies. The role of welfare – as well-being with roots in local societies – is considered in his chapter to be a crucial element in achieving positive peace: it is essential for securing identity, fostering social cohesion and forging viable and legitimate social contracts with governing polities, whether states or

sub-state communities. In this sense, Pugh argues that attention to welfare is seriously lacking in – or even undermined by – contemporary peacebuilding activities, forcing people into the precarious and sometimes criminalized informal economy sector. Moreover, he suggests that this can be understood only with reference to broader neo-liberal forces in the global economy, which increasingly – and deleteriously – condition social life.

Pugh maintains that the fragilities, limitations and technologies of the liberal peace suggest that a paradigm shift in thinking about the welfare of peacebuilding is essential to foster local conceptions of peace. A paradigm shift would require attention to two other analytical spheres that tend to be either neglected or divorced from each other in the literature: the welfare of everyday life and the conditionalities of global capitalism. A shift would thus operate at two levels: better engagement with the diverse local cultural and welfare dynamics on the one hand, and restructuring or disempowerment of the existing financial hegemony at a global level.

Roland Paris's chapter ("Does liberal peacebuilding have a future?") scrutinizes the main challenges that have been directed against liberal peacebuilding in recent years. Some commentators have argued that the international agencies engaged in these operations have paid inadequate attention to domestic institutional conditions for successful democratization and marketization, and indeed that liberalization can exacerbate conflict. Others maintain that peacebuilders have not appreciated or addressed tensions and contradictions between the various goals of peacebuilding. Some contend that international interventions are counter-productive because they in effect "freeze" conflicts in place rather than allowing these conflicts to burn themselves out. It has also been suggested that the contemporary practice of peacebuilding is fundamentally flawed because it is overly intrusive. Some take the criticism of peacebuilding's intrusiveness much further, arguing that these missions represent a new form of imperialism or colonialism. The occupation of Iraq – involving elections, constitutional processes, economic adjustment and institution-building – has further challenged the legitimacy of the broader peacebuilding project. Some critics, therefore, question the very foundations of peacebuilding, including its feasibility and its legitimacy.

Paris challenges a number of these critical approaches to peacebuilding, and especially what he calls the sweeping and undifferentiated quality of this backlash against liberal peacebuilding. He argues that, despite the shortcomings of liberal peacebuilding, most host countries would probably be much worse off if not for the assistance they received. The collapse of the peacebuilding project would be tantamount to abandoning tens of millions of people to lawlessness, predation, disease and fear.

The record of peacebuilding is mixed and full of disappointments, but it also indicates that such missions have, on the whole, done considerably more good than harm. For these reasons, the most sweeping critiques of liberal peacebuilding – and especially those suggesting that the entire enterprise is either futile or illegitimate – are themselves highly problematic.

Chandra Lekha Sriram's chapter ("Transitional justice and the liberal peace") explores liberal peacebuilding in an issue area often neglected in this debate. She argues that transitional justice strategies share with the broader liberal peacebuilding project key assumptions about preferable institutional arrangements, and this subjects transitional justice to some of the same criticisms that may be directed at the liberal peacebuilding consensus. From a critical perspective, her chapter argues that transitional justice processes and mechanisms may, like liberal peacebuilding, represent an externally imposed agenda, inappropriate for the political and legal cultures in which they are set up, and even destabilize post-conflict and post-atrocity societies. After offering an analysis of transitional justice, the chapter considers a number of empirical examples to illustrate the challenges inherent in addressing a history of atrocity. Sriram argues that transitional justice, like democratization, is inherently destabilizing. In particular, the focus of transitional justice strategies on legal accountability and public reckoning may be destabilizing rather than peacebuilding. She concludes that simply presuming that justice generates or equates to peace is potentially problematic.

The second section of the volume focuses more closely on case studies and experiences. M. A. Mohamed Salih's chapter ("A critique of the political economy of the liberal peace: Elements of an African experience") offers a critical assessment of the liberal peace from a broad African perspective. He acknowledges that the liberal peace has generally brought stability and has nurtured the politics of democracy and respect for human and civil rights, but argues that it has largely failed to deliver tangible developmental or economic benefits to the majority of the African poor. In common with many chapters in this volume, therefore, Salih argues that welfare issues must be seen as a peacebuilding issue, underscoring the relationship between peace, democracy and development. Superficial "democratic" institutions are often a poor substitute for welfare gains. Salih contends that the dominant political economy of the liberal peace has failed to address major developmental problems such as poverty, exclusion, the social justice deficit and inadequate access to basic human needs. Indeed, there is a tension between neo-liberalism and democracy that informs the contradictions within the political economy of neo-liberalism or the discrepancy between political and economic liberalization. These tensions tend to increase rather than decrease the

likelihood of social conflicts. In exploring this critique, Salih organizes his argument around three “blind spots”, which inform the theory and practice of the liberal peace in Africa: the entrenched tensions between liberalism and democracy in transition countries; the privileging of the liberal over the social; and the manner in which politics has been rendered subservient to the market.

Ian Taylor’s chapter (“Earth calling the liberals: Locating the political culture of Sierra Leone as the terrain for ‘reform’”) offers a rigorous critique of liberal peacebuilding in Sierra Leone that provides lessons for a broader range of cases. He argues that peacebuilding in that country is based upon fundamentally misguided assumptions about the nature of politics and culture there, and is therefore unlikely to help generate sustainable institutions of governance that are accepted by local stakeholders. In particular, Taylor contends that the empirical state in Sierra Leone does not conform to the Western liberal Weberian model. The rational bureaucratic state, which is taken as the framework for what should be constructed in Sierra Leone as part of the liberal peace project, is hugely problematic. Many of the accepted features of a democratic state are simply not present in Sierra Leone, even though the country’s elites have long been adept at appropriating external guarantees for their “state”. At the same time, “alternative” formulations of the state in Africa, which may emphasize informal structures and activities outside of the “normal” functions of the state, are also somewhat problematic. In sum, Taylor concludes that an examination of the political culture of Sierra Leone suggests that the liberal peace has little chance of success in that country and perhaps elsewhere.

Astri Suhrke and Kaja Borchgrevink (“Afghanistan: Justice sector reform”) examine liberal peacebuilding in another country that has proved to be very challenging. Focusing on the justice sector in Afghanistan, they consider why reform has been so problematic and explore the manner in which this has involved negotiating multiple legal traditions. Their chapter observes that the period since the 2001 intervention has exposed the conflictual aspects of justice sector reform. Western donors were the principal architects of the design for the new order in matters of law as well as other public policy areas, and the emphasis was on reform rather than reconstruction. To support this agenda, the donors assigned numerous advisers to Afghan government institutions and provided practically all the required funding even after the Afghans were formally in charge of the process.

Previous legal reforms in the country were characterized by negotiation among diverse legal traditions. In contrast, Western assistance has made little effort to engage with Islamic law and has undertaken only



limited consultation with Afghans. This process has emphasized the division between Islamic law and Western statutory law rather than the potential for accommodation and integration. This suggests that peacebuilding efforts in this area have been insufficiently sensitive to local traditions and needs (and that Muslim countries would have been a more appropriate source of aid). In addition, Suhrke and Borchgrevink's conclusions point to the importance of the informal justice system. The attempt of the Western coalition to win hearts and minds with military force, development and the provision of justice in the Western legal tradition is on shaky foundations.

Vesna Bojicic-Dzelilovic's contribution ("Peacebuilding in Bosnia-Herzegovina: Reflections on the development–democracy link") explores the nature and prospects of peacebuilding in that country. Bojicic-Dzelilovic observes that Bosnia is peaceful, its economy is growing and there is regular, orderly change of government. However, she identifies problems in the "democracy–development–peace" nexus. The development of the market economy and democracy, the two main components of the liberal peace concept, has been pursued through a set of reforms centred around economic and political liberalization. The implication is that economic liberalization is essential for the development of a successful market economy, which, by improving general welfare and the economic well-being of the public, will encourage political moderation and contribute to democratic politics, thereby fostering peace. However, Bojicic-Dzelilovic argues that the narrow understanding of development within the liberal peace concept, which puts a premium on economic growth, is fundamentally ill suited to a post-conflict economic, political and institutional context. It produces socially polarizing growth, feeds insecurity and stymies political participation around interest-based politics, making its expected positive impact on democracy and peacebuilding questionable. This, she argues, is the reason for the mixed record of peacebuilding in Bosnia-Herzegovina, and in particular its political stagnation. Poverty and social exclusion have been a strong deterrent to citizen participation and this has obstructed progress in the development of democratic politics as a guarantee of sustained peace. The problematic nature of "peace" in Bosnia is also illustrated by the apparent need for an ongoing international presence to guarantee security in the country.

The case of Bosnia-Herzegovina shows how the interplay between neo-liberal economic reforms and the shortcomings of formal democracy creates a "perpetual transition" characterized by unstable, socially divisive developmental patterns and low-level democracy that are damaging to peace. Amongst her conclusions, Bojicic-Dzelilovic argues that

policies aimed at poverty alleviation and employment could boost interest and involvement in democratic deliberation, as well as strengthen the legitimacy of the state and the economy, both of which have been undermined by the policies of liberalization and deregulation.

Caroline Hughes' study of Timor-Leste ("We just take what they offer": Community empowerment in post-war Timor-Leste) illustrates how peacebuilding there has met with resistance locally and with demands for "Timorization". The foreign presence was seen as overbearing and heavy handed; its expense and competence as well as its actual policies were questioned locally. However, when large-scale rioting broke out in the capital city of Dili in 2006, causing breakdown within the security forces, large-scale displacement of the urban population and the resignation of the prime minister, many commentators suggested that the United Nations had departed the scene too early – that Timorization should have been resisted in favour of a longer period of socialization to liberal norms, in the context of a continued international presence. Hughes' chapter suggests that this criticism of "Timorization" and early departure is based upon a flawed understanding of the causes of the 2006 violence and a tendency by peacebuilding circles to assume that post-conflict societies are dysfunctional. This assumption of local dysfunctionality allows problems in post-conflict development to be routinely ascribed to local frailties and failures, exculpating international policy or action from any share of the blame.

Rajesh Venugopal's chapter ("The making of Sri Lanka's post-conflict economic package and the failure of the 2001–2004 peace process") focuses upon a country that is rarely explored within the liberal peacebuilding debate because it has not hosted major international peace operations. Nevertheless, this chapter demonstrates that the debate can and should be applied to a wider range of cases and that countries that have not experienced conventional international peacebuilding operations still offer vital lessons. Venugopal explores the role of domestic actors and the international donor community in the evolution of Sri Lanka's post-conflict economic package of 2001–2004 and argues that the inappropriateness of this economic package was a crucial element in the overall failure of the peace process. The influence of powerful domestic lobby groups combined with the policy advice of international donors helped to tether the peace agenda to an aggressive programme of market reforms. The government felt that the market reform agenda would spur rapid economic growth and buy support for the peace process, but it ended up doing the opposite. Consequently, the relatively narrow constituency of opposition to the peace process swelled in size and benefited from the support gained from those who opposed the government's eco-

conomic policies. As Venugopal observes, many elements of the case discussed in this chapter have a clear resonance with the growing critique of the liberal peacebuilding agenda, and particularly the argument that has identified an inherent contradiction between its political and economic dimensions.

Jason Franks also explores a case not commonly discussed within the liberal peacebuilding debate (“Beware of liberal peacebuilders bearing gifts: The deviancy of liberal peace in Palestine and Israel”). In this context, a critical reading of liberal state-building processes suggests that a virtual liberal state is the most likely outcome (at best), held together in the precarious circumstances of negative peace through the tradition of realist power politics and conflict management techniques that consist of sociopolitical inclusion and exclusion, divisions, walls and security. Franks claims that, despite the lofty ambitions of liberal peacebuilding to create an emancipated Kantian liberal state and population, the liberal peacebuilding process (unwittingly or otherwise) often results in illiberal division, separation and the paradoxical contravention of the actual principles that liberal peacebuilding attempts to introduce – namely, democracy, human rights, the rule of law and liberal economics. The reasons for this lie not just with the peace process per se, but with the liberal model employed to achieve sustainable peace. Franks argues that liberal peace is not necessarily failing in Palestine but that the current problems with the ongoing peace process are the natural effects of the progress and implementation of the liberal peace framework, which is a flawed process. In other words, the liberal peacebuilding process *is* on track to achieve the aim of the liberal peace model, but it is the model itself that is problematic in this context.

Marie-Joëlle Zahar also explores the liberal peace debate with reference to a case that is not generally included in discussions about peace operations (“Liberal interventions, illiberal outcomes: The United Nations, Western powers and Lebanon”). She situates liberal interventions – notably French and US foreign policy and UN Security Council Resolutions on Lebanon – in the broader context of Western involvement in the post-conflict reconstruction of the country. Her chapter, written in the context of a crisis in Lebanon’s modern history, argues that liberal interventions are to blame in part for a number of illiberal outcomes in Lebanon. Indeed, she suggests that, on the whole, they have resulted in a reversal of the limited liberal progress witnessed around the turn of the century. Sectarian divisions and regional interference – reflecting broader regional conflict dynamics – have created a volatile political mix that only the most sensitive intervention can have a positive impact upon. Unfortunately, the nature of external involvement has not produced the

desired results because of the lack of understanding and sensitivity that characterizes it.

Sorpong Peou's contribution ("Re-examining liberal peacebuilding in light of realism and pragmatism: The Cambodian experience") argues that the international community has pursued a liberal agenda with the aim of transforming Cambodia into a liberal democracy, building and strengthening the rule of law and establishing a market-based economy. This liberal agenda has its limits. Cambodia has failed to consolidate the democratic gains it made after the 1993 national elections organized by the United Nations. The pursuit of criminal justice has encountered numerous challenges and may not achieve its intended results. Economic growth rates have been quite high, but the growth engine remains shaky and has contributed dangerously to a growing gap between the rich and poor. However, Peou argues that peacebuilding in Cambodia has been more positive than negative, especially when measured in the context of negative peace (the absence of violent conflict or war). But there are significant limitations, which he demonstrates through a number of contradictions. First, liberals assume that political elites competing for power in post-conflict societies share an interest in turning their battlefield into a ballot-box and are unconcerned about their security, regardless of whether they lose or win. Second, they assume that peace and democracy can be strengthened if criminal justice can be implemented. Third, they assume that market forces offer solutions to political problems. The recent Cambodian experience shows that peacebuilding can be better achieved if the international community can do more to help consolidate democratic, legal and socioeconomic gains.

Carlo Nasi ("Revisiting the 'liberal peace' thesis applied to Central America: New insights for and against the Wilsonian approach") reflects on the legacy of liberal peacebuilding in Central America and considers the extent to which the liberal idea is at the heart of the problems encountered in the region in the post-conflict period. In turn, he discusses whether an alternative approach – "institutions before liberalization" – might offer a better path to the consolidation of peace. Contrary to the many critical voices in the liberal peacebuilding debate – including those in this volume – this chapter argues that liberal peacebuilding has a fairly positive record in the region. Indeed, according to Nasi, liberal peacebuilding in El Salvador led to better results than the "institutions before liberalization" formula in Guatemala. This does not necessarily mean that the formula of institutions before liberalization is wrong, but rather that institution-building endeavours succeed only under specific conditions. Nasi's chapter reminds us of the importance of individual case analysis in a debate all too often characterized by sweeping arguments and a lack of fieldwork.

## Theorizing peacebuilding

Very loosely, there are two main schools of thought in the liberal peacebuilding debate, both of which are represented in this volume. One offers a conventional critique revolving around its effectiveness. According to this, subjects relating to peacebuilding can be approached in what might be called a “problem-solving” manner – an approach that takes prevailing social relationships, and the institutions into which they are organized, as the given and inevitable framework for action. This policy-oriented approach attempts to improve the performance of certain actors within political, legal or practical parameters that are taken as a given in the “real world”. The generation of new policy-relevant insights is the aim of research through this approach; for example, how to improve co-ordination amongst actors, how to get peacekeeping troops on the ground faster, how to improve early warning of conflict, how to encourage donors to support peacebuilding projects, how to make reconstruction in the field more effective, how to reform the security sector, or how to achieve greater local “ownership” of the liberal agenda.

The second, more “critical” approach casts doubt on the assumptions of liberalism and state-building as they are applied across different contexts. This approach raises questions about existing institutions, policy assumptions and the interests they serve, and is ready to challenge these assumptions.<sup>18</sup> This approach debates whether peacebuilding really is liberal, whether it should be liberal and whether liberal peacebuilding can be a coherent concept or policy programme in diverse contexts. Underlying this critical approach is the concern that liberal peacebuilding might have adverse (though perhaps unintended) consequences for politics and for everyday life, or worse that it is a mechanism of hegemony. This approach questions the assumption, all too often found in the international liberal peacebuilding agenda, that a universal vision of conflicted or post-conflict situations is possible. It questions the assumption that these conflicted societies are uniform “virgin territories” onto which liberal ideas can be promoted (or even imposed), despite local differences. Many of the chapters in this volume revolve around one or other of these positions, while several defend the underlying orthodoxy of the liberal peace.

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# “Liberal” peacebuilding debates

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*Edward Newman*

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Debates about contemporary peacebuilding have focused on a wide range of controversies, such as the impact and legitimacy of promoting liberal democracy and market economics in conflict-prone societies, the nature of the state and state-building in many regions of the developing world, and broader questions about power, threats to peace and security, intervention and hegemony in international politics. Renewed interest in international peacebuilding reflects a perennial (though selective and contingent) concern with the humanitarian impacts of conflict and instability, in line with norms relating to human rights and governance. However, this interest – within multilateral organizations, amongst major aid donors and within the policy establishments of powerful states – more directly reflects a significant shift in how threats to security are perceived, and in particular the idea that failed and conflict-prone states represent a threat to international security.

This chapter will explore the challenges, controversies and debates related to peacebuilding and present a typology of different forms of peacebuilding: transformatory, realist and liberal. It considers and welcomes the emergence of “critical” approaches to the study of peacebuilding but challenges some of the methods and conclusions found in these approaches. In conclusion, the chapter argues that, although peacebuilding is often presented – and debated – as a “liberal” exercise aimed at resolving the underlying sources of conflict, in reality it tends to be aimed at containing or repressing conflict in the interests of international peace and stability in general or of particular hegemonic strategic interests, in



line with the “new” security agenda. Therefore, international peacebuilding, oriented around the creation of strong states, appears to reflect the legacy of Hobbes rather than, as is generally claimed, Wilson or Kant.

## Challenges and debates

### *What is peacebuilding and how should it be evaluated?*

A fundamental debate relating to peacebuilding concerns its very nature: its scope and objectives. How can peacebuilding be measured and evaluated? What are the benchmarks and criteria for success? Should peacebuilding be narrowly conceived as post-conflict recovery and reconstruction (the conventional model of “post-conflict peacebuilding”)? Or should peacebuilding embrace an expansive approach including conflict prevention?

The narrow approach focuses upon stopping armed violence and maintaining a ceasefire within a specific timeframe. Downs and Stedman, for example, focus on whether a ceasefire exists in a country at the time when the peacebuilding operation withdraws.<sup>1</sup> In contrast, the broader approach embraces other criteria, such as a self-sustaining durable peace or a “positive” peace. Broader approaches involve state-building and institutional objectives, including democracy, development and national “reconciliation”. Until recently, rather intuitive definitions were considered to be adequate: Boutros-Ghali, for example, described peacebuilding as the “institutionalization of peace”<sup>2</sup> and for Kofi Annan it is the achievement of a “lasting peace”.<sup>3</sup> However, a deeper consideration of what is meant by the concept points to important differences amongst actors and individuals involved in peacebuilding activities and debates. Limited, narrow definitions of peacebuilding suggest a modest objective of maintaining a ceasefire. Many scholars – and most practitioners – advocate this definition because it is considered to be the most realistic and feasible. Those who advocate a more ambitious model of peace, in contrast, argue that in order for “peace” to be meaningful – and to embrace values of justice and conflict resolution – peacebuilding must address a broader range of activities and goals.

Clearly, definitions of peacebuilding, and the benchmarks and indicators of success that follow from such definitions, will determine evaluations of the record and effectiveness of peacebuilding. A narrow, limited definition would lead to the conclusion that the international community had experienced success in many of its peacebuilding projects – such as Bosnia, Sierra Leone, Liberia, Namibia, Timor-Leste, El Salvador, Guatemala, Cambodia and Kosovo – whereas a broader, more ambitious

benchmark for success would lead one to much more modest conclusions about these and other cases. For example, a limited model of peacebuilding might present a clearly positive assessment of international efforts in Bosnia since the end of the civil war: the country is stable, it is experiencing economic growth and it is increasingly integrated into many West European institutions. From a broader, more ambitious approach to peacebuilding, in contrast, Bosnia is far from a success: the country is ethnically polarized and sectarian, “democratic” politics mirrors the nationalist agendas of militant parties, and social and economic gaps are sources of dissatisfaction. There is little consensus amongst the different communities regarding the causes of the civil war in Bosnia – and thus no “reconciliation” – and it is questionable whether self-sustaining national institutions would be durable in the absence of external support.

A further debate regarding the definition of peacebuilding is whether it should be “post-conflict” or have a preventive function. In the landmark report *An Agenda for Peace*, Boutros Boutros-Ghali laid the emphasis upon post-conflict peacebuilding: to “strengthen and solidify peace in order to avoid a relapse into conflict”.<sup>4</sup> However, given that most societies experiencing conflict have a history of conflict, and that a significant number of countries relapse into conflict, there appears to be an evolution of thinking that challenges the sequential distinction between conflict prevention, peacekeeping and (post-conflict) peacebuilding. Surely in many of the most challenging peacebuilding cases all three types of activity occur simultaneously and complement each other. And yet the policy world, and analysts who prefer a narrow focus, generally favour a “post-conflict” focus. The background to the establishment of the UN Peacebuilding Commission illustrates this. The Report of the High Level Panel, which initially recommended the creation of the Peacebuilding Commission, suggested that its core functions should include identifying “countries which are under stress and risk sliding towards State collapse” and organizing, in partnership with the national government, “proactive assistance in preventing that process from developing further.”<sup>5</sup> However, the final remit of the Commission prescribed more modest – and less proactive – ambitions for the new Peacebuilding Commission. The main purposes of the Commission are thus “to bring together all the relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery”.<sup>6</sup>

A further distinction in terms of evaluating peacebuilding and considering whether its objectives have been achieved concerns peacebuilding indicators. Again, opinions are divided. Some analysts – in particular those involved in peacebuilding policy and those with a positivist academic background – adopt tangible, sometimes quantifiable, targets and

benchmarks, such as numbers of refugees resettled or repatriated, demobilization and disarmament targets, employment indicators, nutrition and health figures, and economic development. The tangible benchmarking approach is popular in policy circles because it allows the identification of clear targets and provides the means for assessing progress towards the accomplishment of these goals. Donor agencies obviously premise their work, and their continued support, on the basis of measurable “results” which fit into their programmatic budget lines. Narrow definitions of peacebuilding – such as the successful maintenance of a ceasefire – are also more conducive to tangible benchmarking approaches. Academics interested in comparative studies of peacebuilding also prefer tangible and generalizable indicators because these are more amenable to analysis.<sup>7</sup>

Other approaches focus primarily upon broader, substantive and often intangible objectives, such as “reconciliation” and conflict resolution. This is clearly less conducive to measurable assessment, comparison and benchmarking. It suggests that peacebuilding “results” are sometimes subjective, are context specific and may be difficult to assess. Followers of this approach resist quantitative benchmarking approaches to measuring peacebuilding, arguing that this imposes formulaic thinking and “universal blueprints”, which neglect local conditions and promote – or impose – external agendas.

### *Peacebuilding, state-building and nation-building*

Much analysis now associates peacebuilding with state-building (or even conflates the two concepts) and this raises fundamental controversies. In the worst cases of state failure and civil war, international peacebuilding activities have included the building or rebuilding of institutions of governance, politics and economics. Many commentators – especially from security studies and policy backgrounds – have described peacebuilding activities as state- or nation-building. The RAND *Beginner’s Guide to Nation-Building* describes nation-building as a broad effort “to promote political and economic reforms with the objective of transforming a society emerging from conflict into one at peace with itself and its neighbors”.<sup>8</sup> The RAND study puts this activity into the following sectors: security, humanitarian relief, governance, economic stabilization, democratization and development.

The “nation-building” approach is controversial for a number of reasons. First, the idea of external actors being involved in the construction of a “nation” is contrary to most empirical and theoretical understanding of what a nation is and how it emerges. Most accounts would suggest that

nations are the product of social, cultural, historical and political factors that coalesce around local identities. The idea of international nation-building seems a contradiction in terms, and nation-building as peacebuilding seems like a historical aberration; historically, nation-building was often achieved through widespread armed violence.

State-building appears to be conceptually more viable, since it rests upon more objective meanings, in particular the (re)construction of institutions of governance, service delivery and control of territory and borders, and achieving the capacity for regular participation in international norms of interaction. The conflation of the ideas of peacebuilding and state-building is still problematic, however. The consolidation of viable domestic states historically has taken generations. Moreover, there are sensitive normative and ethical questions at stake. If peacebuilding is state-building, which (or whose) vision of the state is being used? In practice, the assumption has been for institutions that resemble the Western secular notion of the “state” – based upon liberal values – which is not something that is unquestionably accepted in all contexts as legitimate or appropriate (see below). Indeed, the perception of many critical observers is that peacebuilding is a hegemonic realist agenda aimed at containing conflicts, which are seen as systemic deficiencies, and state-building is at the core of this. It involves the construction of manageable and familiar institutions. Other critical voices view the state-building component of peacebuilding as a thinly disguised attempt to modernize and thus “civilize” dysfunctional “third world” countries that are incapable of developing viable indigenous forms of cohesion.

### *Sequencing challenges*

A major peacebuilding debate concerns whether it is sensible to prioritize certain peacebuilding challenges above others, and if it is in practice necessary for certain peacebuilding objectives to be achieved as a prerequisite to others. There is a case for suggesting that public security is necessary before elections are held, for example, because a safe and secure environment is necessary for political campaigning and free and fair elections. Elections in unstable and volatile circumstances may distort the views of the electorate. This also therefore suggests that disarmament and demobilization should be achieved before elections are held; the failure to achieve this in Angola in 1992 contributed to the catastrophe there that followed the elections. There is also a case for achieving economic stabilization, employment and poverty alleviation before liberalization, in particular in conflict-prone societies where social and economic deprivation – and especially horizontal inequalities – were a feature of the conflict. In addition, securing natural resources – or even prohibiting

their exploitation, as in Liberia – during the peacebuilding phase is sometimes advocated when the illegal exploitation of lootable resources was a key driving force of the conflict. Some of these issues are reflected in Paris’s argument for achieving stable institutions before democracy and economic liberalization (“institutions before liberalization”).<sup>9</sup>

Much of the sequencing rationale seems sensible and is uncontroversial. However, it is not entirely without contention. A key part of the liberal peacebuilding debate concerns the pace at which elections and the free market should be introduced in conflict-prone societies. Public security would seem to be a necessary, but not a sufficient, condition for successful elections. Ill-timed or poorly designed elections in delicate political situations can be hazardous. They can exacerbate existing tensions, result in support for extremists or encourage patterns of voting that reflect war-time allegiances, as in Bosnia. But even in volatile circumstances, an imperfect electoral process can have a positive impact. Elections are a step towards democracy and form a milestone in the post-conflict transition. They strengthen the sense of “ownership” amongst the public concerning the country’s political destiny. Elections can also help to marginalize extremists, because many political actors – including some militant groups – participate in the political process and turn away from violence.

In the economic and social realm, the sequencing debate has similarly not been simple. In principle, the idea of welfare targets and poverty alleviation is increasingly recognized, but many analysts argue that these can be generated only by a successful market transformation that produces a self-sustaining free economy and the capital necessary for a viable public sector. According to this, a certain amount of social hardship – for a section of society – may therefore be unavoidable for eventual economic recovery. And yet hardship and economic inequality can create social grievances that translate into political extremism and obstruct longer-term peacebuilding objectives. Similarly, although the securing of lootable natural resources appears to be uncontroversial, there is a similar conundrum. Poor post-conflict societies desperately need revenue to meet welfare needs, to stimulate the economy and to build viable institutions. In many cases, natural resources – especially in underdeveloped countries that rely upon the export of primary commodities – are the only assets available to stimulate recovery. For this reason a paradox has emerged in situations such as Liberia, where UN sanctions continued for some years after the end of open conflict in 2003. Although the prohibition on trading in diamonds from and through that country was accepted in the aftermath of the war, local feeling was that the prohibition was unnecessarily protracted, depriving the country of the resources needed for recovery.

*The light and heavy international footprint*

A light-footprint approach implies minimal external involvement and an emphasis upon the local formulation and implementation of peacebuilding strategies. This is intended to encourage local responsibility and capacity-building from the outset of the peacebuilding operation, and in theory results in the emergence of sustainable national institutions more quickly than if a major international presence exists, as well as in a greater sense of local ownership. A light-footprint approach is also more geared to recognizing and drawing upon local institutions of governance and authority. However, a light approach can allow potential recalcitrant factions or spoilers to remain, as in Afghanistan. Moreover, an emphasis upon indigenous institutions and local “ownership” can achieve the wrong sort of results if the indigenous structures and institutions are abusive, factionalized or weak. “Local” institutions are not necessarily legitimate.

In contrast, a heavy footprint involves a major international involvement, which can help to remove remaining hold-outs, spoilers and recalcitrant power centres and provide a stronger sense of stability. Kosovo is an example. However, international involvement can result in a culture of dependency and a lack of local ownership, where institutions are not organic and thus not durable when the internationals leave. Chandler argues that the result can be phantom states “whose governing institutions may have extensive external resourcing but lack social or political legitimacy”.<sup>10</sup> According to Richmond, this is accompanied by a “virtual peace”.<sup>11</sup> A heavy-footprint approach can also produce local opposition against the perceived “neo-colonial” interference and control – something felt in Timor-Leste during the UN administration – and the negative effects of a large international presence, including price inflation and corruption.

*Peace and stability at all costs?*

One of the most sensitive issues that confronts peacebuilding, especially in the immediate aftermath of armed conflict, concerns the trade-offs that are sometimes necessary. Should stability be achieved at all costs, even if it offers impunity to – or even empowers – war criminals and warlords? Should the illicit activities of the “war economy”, which often continue after the end of open conflict, be tolerated in order to win the support of powerful actors? Should former warring parties or war criminals be “legitimized” by “recognizing” them in negotiating forums or in power-sharing governance mechanisms? How should spoilers be dealt with: through engagement or exclusion?

It is clear that some peace agreements have – officially or unofficially – involved compromising with powerful local elites or warlords in order to win their cooperation, for obvious reasons. This has involved impunity for past human rights abuses, the inclusion of warring factions in power-sharing agreements and the toleration of illegal economic activities. The presence of former – and indeed current – warlords in Afghanistan’s parliament and government is a good example. The Afghanistan parliament passed a bill in 2007 that provides an amnesty for acts (including human rights abuses) committed during the civil wars in that country. Human Rights Watch claimed in 2005 that a significant number of parliamentary candidates and defence ministry advisers were directly or indirectly connected to current and past human rights abuses.<sup>12</sup> Abdul Rashid Dostum, a well-known warlord for decades who retains significant military forces, acts as a “presidential adviser” in what is clearly an exercise to buy his cooperation. Many warlords are involved in the cultivation of opium – which has increased since the Taliban were forced from power – and this was seen as the immediate cost of gaining their support. With Kabul’s – and President Karzai’s – hold on power being tenuous, there is a well-founded fear that any attempt to confront warlords and impose the rule of law from Kabul would jeopardize the shaky stability that exists in the country. Simultaneously, however, this ongoing sense of impunity and the implicit rule of the gun are a challenge to the rule of law and a centralized, unitary state. These harsh realities would seem to make a mockery of operational benchmarks.

### *Combining assistance with coercion*

The situation in Afghanistan is not characteristic of the broader experiences of peacebuilding because of its scale and the armed intervention that preceded it. It is thus a fairly rare example of “post-conquest peacebuilding”. Yet Afghanistan presents an instance of a broader phenomenon that is found in many more peacebuilding operations: the combination of assistance and coercion. The donor community is involved in providing assistance in the areas of security, development, humanitarian assistance, governance and the rule of law, but, because the peace is not consolidated and physical threats remain in many cases, assistance is provided against a backdrop of enforcement. Although many people and actors accept the need for this, the use of coercion – especially when seen to be excessive – can arouse doubts amongst local stakeholders about the legitimacy of the international presence overall. The use of force against “spoilers” in Afghanistan and the exclusion of “extremists” from political office in Bosnia – and the manner in which this

has been done – have been a source of local grievance. Certainly, when coercion takes the form of resisting violent challenges – such as the resurgent Taliban in Afghanistan – this is generally accepted. However, the collateral impact of this struggle – the widespread detention of suspects, house raids and lack of local consultation – has threatened support by parts of the local population and raised questions about the modalities of peacebuilding assistance. In other cases – such as Bosnia and Kosovo, where international officials have taken decisions in all areas of public policy and government – the element of coercion is less explicit but the appearance has sometimes been that local actors are not allowed to challenge the peacebuilding agenda and “alternative” voices are not welcome.

### *Partition*

Partition – in terms of the physical separation of communities – is a further issue that has arisen in a few cases. Should partition – “hard” or “soft” – between different communities form a part of the peacebuilding agenda? In principle, peacebuilding traditions based upon peace studies and conflict resolution have resisted the idea of the partition of different communities. From these perspectives, partition appears to be defeatist. It reflects an admission, and a formalization, that different communities are unable to live together, that reconciliation or a resolution of differences is impossible and that physical security can come only from physical separation. From a realist perspective, however, partition has more readily been an option for consideration in order to contain, if not resolve, differences. In Bosnia, the various conflict resolution attempts, the Dayton agreement, the peacekeeping operations and the diverse peacebuilding activities have all accepted the “reality” of separate Serb, Croat and Bosnian Muslim communities. The Dayton agreement was premised upon a territorial separation and this policy was endorsed by internationally sponsored elections held shortly after the end of the war. Some critical voices have argued that the peacebuilding process itself promoted this partition, largely in the interests of achieving stability and containing conflict; conflict resolution and reconciliation have clearly taken second place.

A similar debate relates to Iraq. Joseph and O’Hanlon argue that the idea of a unitary multicultural country, ruled from Baghdad, is unlikely to be viable; the country is already divided on sectarian and ethnic lines. So soft partition would involve the Iraqi people dividing the country into three main regions, with the help of the international community. The alternative would be full-scale civil war. Thus, “It should be the goal of policy makers to avoid such a calamity by trying to manage the ethnic re-



location process, if it becomes unstoppable, rather than allow terrorists and militias to use violence to drive this process to its grim, logical conclusion.”<sup>13</sup> In Kosovo, the soft partition became formalized by a declaration of independence in 2008, endorsed by many Western countries. Despite the peculiarities of that case, and the interests involved, it clearly sends out a message about the use of partition for containing conflict. Most obviously, in other conflicts characterized by geographical, sectarian differences, Kosovo provides a lesson that will appeal to sectarian extremists. This lesson may not necessarily be destabilizing (as some observers claim), but it is certainly not a demonstration of conflict resolution and accommodation. Moreover, it clearly has negative, and potentially destabilizing, implications for minorities within “new majorities” and the danger of ever more “ethnic security dilemmas”, for example the remaining Serbs in Kosovo after the latter’s declaration of independence.

### *Suspending sovereignty*

According to some analysts, states in situations of civil war or state failure may lose the capacity to exercise de facto sovereignty. Therefore, sovereignty – and norms such as non-interference – should no longer be considered absolute while the international community addresses security challenges in a given territory, and until the institutions of statehood are working effectively and the country can meet its sovereign rights and responsibilities. This draws upon a long-running debate about the evolving nature of state sovereignty. Civil war and state failure are not new, and neither is the questionable nature of state sovereignty in some cases; the legal institution of sovereignty as a norm has been protected since the end of the Second World War for various reasons. There were many occasions when sovereignty was violated or the institutions of sovereignty were meaningless, but the institution was maintained.<sup>14</sup> Jackson described the “negative sovereignty game” in which the international community upheld the norm of external legal sovereignty even when it was obvious countries were unable to maintain any substantive meaning of the concept.<sup>15</sup> However, the fragile basis of such states is becoming increasingly exposed. The negative security game is under strain as the repercussions of state weakness and civil war pose security challenges regionally or even globally and their humanitarian consequences become increasingly unacceptable in the context of twenty-first-century norms.

For some scholars, the implications of weak and failed states for conflict prevention, peacekeeping and peacebuilding mean questioning the institution of sovereignty in some regions of the world, for both humanitarian and strategic reasons. Krasner argues that the rules of

conventional sovereignty “no longer work, and their inadequacies have had deleterious consequences for the strong as well as the weak. The policy tools that powerful and well-governed states have available to ‘fix’ badly governed or collapsed states... are inadequate.”<sup>16</sup> Keohane comes to some similar conclusions: “classical notions of sovereignty provide a poor basis for policy with respect to post-intervention political decisions in troubled societies.”<sup>17</sup> Sovereignty should therefore be “unbundled” into its different components, and those components that are not viable should be reconsidered.

According to this thinking, contemporary conflict realities – characterized by civil war and state failure – demand forms of peacebuilding and stabilization that involve a *de facto* or *de jure* suspension of sovereignty, and this is in fact informally occurring in practice. International administrations – such as existed in Cambodia, Bosnia, Timor-Leste, Eastern Slavonia and Kosovo – represent the most substantive and intrusive type of intervention aimed at resolving conflict, promoting stability and facilitating peacebuilding. International officials have been involved in a wide range of activities in these societies, providing services and taking responsibility for policy traditionally reserved for the sovereign state and government. The extent of the activities being conducted by international actors in such situations has meant that international actors, such as the United Nations or the European Union, have taken control of certain sovereign roles. *De facto* suspension of sovereignty (partially as “shared sovereignty” or as neo-trusteeships) is arguably already occurring. This is clearly taking peacebuilding into the post-Westphalian world, suggesting that not all states are viable, that sovereignty is conditional upon states meeting certain responsibilities and standards of governance, and that conditions inside states have an impact upon international peace and security.

The political sensitivities and challenges inherent in this are obvious: a suspension of sovereignty conflicts with the internationally recognized human right of self-determination and the legal norm of sovereignty. Politically, the idea would be highly sensitive (indeed, offensive) in the developing world, since developing countries are most likely to experience intervention. The idea suggests a pretext for intervention and neo-imperialism by powerful states, allowing them to judge if a state has “failed” or is no longer able to meet the “responsibilities of sovereignty”. In turn, the concept could extend beyond the peacekeeping/peacebuilding policy area more generally, allowing powerful states to challenge the sovereignty of states in an abusive manner. If trusteeships involve state-building, this implies an external input into state-building, assuming a standardization of the “institutions” of the state (Western, liberal) that

may not be sustainable or legitimate. It therefore violates the communitarian norm that such institutions must, and can only, come from within. Even if the legal and political sensitivities could be addressed, shared or conditional sovereignty in the form of an international administration is very expensive, requiring an enormous commitment of resources. It would therefore be dependent upon the most powerful states. Is there any indication that they would be willing to support such a system as a general model when it is not seen to be in their immediate interest? There is no reason to think that the international administration model, or any form of shared sovereignty or neo-trusteeship, will be formalized as a coherent system.

Aside from the obvious cases of de facto or de jure suspension of sovereignty in exceptional cases of transitional authority, some authors claim that the weakening of local sovereignty is a general feature of international peacebuilding.<sup>18</sup> According to this argument, the coercive nature of peacebuilding policies and the conditional nature of assistance result in a significant denigration of national sovereignty, often in subtle ways.

#### *Top-down and bottom-up approaches to peacebuilding*

Peacebuilding in many contexts reflects a tension between top-down and bottom-up approaches (although in practice the top-down approach is transcendent). Top-down approaches are characterized as a realist exercise aimed at achieving security and stability, based upon negotiations with local power holders. This approach engages with the facts on the ground and with the local brokers of power, who inevitably played a leading role in conflict. The rationale for this, of course, is that the cooperation of such elites is essential in order to achieve and sustain peace and stability; any peacebuilding strategy that neglected this reality would be unsustainable.

Bottom-up approaches emphasize attention to – if not necessarily resolving – the sources of conflict and facilitating accommodation between previously conflicting communities. This involves engagement with civil society actors and a more community-focused approach that cultivates moderate peace leaders. Kaldor describes this as a “cosmopolitan” approach, “a positive political vision, embracing tolerance, multiculturalism, civility and democracy”.<sup>19</sup> Peacebuilding processes must therefore seek opportunities to restore “legitimate political authority” and the input of progressive, non-sectarian voices from below, to encourage the “islands of civility” amongst reasonable people so that they can talk and make compromises. Advocates of bottom-up peacebuilding are inevitably critical of top-down approaches, claiming that they merely

perpetuate an unjust “negative” peace. Balancing top-down and bottom-up approaches involves recognizing the realities of power and aspiring to cosmopolitan aspirations and a positive peace.

## Controversies

Cox famously made a distinction between critical and problem-solving approaches to social science. Problem-solving approaches take prevailing social relationships, and the institutions into which they are organized, as the given and inevitable framework for action. They accept the assumptions that underpin existing policy and focus upon optimum effectiveness and performance. Critical approaches, in contrast, question how institutions emerge and are maintained, and do not accept existing policy parameters as a given or as necessarily legitimate.<sup>20</sup> A critical approach questions – and if necessary challenges – prevailing structures of power and power relations, prevailing discourses or ways of thinking, and the interests they serve. Indeed, a critical approach interrogates the institutions, and our understanding, of “reality”.

Scholarship on peace operations has generally, until recently, been of a problem-solving nature – preoccupied with coordination, effectiveness and sequencing – and it has often been observed that this scholarship has been under-theorized.<sup>21</sup> However, some recent scholarship has adopted a more critical approach, drawing upon critical and international relations theory. A critical approach to peacebuilding raises questions about existing policy assumptions concerning, for example, the market, democracy, governance, capacity-building and modernization. This has encouraged new controversies and debates that question the relationship between the peacebuilding community and “local” actors, explore the interests served by peacebuilding, and question the values upon which peacebuilding tends to be based. This approach even interrogates the meaning of “peace”.<sup>22</sup> According to this, peacebuilding is clearly not neutral; it reflects ideological values and serves certain interests. Bellamy and Williams go as far as to suggest that “contemporary peacebuilding operations have developed a range of uncomfortable similarities with earlier structures of Western imperialism...it is usually the interests, values and priorities of the interveners, not those of the victims, that shape contemporary peace operations”.<sup>23</sup>

But, in addition to new and more “critical” ways of looking at peace operations, controversies are also stimulated by the “real world” impacts of these operations, which are qualitatively more complex and substantive than classical peacekeeping operations.

*The liberal peacebuilding conundrum*

According to Marshall and Cole: “Consistent with the decline in major armed conflicts has been the continuing increase in the number and consolidation of democratic regimes, rising to ninety-four at the end of 2007 . . . The end of the Cold War ushered in an era of globalization that is, for the first time, governed predominantly by democratic regimes; this marks a watershed moment in modern human history and the beginning of a new world order.”<sup>24</sup> The liberal peace hypothesis is a corollary of the “democratic peace theory”. This is the empirical proposition that consolidated democracies do not go to war with each other because democracies have institutional constraints upon leaders that make going to war with other countries more difficult; and, because such countries are interdependent economically and in terms of trade, going to war may disrupt economic/trade relations.

There has been a great deal of debate about – and challenges to – the democratic peace theory, focusing on the definition of “war” and “democracy” and the manner in which democratic countries have been aggressive to non-democratic countries. Nevertheless, the democratic peace theory enjoys strong support. The liberal peace proposition considers the domestic realm of the democratic peace thesis: that liberal democracy and free market economics make countries more peaceful *domestically*. Liberal peacebuilding is premised upon the idea that democracy and a free economy encourage people to resolve and express their differences peacefully and that this is the best foundation for development and accountable governance. Certainly, there is an empirical correlation between consolidated democracies and stable peaceful societies.

However, the core assumptions of liberal peacebuilding have increasingly been challenged, with some analysts suggesting that liberal economics and democracy can contribute to instability and exacerbate conflict. A significant amount of research suggests that transitional societies – moving towards democracy – may be *more likely* to experience civil conflict, especially in poor and divided societies. The Political Instability Task Force, after conducting a large-scale analysis of conflict from 1955 to 2003, came to the conclusion that, in terms of statistical correlation, the risk of conflict is highest not among democracies or authoritarian states but in partial democracies or transitional states, especially when factionalism is present (which is typical in new democracies, “where party systems are weak and political participation is more likely to flow through networks rooted in traditional identities or other parochial interests”<sup>25</sup>). The authors suggest that “by far the worst situation in terms of risks of instability [was] for a political landscape that combined deeply polarized or factionalized competition with open contestation. The combination of

a winner-take-all, parochial approach to politics with opportunities to compete for control of central state authority represents a powder keg for political crisis.”<sup>26</sup> Many other studies have also found that states that are in the process of democratizing are vulnerable to armed conflict.<sup>27</sup>

This argument rests upon a conjunction of a number of vulnerabilities, such as heterogeneity, social inequality, weak state capacity and poor standards of human rights, in which the liberalization of the political system acts as a catalyst for volatility and polarization. In particular, democratization in such situations can encourage politicians to campaign on sectarian grounds, including ethnicity, tribal affiliation and religion. In volatile or post-conflict societies, elections can exacerbate societal differences, and when a victorious political group is dominated by members of an exclusive identity group this can create insecurities amongst communities outside this group. Democratization – as with any transitional situation – may also threaten the interests of certain elites, who will resist the prospect of losing privileges. There is also the argument that liberalizing or democratizing societies that contain other vulnerability factors can experience conflict as the government opens the door to (competing) demands that cannot be met and to unfulfilled expectations, resulting in militant opposition. The momentum of public mobilization created by the partial democratization, and the frustration encountered as a result of unfulfilled demands, can be transformed into violence. Mansfield and Snyder thus argue that “the early stages of transitions to electoral politics have often been rife with violence”.<sup>28</sup>

According to these opinions, the promotion of democracy may *not* always work in favour of peacebuilding because democratization can be destabilizing in conflict-prone and divided societies. As Paris has observed, “the process of political and economic liberalization is inherently tumultuous: It can exacerbate social tensions and undermine the prospects for stable peace in the fragile conditions that typically exist in countries just emerging from civil war.”<sup>29</sup> Mansfield and Snyder concur: “Pushing countries too soon into competitive electoral politics not only risks stoking war, sectarianism and terrorism, but it also makes the future consolidation of democracy more difficult.”<sup>30</sup>

There appears to be evidence to support some of these claims. Elections held in Bosnia shortly after the Dayton peace settlement were won by nationalist parties representing the three main ethnic groups. Over a decade after this “ethnic census”, this sectarian pattern remains in political affiliations. Elections held in Iraq in the context of extreme volatility and divisions similarly reflected (and perhaps encouraged) the polarized sectarian nature of the conflicted society. The 1993 elections in Burundi similarly intensified ethnic polarization and played a role in the ensuing instability and violence because they exacerbated an atmosphere of

divisive political competition in a tense environment. Ahmedou Ould-Abdallah served as the UN Secretary-General’s special representative for Burundi between 1993 and 1995. He reflected that “majority rule simply could not be sustained given the realities of Burundi’s political and security situation”, and “in many African countries the introduction of democracy should be allied with a ten- to twenty-year transitional period of constitutional power sharing. Democratic habits and traditions are not formed overnight.”<sup>31</sup>

The liberal economic peacebuilding agenda has also attracted criticism. This agenda emphasizes cutting public expenditure, privatization and fiscal constraint. The privatization of peacebuilding itself is an illustration of the prevailing approaches. There is ample evidence that this marketization is unhelpful in volatile conflict-prone societies, which have been characterized by inequality and social grievances. Contrary to a liberal economic approach, the evidence suggests that the emphasis should be upon poverty alleviation and employment generation, which means public spending. There is thus an internal contradiction to liberal peacebuilding: peacebuilding implies the strengthening (or (re-)construction) of the state, yet the liberal economic/social policies that are promoted arguably undermine the state. Bellamy suggests that “[c]ritical approaches demand an interrogation of whether dominant approaches to peace operations, guided as they are by liberal ideology, contribute to the promotion of human security”.<sup>32</sup> In this sense, *neo-liberal* peacebuilding may be a more apt description of the contemporary peacebuilding agenda.

The liberal peacebuilding controversy has two dimensions. First, it relates to the question of sequencing and the argument that liberalization can be appropriate for and contribute to peacebuilding as long as the necessary prerequisites are in place. Paris, for example, argues that institutions are required to provide the parameters needed for peaceful political and economic competition: “institutions before liberalization”. He does not reject the fundamental idea of liberal peacebuilding. Mansfield and Snyder similarly suggest the need to “establish the preconditions of democracy in the right sequence”.<sup>33</sup> Other scholars have claimed, using case comparison and in defiance of universal generalizations, that differences in leadership, institutional choice and economic structure have explained why some democratic experiments are successful whereas others degenerate.<sup>34</sup> Nevertheless, the potential appropriateness of liberal peacebuilding is essentially accepted.

Secondly, more critical voices have questioned whether liberal democracy – premised upon secular authority, centralization, individual representation – and liberal economics are fundamentally applicable in a universal sense. According to this argument, the liberal project is a departure from traditional institutions, including family, clan and religious

authority. Parekh, for example, has argued that “the liberal principle of individuation and other liberal ideas are culturally and historically specific. As such a political system based on them cannot claim universal validity.”<sup>35</sup> Building liberal democracy may therefore require deep changes in society and challenges to the status quo, a process that can attract resistance and charges of ethnocentrism. This process is controversial because it has been viewed as the promotion or imposition of an external, hegemonic agenda aimed at integrating peripheral areas into global norms of politics and economics.

### *The universal liberal blueprint*

A core problem of contemporary peacebuilding is its tendency to be formulaic, top-down and ethnocentric. There appears to be a failure to recognize and address traditional institutions and forms of authority, and a presumption of uniform or “virgin” territory in the areas in which peacebuilding occurs. A 2008 unpublished discussion paper generated for the UN Peacebuilding Support Office aims at “developing a common UN system methodology for measuring peace consolidation within a country”, using quantitative and qualitative indicators of operational success. The idea of “concrete, measurable, and time-bound benchmarks and indicators” for peacebuilding – based upon standardized targets that are generally applicable – certainly facilitates the identification of targets and an evaluation of progress. But this suggests that peacebuilding reflects externally conceived models of how “peace” should be characterized and judged. It is donor driven.

The international peacebuilding community – especially the UN – likes to approach peacebuilding as a fundamentally practical challenge. Indeed, it is an application of Cox’s problem-solving approach in policy terms, focusing on issues of coordination and sequencing. It would appear that the peacebuilding community – again, especially the UN – is attempting to “de-politicize” peacebuilding and present it as a technical task, the idea that “Western states and international institutions...re-interpret economic, social and political problems in other parts of the world as questions which are largely amenable to technical administrative solutions”.<sup>36</sup> The implication is that peacebuilding assistance is essentially value-free and that it does not represent important choices and interests. There are benefits to this – the idea of capacity-building for national actors and technical assistance avoids controversy and projects the idea of local ownership – but the apolitical model of peacebuilding may miss the reality. The reality of peacebuilding is that it is essentially political: in terms of local political culture and the balance of power



amongst elites, and in terms of international politics relating to the interests of powerful states whose support is essential for the success of peacebuilding. In these circumstances – over which UN staff members have little control – it is questionable whether it is possible to benchmark, to have timetabled objectives or even to develop a truly coherent doctrine. Again, critical approaches, borrowing from critical security studies, strongly reject the technical assumptions of peacebuilding. Some authors see a more sinister agenda at work. Duffield has argued that this represents “metropolitan monitoring, intervention and regulation unprecedented since the colonial period” in order to constrain the negative impact of global market failures.<sup>37</sup>

In addition to failing to engage with the political realities on the ground – and thus raising questions of effectiveness – the formulaic approach has also contributed to concerns about the interests served by peacebuilding and the manner in which peacebuilding activities are designed. According to this critical reading, the efforts to de-politicize peacebuilding are an attempt to suppress unwelcome debate about the implications of these activities and a pretext for marginalizing local voices when they offer resistance to peacebuilding policies.

#### *Peacebuilding as modernization*

Insofar as peacebuilding now involves the (re)construction of state institutions and the promotion of liberal practices, it can be viewed as a form of modernization in the developing world. According to Chandler, these practices “constitute highly invasive forms of external regulation”.<sup>38</sup> As a means of building peaceful, stable societies, peacebuilding promotes “democracy”, secular forms of citizenship in relation to a centralized state, and the integration of national economies into global institutions that privilege industrial forms of production above traditional economic practices. Although this has long been accepted in the developed world, it is not universally accepted as the only path to the consolidation of peace, and it is potentially not congruent with indigenous forms of political and societal authority. Moreover, in this context, there is a danger that state-building may undermine traditional indigenous authority structures; and, if the new centralized agendas fail to take root, instability and conflict can ensue (as in Timor-Leste in 2006). There are also clearly communitarian challenges to international norms of peace, especially when they are in tension with local custom. For example, in just one area of peacebuilding, international norms relating to “transitional justice” suggest that accountability for past human rights abuse is essential for the rule of law and effective human rights protection. Although this is

increasingly accepted, international norms of what “justice” entails arguably ignore traditional forms of justice and reconciliation, and in effect limit the scope for local solutions.

There are also other pathologies. From a modernizing perspective, there is a danger that peacebuilding becomes embroiled with – and exacerbates – the competition between tradition and modernization. Secular, liberal politics is encouraged in peacebuilding; ethnic, regional and religious politics is discouraged. Is this feasible and legitimate? Can it challenge traditional authority structures, with destabilizing consequences? In Afghanistan, it is clear that the peacebuilding process has become entangled in exactly these sorts of struggles. According to critical voices, resistance to such regulation and modernization is overcome through “mechanisms of domination and control” so that peacebuilding as state-building is in effect a form of “empire in denial”.<sup>39</sup>

### *The dark side of peacebuilding*

Peacebuilding, especially when it involves large multifaceted operations, provides opportunities for political influence and resources. This can exacerbate competition amongst local elites for political power and remuneration. When aid and assistance are not distributed carefully this can also contribute to the perception of horizontal inequalities and grievances, which can exacerbate instability.<sup>40</sup> A perverse consequence of this theory is that “improving conditions, if regarded as being unfairly shared, can give rise to conflict”.<sup>41</sup> Aid is not neutral, and can potentially create conflict. Whilst the peacebuilding community is conscious of this – conflict-sensitive development strategies are in place in Liberia, for example – there are many examples where aid and assistance created problems rather than solved them (as in Sri Lanka).

Humanitarianism and donor aid can clearly also contribute to corruption, distort the local economy and salaries, and create a “dual economy” and inflation, contributing to social divisions and inequality. There is also substantial evidence of sexual abuse and corruption on the part of international staff and peacekeepers.<sup>42</sup> It remains debatable whether this is conceptually significant, although some scholars have argued that this is a manifestation of domination and control.<sup>43</sup>

### Evaluating the critical approaches

It has been observed that scholarship on peacekeeping and peacebuilding has traditionally been under-theorized and uncritically “problem-solving” in its theoretical orientation.<sup>44</sup> In recent years – and partly as

a response to this descriptive tradition – a welcome development in scholarship on peacebuilding has been for more theoretically critical approaches, which seek to expose the pathologies associated with contemporary peace operations and explain the relationship between peacebuilding and broader debates about world order and legitimacy. In this sense, peacebuilding is increasingly framed with reference to debates in international relations theory and critical security studies. This has made the study of peace operations conceptually richer and more attractive for students and scholars alike.

Critical scholarship of peacebuilding provides a much-needed theoretical stimulus to this area of study and broadens the appeal of scholarship on peace operations. It also allows this area of study to benefit from debates in critical security studies and international relations. However, if scholarship on peace operations has traditionally been under-theorized, it is now in some circles possibly *over*-theorized. Popular “critical” approaches seem preoccupied with problematizing peacebuilding with interpretations that are interesting but at heart unsubstantiated or even conjecture. The critical approach to peacebuilding suffers from the analytical weakness of meta-theorizing. Much of it approaches the subject with pre-formulated critiques that sound compelling but are substantively questionable.

First, critical approaches attach too much significance and importance to the impact of peacebuilding in conflict-prone societies. Richmond argues that peace operations are designed and conducted as a part of the remaking of world order. He asks “what the implications of peace operations for global and local order are”.<sup>45</sup> Chandler suggests that “state-building practices constitute highly invasive forms of external regulation” and that the “informal relations of domination” are in fact more invasive than nineteenth-century forms of empire.<sup>46</sup> Mark Duffield argues that peacebuilding activities represent “metropolitan monitoring, intervention and regulation unprecedented since the colonial period” in order to constrain the negative impact of global market failures.<sup>47</sup>

This seems to significantly exaggerate the extent to which peacebuilding actors seek or are able to transform states and societies. The critical objective of considering – and perhaps problematizing – how peace operations reflect broader forces, conflicts and processes of international politics is useful, but it is highly questionable whether peacebuilding has such a momentous impact on these societies, for good or ill. Woodhouse and Ramsbotham ask: “what is the potential to empower UN peacekeeping as a force for inclusive reconstructive peacebuilding? How can it contribute to the emergence of a cosmopolitan order based on universal principles that confer both legitimacy and effectiveness?”<sup>48</sup> This appears to be an unreasonably ambitious starting-point to consider the

significance of peace operations, almost meant to set up a critique. Apart from a limited number of operations where a large international presence has existed, these operations are not so extensive in their operation and impact.

Secondly, some of the critical peacebuilding literature appears to assume that peacebuilding operations are all dominated by a single coherent hegemonic agenda. However, it is difficult to accept that there is a (single) “philosophy underpinning contemporary peace operations”, as some of the critical literature implies.<sup>49</sup> Some literature talks about peacebuilding as if it is a monolithic enterprise. But the different actors involved – the United Nations Development Programme, UNICEF, the World Bank, for example – reflect different interests, approaches and values. In line with this, the critical approaches appear to allow for no agency on the part of peacebuilders, assuming they are all a part of a global conspiracy.

Thirdly, some analysts now believe that a “critical” approach means taking nothing at face value and problematizing everything. Bellamy, for example, suggests that “there are no common criteria by which to evaluate the success or failure of peace operations because such judgments are framed by actors’ beliefs about the appropriate role for peace operations in global politics”.<sup>50</sup> Surely the ending of armed conflict, improvements in welfare and improvements in human rights protection are indicators of “success”?

Fourthly, some of the critical arguments appear to defy obvious evidence. Critical approaches suggest that peacebuilding serves specific interests, or that it is a tool for powerful states to transform developing countries into vassals to serve hegemonic needs. But the reality is that powerful states have been *reluctant* to engage in peacebuilding. If peacebuilding operations serve global capitalism, why have powerful states been so unwilling to commit to them? Why has the United States often been uninterested in the fortunes of the United Nations – a central peacebuilding actor – rather than using it for this purpose?

## Conclusion

There appear to be three competing ideal-type visions of peacebuilding reflected in debates and the activities of contemporary peacebuilding. Elements of these ideal-types can be seen in most major peacebuilding operations, although no single operation necessarily reflects one of these models. At the same time, these peacebuilding models reflect competing pressures and interests.

*Transformatory peacebuilding*

Transformatory peacebuilding emphasizes the resolution of conflict, which may include addressing underlying sources of violence. This approach is premised upon the assumption that durable peace and stability rest upon the achievement of positive peace and giving free expression to local voices, desires and forms of politics. Transformatory peacebuilding is built upon bottom-up community initiatives and engages with local institutions, customs and norms. It also accommodates pressures for social change as a part of resolving the root causes of conflict and addressing human security needs. Transformatory peacebuilding promotes social justice and accountability for past human rights abuses. For these reasons, in the academic world at least, transformatory approaches come closest to advocating emancipation as an objective of peacebuilding and conflict resolution. This approach to peacebuilding in theory does not reflect a universalizing vision – in contrast to liberal approaches – and is more likely to be context oriented and centred around community needs. Although order and stability are recognized as a core function of peace, they are not unquestioningly accepted. In particular, the facts on the ground – the balance of power and the interests of elites – are not accepted as the only foundation upon which to base peacebuilding.

Advocates of transformatory peacebuilding are generally critical of mainstream peacebuilding policies because the latter are primarily oriented towards containing – not resolving – conflict and as a result they engage with only the most powerful actors on the ground. As a result, genuinely peaceful civil society actors are marginalized and militant actors are endorsed or even empowered. Advocates of transformatory approaches also reject the negative, defeatist premise of mainstream approaches, which seem to have given up on the potential for truly progressive changes. Transformatory approaches respect different peacebuilding forms and processes relating to politics, economics, justice and governance, even if they do not conform to the formulaic liberal model.

Two challenges to the transformatory approach are obvious. It privileges – perhaps romanticizes – the “local” without a mechanism to decide which local practices are constructive, and it makes arbitrary decisions about which “local” practices are “acceptable”. Kaldor, for example, presents a cosmopolitan approach to peacebuilding that embraces grassroots aspirations, yet in Bosnia she acknowledges the limitations of this and the value of a strong external input: “the alternative to a strong international protectorate is nationalist partition and perhaps renewed warfare.”<sup>51</sup> The transformatory approach to peacebuilding also neglects

the reality and significance of power, at both the local and international levels.

### *Realist peacebuilding*

Realist peacebuilding entails containing or repressing conflict in the interests of international peace and stability in general or particular hegemonic interests. Although it may use the language of peace, this approach is primarily concerned with international systemic stability and addressing the international threats to security inherent in civil war and state failure. It does not necessarily seek to resolve underlying sources of conflict; advocates of this approach are sceptical of international efforts to achieve societal change. Realist peacebuilding recognizes power as the “facts on the ground” and therefore engages with local power holders as the key to achieving peace and stability. In keeping with this, realist peacebuilding prioritizes the (re)construction of strong states – rather than open, participatory governance or social transformation – as the means of containing conflict and promoting stability. Justice, welfare and the resolution of the underlying sources of conflict (although usually desirable) are pursued only insofar as they are relevant to maintaining stability.

The points of tension between realist and transformatory peacebuilding are obvious. Realist peacebuilding prioritizes order and stability, irrespective of the values served by these. It discourages the free flow of competing agendas and argues that it is impossible to accommodate all interests, so a strong state is necessary to arbitrate between claims and enforce order. It therefore is a Hobbesian vision of the state applied to peacebuilding, emphasizing the state and order. In line with the realist international outlook, the priority is preventing or containing threats to international security and to the strategic interests of major states – such as terrorism, illegal war economies, refugee flows, market disruptions – that emanate from situations of civil war and state failure. As such, this is systemic realism; but in practice, because order and stability are more likely to contain conflict, this form of peacebuilding supports the powerful local elites that are most likely to deliver a Hobbesian strong state.

Realist peacebuilding reflects the Western preoccupation with the “new” threats to international peace and security seen in situations of civil war and state failure, resulting in a securitization of the development and peacebuilding agendas. According to this, “[a] deconstruction of the role of peace support operations suggests that they sustain a particular order of world politics that privileges the rich and powerful states in their efforts to control or isolate unruly parts of the world”.<sup>52</sup>

*Liberal peacebuilding*

Liberal peacebuilding reflects two strands: (i) Wilsonian and (ii) hegemonic neo-liberal approaches. Wilsonian liberal peacebuilding is the classical model of liberalism based upon the promotion of procedural democracy and market economics as a means of building peace and stability within and between states. As suggested above, this rests on the idea that consolidated market democracies are the most stable and safest; undemocratic societies that do not enjoy human rights, accountable governance or economic choices are more likely to experience conflict. Liberal peacebuilding is therefore premised upon the idea that democracy and free economics allow people to resolve and express their differences peacefully, to fulfil their aspirations and thus generally to be content, and allow governments to be accountable and responsive to people’s needs and wishes. Liberal peacebuilding, although top-down in organization, reflects the belief that the welfare and human needs of individuals are truly relevant to peace inside and between states. It is not based upon coercion, because it is assumed that people everywhere, given the right conditions, will embrace liberalism.

Hegemonic neo-liberal peacebuilding reflects a similar belief in economic and political liberalism. However, it is different in fundamental ways from the Wilsonian model. Hegemonic neo-liberal peacebuilding involves the top-down promotion (or imposition) of political and economic values that conform to the interests pursued by leading international actors. It is primarily focused on avoiding market disruptions that would require systemic adjustments and on serving the needs of global market actors rather than individuals in conflict-prone societies. Indeed, this approach is systemic rather than individual, and so in some ways not truly liberal. It is neo-liberal in orientation, but it does not genuinely prioritize human welfare as the primary vehicle for peace and stability. In effect, this is therefore in some ways another form of containment. Hegemonic peacebuilding is part of the machinery necessary to prop up a dysfunctional international system and to manage the conflict produced by globalization, structural adjustment and social inequality. It is necessary to contain the repercussions of this conflict and mitigate the “awkward” humanitarian impacts generated by civil war. Peacebuilding is therefore a tool of global capitalism: “riot control directed against the unruly parts of the world to uphold the liberal peace”.<sup>53</sup> In line with this, hegemonic neo-liberal peacebuilding does not promote a genuinely open political discourse; indeed, this is suppressed and discouraged. Chandler suggests that this is a reflection of the hegemonic power relations that characterize international politics: “What appears formally to

be a relationship between two contracting partners is in effect a product of the hierarchy of power.”<sup>54</sup>

Where bottom-up initiatives and civil society engagement are undertaken, this is seen as a means of legitimizing external control: giving the appearance of local “ownership” and consultation, which is in reality superficial, a means of marginalizing opposition and another form of control or “bottom-up conditionality”.<sup>55</sup> This also has the effect of ensuring that international donors and those involved in peacebuilding are not held accountable.

There may be legitimate arguments for placing an emphasis on different peacebuilding objectives. Transformatory peacebuilding may be virtuous, but it is also highly ambitious. It neglects the interests of powerful actors whose support is necessary for successful international peacebuilding. In reality, therefore, contemporary peacebuilding is characterized more by realist and liberal – of the hegemonic variety – rather than transformatory or Wilsonian liberal approaches.

The emergence of critical approaches to peacebuilding has provided a welcome opportunity to consider the significance of peacebuilding for international politics; or, rather, to consider what peacebuilding tells us about the nature of international politics. This represents a real step beyond the problem-solving approaches that dominated the study of UN peace operations for decades. However, evidence from the era of liberal peacebuilding – since the end of the Cold War – suggests that debates and criticism of contemporary peacebuilding should be differentiated more. It is difficult to accept that there is a (single) “philosophy underpinning contemporary peace operations”, as some of the critical literature implies.<sup>56</sup> Undifferentiated criticism of peacebuilding neglects the distinctions that exist between different approaches. This criticism of peacebuilding is essentially directed against the realist and hegemonic neo-liberal varieties, not true liberal approaches. A critique of the liberal peace from the perspective of humanitarian intervention, for example, is surely to stretch the liberal peace concept.<sup>57</sup> Indeed, it is questionable whether contemporary peacebuilding genuinely conforms to the true Wilsonian idealism, which should not be characterized as hegemonic and coercive. Therefore, criticism of “liberal” peacebuilding is not entirely persuasive when the facets of peacebuilding that are being criticized are not truly liberal.

Much of the interest in and support for peacebuilding is the result of the shifting perception of threats to international security, and in particular the construction of conflict-prone and weak states as the transcendent threat. Different peacebuilding visions and impulses reflect the tensions inherent in international politics and the global structures of power, and



in changing security thinking. The liberal impulse exists – especially amongst individuals working within peacebuilding operations – but the realist/hegemonic approaches are more likely to result. The challenges and controversies inherent in recent experiences of peacebuilding have led some to call for a form of “social contract” in the relationships between international peacebuilders and “local” stakeholders. However, to the extent that peacebuilding is a reflection of the priorities, interests and influence of powerful international actors, it is questionable whether such a contract would be meaningful.

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## Beyond liberal peace? Responses to “backsliding”

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*Oliver P. Richmond*

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The flaws in the contemporary liberal peacebuilding project are gradually becoming more apparent. This requires a discussion of possible responses to these flaws, which is surely one of the most important debates about peacebuilding currently taking place. The familiar orthodoxy of liberal peacebuilding depends upon transplanting and exporting conditionality and dependency in order to cement a social contract between populations, their governments and the state, on which rests a legitimate and consensual liberal peace. This mix of institutional regulation and liberal freedoms constitutes liberal peace as “peace-as-governance”, whereby peace is seen by academics and policymakers alike as arising from establishing the institutions necessary for the permanent, liberal, governance of society, economy and politics.

Yet, what often emerges is a hybrid form of the liberal peace, subject to powerful local critiques, sometimes resistance, and to the perception that international peacebuilding is failing to live up to expectations. Often these dynamics have occurred as a result of the insertion of neo-liberal strategies into the liberalization process. This undermines the attempt to build a social contract institutionalized via state–society consent, and replaces it with a reiterated class system.<sup>1</sup> This in effect restates Polyani’s fear that elites tend to counter democratic moves towards welfareism where they can.<sup>2</sup> The problems this raises are amplified in post-conflict and development settings, as is the case with most peacebuilding operations today. In Kantian terms, the problems that the liberal peace has faced, and the crisis that it is now in, can be termed “backsliding”.

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This refers to both a physical deterioration of peace during a peacebuilding process, or a retreat from the liberal peace framework itself on the part of international and local actors. It has been particularly notable that liberal peacebuilding has not been able to build united polities from territorial fragments in Kosovo, Bosnia, Afghanistan, Iraq, Sri Lanka, and even Northern Ireland, where some or all of its elements are in development.

This indicates a need for a reform of the liberal model for peace, or to establish a capacity for it to coexist with other alternatives, or to replace it. Given that the last option is currently very much a long-term project, this chapter works on the assumption that the first two are plausible responses. The evidence indicates that a significant modification of the relationship of liberal peacebuilding with its subjects is required, and this cannot but have a substantive effect on the liberal peace paradigm itself (and particularly on the universal certainties it rests on). If peacebuilding is to move beyond the modernist claims and failings of the neo-liberal state (which appears to have co-opted it) towards the goal of building a stable polity that provides for everyday life, creates a social contract and rests on institutional empathy and civil emancipation, the rationalizing and reductionist machinery of peacebuilding-as-statebuilding must reform its engagement with its subjects. If it is to move towards a transformative and social form of peacebuilding (alluded to in Newman's previous chapter) it must recognize the inter-subjective nature of the relationship between the projectors and recipients of the rapidly hybridizing liberal peace. Contrary to the claims of Newman's conclusion, a social contract between peacebuilders and local communities and individuals is implicit in this, even if difficult to achieve. This chapter examines a range of issues inherent in the liberal peacebuilding paradigm, some causes of "backsliding" and what might be done about them in terms of using peacebuilding to create a new social contract and to arrive at what I speculate may well be a "liberal-local hybrid" form of peace.<sup>3</sup>

## Governance and the liberal peace

Many of the debates about peace appear to justify the longevity of the liberal-realist model of peace in international relations theory, rather than to challenge it.<sup>4</sup> This validates the standard approach to thinking about peace, which is shared across much of the orthodoxy of international relations theory. This version depends upon the regulation and freedoms offered by a liberal peace and hinges on the mechanism of "governance", as can be seen in post-conflict zones from Cambodia to Timor-Leste and even Afghanistan.<sup>5</sup> The liberal peace encompasses

these debates through a reliance on the establishment of internationally monitored or controlled sites of power – officials, states, elites and donors – whose role it is to construct regulatory frameworks for the governance of politics, economics and society.<sup>6</sup> For realists, this can be found in the balance of power system, in which dominant states offset each other's power and interests, so producing stability in the international system (though this exists alongside fear, militarism and the national interest). For idealists, functionalists, internationalists and associated liberals, international institutions and organizations play a similar role, though, rather than fear being a central mechanism of the balance of power, the institutional system of hierarchical regulation is based upon mutual co-operation. A liberal governance system is consequently established to embed such norms and flows of cooperation. Constructivists, English School theorists, cosmopolitans and communitarians, and critical theorists concur with this but emphasize the differing importance of boundaries, sovereignty, subjective issues such as identity and the key role of sub-state issues and actors.<sup>7</sup> Again, institutions as well as private actors are tasked with policing the regimes and governance patterns at this level. Thus, the liberal peace establishes modes of governance in the key political, economic and social issue areas that are claimed to be universal and are assumed to have been consented to a priori by all, while maintaining degrees of sovereignty.

From a methodological perspective, an understanding of peace based upon orthodox debates in international relations focuses upon states and the institutions of governance. The individual and group perspectives of peace are overlooked, creating “empty states” and a “virtual peace”<sup>8</sup> in which inhabitants may have rights, but they are unenforceable and undermined by a lack of opportunities. These are controlled by officials and elites. International relations theory prioritizes research methods designed to access the “international” (i.e. diplomats, elites, officials, institutions, militaries and their strategies) so there is little wonder that these oversights occur. The liberal peace results in institutions and frameworks but does not directly affect the individual, in the short to medium term at least. This is because the liberal peace is transferred by force, coercion, conditionality or dependency by outsiders. Even in cases where the liberal peace has been consensually installed the picture is still problematic. The ethos of liberal society is individualism in the context of universal institutions, but one of its key weaknesses has been that such institutions take on a life of their own. They become disconnected from their contractual subjects and prey to co-option by elites or the technocratic decision-making processes of distant external actors. In a liberal peace-building context, this problem is accentuated because its focus on building a state necessitates top-down activities. Post-conflict polities and

states exaggerate the flaws of the liberal system from whence they are transferred – and also point to partition or secession and to violence as plausible modes of opposition.

In effect, peace-as-governance became the post-Cold War objective and liberal norm in conflict zones around the world. Conflicts provided an opportunity for an epistemic community of states, donors, agencies, international financial institutions and non-governmental organizations (NGOs) to intervene to direct these reforms according to the general peacebuilding consensus. Governance is both a key tool and a key objective in this theoretical and policy concurrence on the liberal peace. Governance reform reflects the liberal mode for the redistribution of power, prestige and “rules and rights embodied in the system” led by a hegemonic actor.<sup>9</sup> Thus, the balance of power, hegemony and constitutionalism<sup>10</sup> converge in the liberal peace, allowing for enforcement,<sup>11</sup> hegemonic governance or coercive domination,<sup>12</sup> a sustainable order,<sup>13</sup> and agreed constitutional rights and limitations.<sup>14</sup> This produces a hybrid where realism offers a peace existing in a basic level of order and liberal approaches offer a complex process that constructs a much more ambitious universal form of peace. The liberal peace that has replaced the Cold War is an institutionalized peace-as-governance, run by dominant actors such as the United States, the United Nations and the World Bank.

The multilevel and multidimensional liberal governance framework is, of course, hierarchical, and it is open to co-option by its dominant sponsors and donors, as it has often now been accused of. But perhaps just as significantly, and as with the Kosovan project for statehood, local actors also have considerable agency to insert their own agendas into the project, especially if they can find support amongst the international community. Many liberal peacebuilding operations are based upon high levels of local consent, at least initially, though this often dissipates as expectations of social justice are not met. Thus, although the liberal governance framework significantly advances the notion of peace, it still encompasses major exclusions, based upon the workings of its economy, its cultural and identity assumptions and the capacity of hegemony to undermine some of its processes. In particular, the tendency towards the incorporation of a neo-liberal economic system has undermined many of the benefits that the liberal peace offered in its earlier, post-war, welfarist version. In addition, where the liberal peace is imposed externally in conflict or post-conflict zones, it tends towards a neo-colonial, or at best trusteeship, form of peace. Finally, it tends to construct a form of peace bounded by territorial sovereignty, therefore re-creating states.

Foucault’s critique is apt: we “live in an era of ‘governmentality’”<sup>15</sup> in which peace is produced by sovereign governments, states and their

institutions operating in a traditional top-down manner. Non-state, non-official forms of governance have also become important at the civil society level in constructing the liberal peace through a form of biopower,<sup>16</sup> in which actors are empowered and enabled to intervene in the most private aspects of human life as their contribution to the development of the liberal peace. Liberal governance is driven by dominant states and their institutions, and its direction, represented as neutral, objective and benevolent for the most part, is at the same time often also accused of in effect maintaining insidious practices of intervention in host and recipient communities.<sup>17</sup> It equates good governance with equitable development and neo-liberal economic policy and political reform, and results in a relationship of conditionality between its agents and recipients.<sup>18</sup>

Duffield has shown how liberal systems of global governance are used to create the liberal peace and to “transform the dysfunctional and war-affected societies that it encounters on its borders”.<sup>19</sup> Of course, in practice, there is little evidence that the peace imagined in this concurrence of theory and policy is able to emerge without major external support and significant local consent. The models of the pacification of Europe and Japan through state-building do not (contrary to popular opinion) corroborate the hypothesis that collapsed states or territorial conflicts can be addressed by the liberal peace model universally. This should not be taken to confirm the mainstream theoretical position that the liberal peace is universal and transferable. The various formulations of liberal-internationalist, liberal-institutionalist debates, directly linked to the realist-idealist axis, describe an evolution of governance regimes inherent within the liberal peace,<sup>20</sup> clearly laid out in UN documentation.<sup>21</sup>

The thinking these documents imply is that, whereas the official international actors focus on building the state as a vehicle for governance, the liberal peace requires deep intervention into the social, economic and governmental institutions of that state in order to create a sustainable domestic or local peace. Behind these NGO, agency or institutionally fronted interventions lies the financial and ideological presence of liberal states, and the process is driven in particular by neo-liberal approaches to economic reform. This raises the possibility that what is increasingly important is that post-conflict states manage their economies in a way that provides jobs and economic resources and a free market in a globalized setting, perhaps even at the expense of democracy, human and minority rights and a rule of law. This, of course, occurs as part of the regulative post-Cold War peace, in which local consent and the liberal peace are juxtaposed.<sup>22</sup> So liberal peace reproduces a virtual peace resting on “cold institutions” lacking empathy, care and the capacity for emancipation – an orthodox institutional form of peace-as-governance.



Because the liberal peace has been developed as a universal framework, it depends upon institutional mechanisms for transferral. At best, these are derived from the UN system and with local consent, though of course, even in this context, this rests upon an assertion of expert knowledge over the local and indigenous (perhaps most infamously in the context of the World Bank).<sup>23</sup> The tendency has been to imbue such exchanges with conditionalities (both “negative” and “positive”) to achieve the objectives of peacebuilders, in the expectation that in the long term the “greatest good” would be achieved. Limited evidence is available to assess this though, of course, the more limited the objectives claimed, the more it can be sensibly said that peacebuilding and statebuilding have made important contributions, as in Bosnia or Kosovo. The difficulty is that such parsimony does not necessarily represent a self-sustaining peace or the achievement of a broader social good. In some cases, coercion has been resorted to, also leading to resistance on the ground (as in Afghanistan, Timor-Leste or Kosovo). All of this has to navigate around the inducement of dependency amongst local actors; yet, again, experience has shown that, where international actors withdraw or “draw-down”, stagnation or collapse ensues, as at different times in Cambodia, Bosnia and Timor-Leste.<sup>24</sup> What tends to survive these complex issues is a focus on institutions, both their transferral in terms of efficiency and local governance in terms of local ownership as a priority. Much of the problem-solving literature (mainly from Western-trained scholars and policymakers) represents these tendencies.<sup>25</sup>

### Backsliding: Emerging problems with the liberal peace

The liberal peace offers a blueprint and process for stabilizing post-conflict societies. Yet it has shown a marked propensity for backsliding. In cases including Cambodia, the Middle East, Sri Lanka, Lebanon, Kosovo, Bosnia and Timor-Leste, direct or indirect attempts have been made through donor conditionality, arrangements with the World Bank, or diplomatic and strategic relations to instil democratization, pluralism, the rule of law, human rights and neo-liberal forms of marketization. Broad agreement on these terms is normally apparent amongst peacebuilders, which I have previously described as a weak “peacebuilding consensus” about the liberal peace,<sup>26</sup> and local actors often nominally join this consensus. Yet, in comparative work in a number of cases, research indicates that, despite the construction of liberal conditionality and institutions, little changes in the discursive political frameworks in post-conflict settings. Nationalists in Bosnia still threaten the unity of

post-Dayton Bosnia and few reforms have been internalized. In Kosovo, ethnic violence is a regular occurrence and ethnic difference looks set to be the basis for the state that will emerge from the recent declaration of independence. In Timor-Leste, political and socioeconomic problems led to the complete collapse of the liberal state in 2006, four years after the United Nations withdrew and independence was achieved. Recent moves in Timor-Leste have seen welfare and cultural issues placed at the forefront of political debate (and a concurrent stabilization).<sup>27</sup> The liberal-international “bubble” in Afghanistan barely covers all of Kabul. In many of these cases, a “draw-down” is currently taking place, but there is little indication that what has been achieved is self-sustainable.<sup>28</sup>

Kant was clear that his perpetual peace system would not advance progressively, but would be subject to attacks, obstacles and problems, both internally and externally. It is also important to note that Kant believed that his system needed to be able to conduct peaceful relations with non-liberal others and should not be used as an excuse for hegemonic practices or wars with such others. It should not become a basis for new and exclusionary practices, as Macmillan argues, against non-liberal others.<sup>29</sup> Any hope of developing a broader peace in these terms therefore requires a broader engagement than is often projected by theorists of the democratic peace – in other words, more liberalism, not a reversion to illiberalism in the hope it will avert any “backsliding”. Thus, Kantian approaches to peace required a focus not just on democracy and trade but also on the broader root causes of conflict, including welfare and culture.<sup>30</sup> In this way, Kant was not merely a pillar of his establishment but actually sought to unsettle the comfortable assumptions that his own thinking might lead to, though he also extended Rousseau’s thinking on peace by favouring democracy.<sup>31</sup> So, extending this line of thought, backsliding for Kant was more than just a structural obstacle; it was also representative of the failure of the putative “liberal” polity to encounter the other in a reflexive and pluralist manner, without reverting to coercive and conditional hegemonic engagement. Kant would not have wanted to see the democratic peace argument, for example, become a reason for colonialism or imperialism redux, as Jahn has shown.<sup>32</sup> Backsliding is as much about post-conflict polities failing to achieve and maintain liberal standards as it is about a peacebuilding consensus being imposed with little regard for the “local” and indigenous and, of course, with simplistic assumptions about the universality and transferability of technical and contextual solutions for peace. It also points to the need for a move beyond liberalism.

Institutional responses to the problems of liberal peacebuilding often focus on coordination and efficiency in peacebuilding operations, rather than on the deeper issues that have also appeared. These are as follows.

As Mann and Snyder have argued, democratization can lead to ethnic polarization and even genocidal violence.<sup>33</sup> Certainly, such polarization has occurred in Bosnia and Kosovo. Liberal human rights can be culturally inappropriate or contested, as can be seen in cultural settings where communities, tribes or clans, rather than individuals, are the unit of analysis, as in much of sub-Saharan Africa, the Pacific or Asia.<sup>34</sup> The rule of law can mask inequity and the privatization of state functions at the expense of the needy, as appears to be the case across all peacebuilding interventions, where subsistence and unemployment rates rarely improve.<sup>35</sup> Civil society building is often subject to “forum shopping” and an instrumentalist project mentality rather than looking at localized needs. Development, in its neo-liberal or modernization forms, can marginalize the needy.<sup>36</sup> Indeed, because liberal peacebuilding is more or less always imagined within a liberal and neo-liberal state framework, it can become an agent of ethnocentric self-determination, nationalism and a “bare” socioeconomic life because such states cannot compete internationally in an open market and do not have the resources to establish an economic base. This emergence of bare life for citizens means that the aspired-to liberal social contract between government and citizen is not achieved, and, indeed, citizens may choose to move into grey or black markets, militias or transnational crime.<sup>37</sup> These unintended dynamics are major sources of backsliding and can be observed across a range of peace operations since the end of the Cold War.

Do these criticisms mean that the liberal peace is a failed project, or is it merely suffering from stress and can be salvaged? The editors of this volume disagree significantly on this point. Quite clearly it is a top-down project, promoted by an alliance of liberal, hegemonic actors. The peacebuilding consensus behind it is broad, but the liberal peace project is under considerable strain because it does not deliver all that it promises in conflict zones. What is more, it is ontologically incoherent, which is reflected in its coordination. It offers several different states of being – for a state-centric world dominated by sovereign constitutional democracies, a world dominated by institutions, a world in which human rights and self-determination are valued. The only way in which this peace system can be coherent is if it is taken to be hierarchical and regulative, which then provides the framework in which human rights and self-determination can be observed. Democracy provides the political system in which this process is made nationally representative. The trouble with this is that the individual is subservient to the structure and system, which may be enabling in some contexts but not in others. Where enforcement and surveillance are weak, abuses generally follow and are committed by the elites who control the various systems that make up the liberal peace.

This means that the post-conflict individual, who is relatively powerless, is required to perform “liberal peace acts”, such as voting, paying taxes, engaging in the free market and expecting rights, in order to keep the international gaze satisfied, but is not to expect that this performance carries any weight. The liberal peace is easily rendered virtual or hyper-real; the copy does not represent the actual intention of the international community. Thus the liberal peace becomes a virtual peace, more strongly associated with conservative forms of liberalism and underpinned by realist theory. In this sense the liberal peace produced by realist and idealist thinking, and even in the contexts of constructivism and critical theory, is virtual and is constructed primarily for the benefit of the international community, in the hope that locals will benefit later when it becomes internalized and the local is ‘converted’. Post-structuralist contributions to international relations theory, which turn this process on its head and argue for the recognition, contextualization, emancipation and de-securitization of the individual, fail to offer a way out of this impasse. Indeed, the mainstream debates have even managed to co-opt aspects of the post-structural agenda – in particular the requirements for emancipation, empathy and care (but not the recognition of alterity) – into the mainstream consensus, producing an emancipatory form of liberalism, at least in rhetorical terms. The international and academic consensus on the liberal peace across the board has been achieved on the assumption that its norms and governance frameworks are universal. But this conclusion has been reached only on the basis of a limited consultation, mainly among the victors of the Second World War. Unfortunately, as is well known, this conversation has reinforced and favoured the hegemony of official actors, key states and their organizations, and has resulted in the relative marginalization of non-state actors, developing states, post-colonial states, individuals, communities and other identity groupings. This can also be described as a form of orientalism, in which liberal epistemic communities of peacebuilders transfer governance regimes through a process of conditional funding, training and dependency creation to more “primitive” recipients in conflict zones. This process is supported by the ideological hegemony of contemporary forms of liberalism, which are projected through the various mediums of print capitalism as unassailable. They aim to make recipients internalize the liberal peace while contradictorily gaining agency and autonomy.

There are a number of reasons why this has not worked. First, despite the fact that the Cold War is over, there is a varying resistance to the different ideological aspects and basic assumptions of this liberal peace. Though most accept that democratization should be a cornerstone of political organization, parts of the Middle East, South Asia and sub-Saharan Africa are led by governments that do not aspire to democracy. This is not to say that the populations of these regions do not aspire to

democratic self-determination, but democratic aspirations are very often closely linked with secessionist aspirations and state creation where identity minorities desire separation in order to avoid minority status. Democratization has been shown regularly to result in only a softening of feudal or corrupt politics rather than radical reform. Many across the world aspire to free markets and unfettered trade, but the vast majority of the populations affected by war and conflict are economically disadvantaged because of both war and free trade. Many more see the international political economy as redistributing resources in favour of the elites that drive the neo-liberal character of the liberal peace, meaning that neo-liberal economic policies generally disadvantage the already marginalized. Many resist the neo-liberal development strategies that accompany the liberal peace. Some resist the universal claims of the human rights rhetoric.

Many traditional elites have adopted what van der Walle has called the “partial reform syndrome”,<sup>38</sup> in which local elites use the institutions and dynamics of the liberal peace to their own advantage by literally free-riding on the resources that it provides and by only partially implementing its demands. In this sense, the liberal peace agenda is driven by a neo-liberal notion of power – money and resources can be used to induce institutional development and reform in conflict zones. Local elites often use this to camouflage the lack of reform.

Much of the critical focus on this liberal version of peace, however, is on how it concentrates on institutions, officialdom and top-down reform, and thus results in the creation of “empty states” in which citizens are generally not seen or heard. In fact, there has been a major attempt to engage with this problem in order to identify and empower isolated and marginalized groups in post-conflict zones, and indeed to provide every citizen with rights and agency as befits their status in the liberal peace. Yet, inevitably, this has been a troubled process, far outweighed by the more traditional assumption that, if one builds institutions first, then every other aspect of the liberal peace will automatically fall into place. This, of course, means that most energy is expended on the top-down model of the liberal peace. Some, such as Ignatieff, have called this a “rough and ready peace”,<sup>39</sup> others, such as Fukuyama, have argued that this in effect results in the destruction of what little local or indigenous capacity was already in existence.<sup>40</sup> In other words, the liberal peace agenda is far from uncontested, coherent or proven in practice. It is marked by local co-option, backsliding and international unease.

### *Interventions*

In order to attain some form of the liberal peace, deep forms of military, political, social and economic intervention must occur. This intervention

is legitimated either by consensus between international or local actors or by the universal claim that liberal peacebuilding brings sustainable peace for all. Indeed, the emancipatory aspect of liberal peace, which offers social justice and freedoms, legitimates the move of its orthodox version to intervene. This reflects the liberal social contract, which works to gain legitimacy for the regulatory institutions of governance required for the liberal peace (democracy, rule of law, human rights and free market reform) by offering mainly political rights to individuals as sufficient enticement for them to join the liberal state project. This works on the assumption that political rights are more significant than material gain even for individuals in post-conflict situations where welfare may be an issue. It is in this top-down, institutional format that liberal peacebuilding fails to adequately consider the requirements for a social contract beyond political rights for grassroots actors. As a result, the legitimacy of the liberal peacebuilding project is often undermined by a lack of consent from the grassroots. This leads to backsliding because they reject empty institutionalism and a virtual peace. Extending this dynamic indicates not just a rejection of liberal peacebuilding, but also the possibility of local attempts to co-opt it or to resist it. A resort to force or ever deeper biopolitical interventionary strategies are often the result. These also represent forms of backsliding. These dynamics can be widely observed in many peacebuilding engagements, from both officials and elites and also from within civil society and social movements.

As experience has shown from Somalia to Timor-Leste over the past decade, this sort of backsliding cannot be suppressed by technologies of intervention and liberal governance, or by the use of force in such circumstances. What needs to be considered by liberal peacebuilders is how to identify the particular rights and resources that would entice grassroots actors, elites and individuals to accept the regulatory governance of liberal institutions engendered in the top-down version of the liberal peace, or how to constitute a social contract acceptable in each cultural context.

### *The social contract*

The liberal peace is essentially a Western liberal-institutionalist aspiration and local conditions are often a more accurate, though unflattering, representation of the liberal peace and its ambitious but unachievable claims. This raises questions about whether liberal peace can be built with non-liberal means. It is well known that the Westphalian state is subject to major flaws, ranging from excessive concerns with territory, security and sovereignty – often over the rights and well-being of its citizens, ethnic majoritarianism and other identity issues undermining

centralized territorial sovereignty – to a tendency towards self-aggrandizement and fragility. Of course, in cases where a liberal state is being built, it would be hoped that such flaws would not be repeated in the new state. At the very least, peacebuilding creates a hybrid, which also raises the question of the difference between coercion and tolerance in liberal thinking. Much of the liberal-institutionalist agenda in post-conflict environments depends on conditionality, and, with populations unused to a Lockean social contract, it also takes some time for them to pick up the tools offered by the liberal state's requirement for a social contract to create grassroots legitimacy for the institutions of governance. However, where liberal peacebuilders perpetrate or "tolerate" activities that are not commensurate with liberal governance, the local social contract is impeded. Sometimes this is with the cooperation of liberal peacebuilders who are motivated by a neo-colonial belief that illiberal governance can lay the basis for a social contract to develop. They are empowered to place human security and social justice issues after security and institutions. Yet a liberal social contract necessitates at the very least a far greater engagement with post-conflict individuals (i.e. not only post-conflict states represented by elites) over a longer period of time than has often been the case.

The liberal peace aims to create a Lockean social contract in which governance is exchanged for physical, material, social and cultural security and freedoms. So far, the outcome of liberal peacebuilding has been the creation of governing institutions that fail to bind the citizenry because they have aimed at securing the state and a regional peace. This illustrates inconsistencies in the sort of social contract envisaged by the international community, by the local elites and by local citizens. It also raises questions about what sort of social contract binds the liberal international community that takes part in peacebuilding.<sup>41</sup> The social contract that emerges from liberal peacebuilding focuses on the development of a neo-liberal franchise; institutional frameworks are not adopted by local participants, often giving rise to an elitist and ethno-political peace that does not respect individual rights and needs. This forces it to become an institutional form of disciplinary liberal governance, which is another form of contemporary backsliding.

### *Democracy and liberal institutions*

Backsliding is most obviously the shift from an embryonic form of the liberal peace back into violence. This is what Kant meant when he warned in "Perpetual Peace" about the probability of backsliding, whereby democracy was undermined.<sup>42</sup> Local perceptions of structural violence are also implied by this concept. This has a range of effects: non-compliance

with liberal-institutional reform, a lack of implementation, corruption, rejection, attempts to renegotiate the peace process away from liberal norms, a lack of international will and local co-option of the peace process for reasons related to unresolved and ongoing causal factors. This may actually engender a contestation of the liberal peace's normative grounding and universality. This may occur because of too much focus on the expansion of a centralized state and institutions, and the development of governance based upon this. In particular, neo-liberal ideology leaves too many vulnerable individuals to fend for themselves, while making the convenient assumption that liberal institutions will provide them with sufficient utility to accept their distant governance. Such dynamics may be causes of backsliding from democracy or, indeed, of making democracy irrelevant in some post-conflict states. This raises questions about whether democracy could be built with non-democratic means, and whether representative institutions can be built with non-liberal means. A simple response would be a focus on social democracy, on a mixed economy and on welfare provisions that help re-establish the social contract and allow for democratic coalitions to emerge that are broader than the elite and often predatory ones that have marked many post-conflict states. Of course, this still would not resolve the problems associated with the existence of deep gaps between liberal governance and local praxis in terms of culture and customs.

### *Neo-liberalism*

These issues stem mainly from the model itself and the way it is seen as a sacrosanct blueprint, but also from the ideological interests of the principal organs that push it. For example, the World Bank is a cooperative and there is not much control from the centre of local offices and their activities.<sup>43</sup> Yet information coming back from local offices to Washington is often biased towards the latter's ideological preferences. Famously, Timor-Leste was declared a success by the head of the World Bank in a speech in Indonesia only a few days before its collapse in March 2006, owing in part to the failure of neo-liberal models.<sup>44</sup> Since then, the country office of the World Bank in Timor-Leste has taken a more Keynesian approach, even supporting the government's attempt to introduce a basic welfare system.<sup>45</sup> Work on development and welfare needs to be context specific, so there is little that can be done other than to apply the neo-liberal strategies in the expectation that there may be a trickle-down effect far in the future, while consigning most post-conflict populations to bare life and undermining the social contract. Engaging with context and welfare appears at present to represent a major ideological shift that would interfere with the efficiency focus that institutions tend now to



adopt. Indeed, because growth is the priority of liberal peacebuilding, there can be little focus on welfare/social issues at the micro level because this might interfere with that growth. This vicious circle leads to a lack of capital, to subsistence and to crime, rather than to stabilization and a social contract.

Civil societies' immediate concerns of economic opportunity and social justice are generally of lesser significance in a liberal peacebuilding process that is heavily driven by neo-liberal reform in which markets are supposed to deal with these problems. From Cambodia to Kosovo, high rates of poverty and unemployment and the continuing predominance of grey economies and subsistence mean that the majority of the population experience an alleviation only in their security concerns, do not play an active role in a free market and do not pay taxes and so have little formal role in the state other than the occasional exercise of their democratic right to vote. It is proving extremely difficult to persuade local actors to "move into" this state, other than politicians, officials and local staff of international actors who benefit from high salaries and access to the sites of power in a peacebuilding operation. These are shadow states, replicating a milieu in which ordinary people matter less than their mainly hypothetical rights and opportunities.

Counter-debates have emerged as part of a resistance to the perceived colonization of the subject through liberal peacebuilding, which governs the "local" and, because of its association with neo-liberalism, is increasingly perceived as being predatory rather than engaging peacebuilding in "everyday life".<sup>46</sup> This dissatisfaction is present in academic and policy quarters, as well as in peacebuilding locations – as evident in the "Kosovization" and "Timorization" campaigns, and also in the growing reluctance of some governments and conflict actors (for example in Sudan) to cooperate with external peacebuilders. The liberal/neo-liberal tendencies of peacebuilding have led its key components into becoming mere branding exercises from a local perspective, which in effect returns material and normative power to the hands of elites, rather than stemming from social legitimacy and solidarity or the establishment of far-reaching and consensual institutional responses to deep-rooted conflicts that reflect local preferences and cultures. Indeed, the conflict resolution aspect of peacebuilding now appears to have been subsumed within its liberal-institutional managerial and ideological aspects, often co-opted into the recent fad of neo-liberal statism.

Local critiques raise some very troubling issues concerning the liberal peace framework. They target international insensitivity and instrumentalism, often implying a connection with "downward social mobility" on the ground. This causes liberal peacebuilding to lose legitimacy, affecting not just the pacification project for the state but also the role of the

international community, whose credibility suffers in the eyes of local actors vis-à-vis the state's citizens. Any focus on rights framed by the UN Economic and Social Council also tends to be ignored by the international community, even though welfare, jobs, culture and identity are what are often most valued in transitional periods in post-conflict environments.

### *Welfare and culture*

Liberal peacebuilding depends upon transplanting and exporting conditionality and dependency framed by a universal value system in order to cement the social contract. Yet a lack of local knowledge often results in a perceived undermining of local interests and the liberal peace model focuses on rights over needs. Welfare is not seen as significant in terms of building a social contract, and instead is left to humanitarian assistance and longer-term development. Culture is ignored as not being part of the political, economic and social institutional framework. This downgrades the local context and the communication that peacebuilding depends upon. Local voices are seen as "inconvenient facts" and the key nexus for the evaluation of the legitimacy of liberal peacebuilding is between the international community and the post-conflict state elite, rather than between local actors and a reconstituted social contract with their own state and the international community. One local participant in a workshop for this project, held in Sarajevo, summed up these failings by calling peacebuilders "ambivalent builders"<sup>47</sup> in order to underline the gap between local perceptions of what peacebuilding should do and what it actually achieved. It was argued that the liberal peace clearly did not represent local objectives, consensus or debates, nor did it live up to its own claims about security, rights, institutions or needs. These factors lead to resistance or, worse, a withdrawal from politics, and impede moderation in everyday life in post-conflict zones, thus undermining the liberal peace and its proposed social contract in the very terrain where it is most needed.

This begs the question of whether the liberal peace allows for local participation, or instead leads to the co-option of local actors. Another possibility is that this peace is vulnerable to being co-opted by locals. A further dimension to this debate has been a discussion of indigenous peace practices and process, working from the bottom up and founded upon local culture and traditional practices. This debate has revolved around a romanticization of the indigenous contribution as necessarily peaceful, a pragmatism about its possible replication of positive and negative practices from the perspective of international norms, and a rejection of the local as corrupt, deviant, traumatized and schooled in cul-

tures of violence. Thus, the notion of a bottom-up and localized, even indigenously based, peace is also very problematic, especially because it is far from clear whether the liberal peace framework can adjust itself sufficiently to incorporate such dynamics without necessarily losing whatever integrity it may carry.

What has happened is that the liberal peace, together with its associated peacebuilding consensus, has become a brand, exported within a neo-liberal context to franchises in the field that co-opt the liberal peace project but also are forced to conform to it. This requires external agencies to claim immunity from the same liberal requirements they are attempting to uphold. It also depends upon the construction of a legitimacy for the liberal peace and the international actors who build it in the field. This demands the overcoming of the methodological problems of speaking on behalf of the other, listening to them and understanding their context and culture.<sup>48</sup> This failure denotes the expediency of liberal peacebuilding, its lack of local knowledge and engagement or contextualization.

### From backsliding to a local–liberal hybrid

A general criticism of the problems faced by liberal peacebuilding is that it has become focused on neo-liberal discourses of reform, underpinned by the same epistemic knowledge base, ontological view of the world and methods. This means it is necessary to distinguish between statebuilding that deploys neo-liberal versions of peacebuilding, which focus on market-driven solutions in parallel with democratization and the creation of a rule of law, etc., and peacebuilding forms that focus on developing civil society's agency from a grassroots level, based upon a communicative openness and cultural engagement. A darker side of the biases that potentially remain to be explored in liberal peacebuilding lies in its treatments of race and gender.<sup>49</sup> Much work has been conducted to "mainstream" gender within this framework, though many remain extremely critical of what has been achieved. Little has so far been written on the problematic aspect of race within this paradigm.

In many cases, problems have arisen not because of the putative neo-colonial characteristics of liberal peacebuilding – though there have been complaints about their interventionary and dependency-inducing dynamics – but because of a lack of agreement, respect and development on the ground. At the risk of being reductionist, political disagreement, a lack of local knowledge and socioeconomic failure have marked all of these processes. This has to some degree been a result of the strategies and priorities of the international community, which have focused mainly

on security matters and political institutions or governance. This is not to say that liberal peacebuilding is fatally flawed, but clearly these are two major causes of the phenomenon of backsliding. Backsliding represents the local collapse of liberal peacebuilding in some cases, and in others an international retreat from the ambitions of their liberal peacebuilding consensus. The welfare aspect (i.e. dealing with needs rather than leaving them to the market) of these failures is probably most within the reach of international actors, and would contribute to the establishment of political agreement if it could be reincorporated into the liberal agenda. Enhancing local knowledge, avoiding coercion and constructing conditionalities locally rather than internationally might also be easily achieved. The older ethic of peacebuilding, to foreground the most marginalized (rather than the state), would be apposite. This might benefit the internal theoretical coherence of the liberal peace and the efficacy of the mechanisms developed to put it in place. More importantly this would enhance liberal peacebuilding's relations with local polities, economies and societies' expectations and its ability to respond to different societal, cultural and geopolitical contexts, though with care not to induce long-term dependency or to be seen as social engineering.

Of course, these improvements would still occur within the territorialized framework of the sovereign state. This in effect treats many conflicts via the remedy of one of its key causal factors. Such developments are more likely to lead liberal peacebuilding beyond liberalism. In this context, backsliding can be rethought of as a process whereby liberal peace frameworks confront and negotiate with their others, and from this emerges a hybrid form of peace.<sup>50</sup> It is in this very process of backsliding that the liberal and the local meet and renegotiate their relationships, often deploying surprising levels of agency. All of this does not mean that the liberal peace is a failed project, but it does mean that it is far less multidimensional than previously thought, it has been slow to adapt to challenges or weakness and it is essentially contested in practice and in theory. Quite clearly, the ontological assumptions that accompany the liberal peace are contested across the world – in some Islamic settings or those of other religions, in authoritarian states, in tribal and clan settings, and in societies where traditional and cultural practices do not fit with the Western conception of human rights, neo-liberal economics and democracy. What is more, the liberal peace is essentially encapsulated in a state, required as a shell into which governance regimes can be fitted, which in itself can become a site of conflict. As many studies have shown, the spread of the liberal state into the developing and post-colonial world has not been very successful. Territorial sovereignty and statehood create dilemmas relating to how to hold the state together against a tendency of ethno-territorial units to fragment.

What makes the hybridization of the liberal peace fraught is the epistemological problem faced in countering it. The ideology of the liberal peace is so dominant, and runs through so many norms, institutions and actors, that it is easy to assume that the realist–idealist spectrum and the compromise that liberalism represents are now fully determined and undisputed. Yet, when one looks at the problem of peace, and in particular at attempts to apply the liberal peace in post-conflict zones such as Kosovo or Iraq, there is far from being consensus. At a very basic level, muted by the preponderance of the liberal-international system, the very ontology and related epistemology of the liberal peace are being disputed and backsliding is all too familiar. This backsliding may also be interpreted more accurately as an agonistic process of hybridization, which is leading into a post-liberal form of peace more able to mediate liberal/other relations. Recent thinking about indigenous peacebuilding and local participation in conflict zones as ways of ensuring that any peace created is not only sustainable but also self-sustaining is part of this move, even if it is often presented as rescuing liberalism.

The argument on local participation, put forward by Chopra and others, suggests that peace cannot be foisted on others, even by an international and multilateral set of actors, without their consent and their participation in the process.<sup>51</sup> The result is that a hybrid form of the liberal peace has developed in which local actors, elites, institutions and civil society hijack and co-opt liberal peacebuilding, which in turn, true to liberal form, tolerates such subversion as long as it remains within the broad church of the institutional and normative priorities that make up the liberal peace. At the same time, it works to modify and reform such tendencies. Underlying this process, however, is a continuing favouring of ruling elites by liberal peacebuilders, even if this means working with tainted individuals and elites. Then, of course, there is also the tainting that is sometimes produced for local actors by colluding with liberal peacebuilders. In other words, peacebuilders underestimate the non-material challenges and focus on the material challenges of state-building. Ultimately, liberal peacebuilding emerges as an elitist activity that is susceptible to being hijacked by elites and to being co-opted by political practices that may have been responsible for the conflict in the first place. Much of this relates to problems caused by the overemphasis on institutional and economic reform and on elite channels of communication and execution rather than on social justice, empathy, care and welfare.

Although this imbalance seems to be problematic, it also indicates that the liberal peace has built into it the capacity for local actors (including officials, politicians and civil society actors) to influence its development – to reassert a social contract. This often happens by local co-option of international actors and their imported institutions, either through the

employment of international staff or through grassroots campaigns. It is now common practice for local staff of international or regional organizations and agencies to write reports, paid for by the international community, in which they construct arguments pressing for local objectives, perhaps influenced by their contacts with local politicians and officials. Their status as employees of international actors provides them with the legitimacy to do so. For example, local staff in Kosovo working for the World Bank provided policy advice and reports predicated on the requirement of Kosovan (Albanian) sovereignty in order to deal with the problems of unemployment and investment.<sup>52</sup> Such reports are an expression of the connection between international and local goals, and have created a perception in Kosovo that sovereignty will solve many of the peacebuilding process's problems, even though sovereignty for Kosovo may reproduce a state dominated by one ethnic group. Despite such tensions, the liberal peacebuilding process has enabled this type of local agency, although it is heavily weighted in favour of certain local actors who have access to major international actors, thus creating a bias towards these official discourses of reform on which the liberal peace is predicated. This means that the internationally perceived problems of efficiency, coordination, conditionality and dependency creation and the supposed erosion of local capacity are to some extent bypassed as local actors learn how to turn the liberal peacebuilding process to their own ends, producing new forms of hybridism.

What is becoming clear is that backsliding is actually the renegotiation of the liberal peace to reflect key political, economic, social and cultural dynamics in their local context.

### Peacebuilding for a new social contract and a local–liberal hybrid

An emancipatory version of the liberal peace is the minimum locally and internationally acceptable basis for a liberal–local hybrid form of peace. It would involve adding another layer to the technology of governance so far developed that would engage much more closely, at least in a transitional period, with the needs of a post-conflict individual. Leaving aside the far more difficult question of whether the liberal peace is viable even in an emancipatory form, and whether alternatives might exist, there are obvious areas where the root causes of backsliding can be addressed. These might offer empathy and care through its institutions, contribute to a social contract, recognize cultural dynamics, offer everyday resources, and rest on a responsive contract between local societies and the international peacebuilders, which might eventually make it self-sustaining.

A more social form of peacebuilding, enabling the liberal version to develop emancipatory characteristics,<sup>53</sup> as well as able to provide empathy, enable emancipation and deal with difference, might be aimed at weaving together the processes of globalization, integration, solidarity and justice, through “multicentric governance”,<sup>54</sup> moving beyond the assumptions associated with “embedded liberalism”.<sup>55</sup> This recognizes the dangers of hegemony and of ignoring the basic needs of individuals in societies in favour of governments, states and elites. It makes obvious the need for broader, deeper and wider representation, and the need to construct a global social contract via peacebuilding. The limits of the liberal international order have now been reached and need to be transcended.<sup>56</sup>

Jabri has argued that there needs to be a “politics of peace”, which is indicative of a struggle for a just social order comprising individuals as agents in themselves, rather than merely subjects of governance frameworks, and who express solidarity over their rights and needs.<sup>57</sup> What has increasingly become clear is that the liberal peace project has underestimated the fact that the liberal peace is strongly contested by actors who want to self-determine their own peace. The way out of this conundrum is through the forging of a new social contract in post-conflict zones according to the development of a local-liberal hybrid form of peacebuilding – or a post-liberal form of peace.

This raises questions related to (1) conditionality agreements between the international community and recipients in conflict environments, (2) dependence on aid, expertise and external capacity, (3) the balance between local and international ownership of the peace process, and, indeed, (4) the integrity of the peace process itself. How deeply should the international community become involved in the social, political and economic life of a conflict society and how can one determine when this line is crossed, especially as an outside actor? The epistemic group of international actors that is busy transferring institutions, frameworks and norms into conflict environments apparently agrees on *what* should be done. Consensus is also growing regarding *how* this should be done. Yet, clearly, there is also much concern about whether local voices will be heard as long as peacebuilding follows current agendas. Without local consent and consensus on the different processes involved in peacebuilding – without local partnership and ownership – peace will take a very long time to take root, if it ever does. In other words, peacebuilding and development require not just international consensus on how it should be done, but a process of negotiation between recipients and the international community, opening up the debate about what type of peace is being fostered in various conflict zones around the world.

A preliminary assertion must be made about a modified or new agenda for peacebuilding: it must start from the exercise of agency by individuals

and groups, leading to a democratic process of representation, but one not necessarily encapsulated by the Westphalian state. Individuals and groups must be able also to represent themselves. In this context, the right to the opportunity for a productive life, with respect not just to labour but to emotions, culture and learning, must be expressed as a basic human right. However, in order to develop this position on a new agenda for peace, new methodologies and approaches need to be adopted or designed to provide intellectual access to this area. Indeed, cultural pluralism and an underlying shared humanity do not need to be contradictory. Culture therefore has to be an important theme in any discussion of peace, which should recognize both its fluidity and its dynamism and its connection with tradition and the social cohesion derived from this.<sup>58</sup>

What such approaches also indicate is the need for a coherent research programme on peacebuilding that is far more contextual, while also multi-dimensional, multilevel, multi-actor, intersubjective and emancipatory. It should be able to interrogate claims and assumptions about representation, sovereignty and hegemony, be far less certain about its universalism or endorsement of territorial sovereignty, and be able to communicate a research programme about post-liberal peacebuilding to other disciplines, to the policy world and to civil society at large.

## Notes

1. See, among others, David Harvey, *A Brief History of Neoliberalism* (Oxford: Oxford University Press, 2005), p. 16.
2. See Karl Polanyi, *The Great Transformation* (New York: Rinehart & Company, 1944).
3. Elsewhere I have called this a post-liberal peace. Oliver P. Richmond, "Eirenism and a Post-Liberal Peace", *Review of International Studies*, vol. 35, no. 3 (2009).
4. See Oliver P. Richmond, *Peace in International Relations* (London: Routledge, 2008).
5. For more on these case studies, see Oliver P. Richmond and Jason Franks, *Liberal Peace Transitions: Between Statebuilding and Peacebuilding* (Edinburgh: Edinburgh University Press, 2009).
6. See, among many, Roland Paris, *At War's End* (Cambridge: Cambridge University Press, 2004). See also, Oliver P. Richmond, *Transformation of Peace* (London: Palgrave, 2005), esp. conclusion.
7. Richmond, *Peace in International Relations*, esp. conclusion.
8. Richmond, *Transformation of Peace*, esp. conclusion.
9. Robert Gilpin, *War and Change in World Politics* (Cambridge: Cambridge University Press, 1981), p. 42.
10. G. John Ikenberry, *After Victory* (Princeton, NJ: Princeton University Press, 2001), p. 23.
11. Kenneth Waltz, *Theory of International Politics* (Reading, MA: Addison-Wesley, 1979), p. 95.
12. Ikenberry, *After Victory*, p. 27.



13. Ibid., p. 29.
14. Gilpin, *War and Change in World Politics*, p. 43.
15. Michel Foucault, "Governmentality", in Graham Burchell, Colin Gordon and Peter Miller, *The Foucault Effect: Studies in Governmentality* (Hertfordshire: Harvester Wheatsheaf, 1991), pp. 87–104, at p. 103.
16. See Michel Foucault, *The Birth of the Clinic* (London: Routledge, 1976).
17. See, for example, the Preface to Francois Debrix and Cynthia Weber (eds), *Rituals of Mediation* (Minneapolis: University of Minnesota Press, 2003), p. xv.
18. Michael Dillon, "Culture, Governance, and Global Biopolitics", in Debrix and Weber (eds), *Rituals of Mediation*, p. 135. Dillon argues that defining development in such a way allows the World Bank to become involved in political issues, which is actually forbidden in its Charter.
19. Mark Duffield, *Global Governance and the New Wars* (London: Zed Books, 2001), p. 11.
20. See Hedley Bull, *The Anarchical Society* (London: Macmillan, 1977).
21. For his elucidation of this approach, see Kofi Annan, *Prevention of Armed Conflict*, UN Doc. S/2001/574, 7 June 2001. See also *A More Secure World: Our Shared Responsibility. Report of the Secretary-General's High Level Panel on Threats, Challenges and Change* (United Nations, 2004), <<http://www.un.org/secureworld/>> (accessed 15 May 2009); *The Responsibility to Protect: Report of the International Commission on Intervention and State Sovereignty* (Ottawa: International Development Research Centre, 2001).
22. Ian Clark, *The Post-Cold War Order: The Spoils of Peace* (Oxford: Oxford University Press, 2001), p. 175.
23. See Michael Goldman, *Imperial Nature* (New Haven, CT: Yale University Press, 2005), p. 57. See also Arthur MacEwan, *Neoliberalism or Democracy* (London: Zed, 1999).
24. Richmond and Franks, *Liberal Peace Transitions*, chs 2 and 3.
25. For supporters and critics of the "liberal peace", see, among others, Michael Doyle, "Kant, Liberal Legacies, and Foreign Affairs", *Philosophy and Public Affairs*, vol. 12 (1983); Michael Doyle and Nicolas Sambanis, *Making War and Building Peace* (Princeton, NJ: Princeton University Press, 2006); Charles T. Call and Elizabeth M. Cousens, "Ending Wars and Building Peace: International Responses to War-Torn Societies", *International Studies Perspectives*, vol. 9 (2008); Stephen D. Krasner, "Sharing Sovereignty. New Institutions for Collapsed and Failing States", *International Security*, vol. 29, no. 2 (2004); Paris, *At War's End*; J. Snyder, *From Voting to Violence* (London: W. W. Norton, 2000); David Rieff, *A Bed for the Night* (London: Vintage, 2002); Michael Mandelbaum, *The Ideas That Conquered the World* (New York: Public Affairs, 2002); Michael Pugh, "The Political Economy of Peacebuilding: A Critical Theory Perspective", *International Journal of Peace Studies*, vol. 10, no. 2 (2005); David Chandler, *Bosnia: Faking Democracy after Dayton* (London: Pluto Press, 1999); Duffield, *Global Governance and the New Wars*; Roland Paris, "International Peacebuilding and the 'Mission Civilisatrice'", *Review of International Studies*, vol. 28, no. 4 (2002); Roger Mac Ginty, "Indigenous Peace-Making versus the Liberal Peace", *Cooperation and Conflict*, vol. 43, no. 2 (2008); Beate Jahn, "The Tragedy of Liberal Diplomacy: Democratization, Intervention and Statebuilding Part II", *Journal of Intervention and Statebuilding*, vol. 1, no. 2 (2007); Neil Cooper, "Review Article: On the Crisis of the Liberal Peace", *Conflict, Security and Development*, vol. 7, no. 4 (2007).
26. Oliver P. Richmond, "UN Peace Operations and the Dilemmas of the Peacebuilding Consensus", *International Peacekeeping*, vol. 10, no. 4 (2004).
27. Fieldwork in Timor-Leste, November 2008.
28. Richmond and Franks, *Liberal Peace Transitions*.

29. John Macmillan, "Immanuel Kant and the Democratic Peace", in B. Jahn (ed.), *Classical Theory in International Relations* (Cambridge: Cambridge University Press, 2006), pp. 52–73.
30. *Ibid.*, p. 71.
31. *Ibid.*, p. 73. See also H. P. Kainz, *Philosophical Perspectives on Peace* (London: Macmillan, 1987), p. 65.
32. B. Jahn, "Classical Smoke, Classical Mirror", in Jahn (ed.), *Classical Theory in International Relations*, p. 203.
33. M. Mann, *The Dark Side of Democracy* (Cambridge: Cambridge University Press, 2005); Snyder, *From Voting to Violence*.
34. John Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).
35. Chandra Sriram, *Confronting Past Human Rights Violations: Justice vs. Peace in Times of Transition* (London: Frank Cass, 2004).
36. Mark Duffield, "Social Reconstruction and the Radicalisation of Development", *Development and Change*, vol. 33 (2002), pp. 1049–1071.
37. Pugh, "The Political Economy of Peacebuilding", pp. 23–42.
38. N. van de Walle, *African Economies and the Politics of Permanent Crisis, 1979–99* (Cambridge: Cambridge University Press, 2001).
39. Michael Ignatieff, *Empire Lite: Nation-building in Bosnia, Kosovo and Afghanistan* (London: Vintage, 2003), p. 92.
40. Francis Fukuyama, *State Building: Governance and Order in the Twenty First Century* (London: Profile, 2004), p. 53.
41. The Lockean version seems to be the underlying assumption of most peacebuilding/state-building debates.
42. Immanuel Kant, "Perpetual Peace: A Philosophical Sketch", in H. Reiss (ed.), *Kant: Political Writings* (Cambridge: Cambridge University Press, 1991), pp. 93–130.
43. Ian Bannon, Manager, Conflict Prevention and Reconstruction Unit, World Bank, Washington DC, personal interview, 23 February 2007.
44. *Ibid.*
45. Official source, World Bank, Dili, personal interview, 10 November 2008.
46. See, among others, Christine Sylvester, "Bare Life as Development/Post-Colonial Problematic", *Geographical Journal*, vol. 172, no. 1 (2006), pp. 66–77, at p. 66; J. Briggs and J. Sharp, "Indigenous Knowledge and Development", *Third World Quarterly*, vol. 25 (2004), pp. 661–676; Duffield, "Social Reconstruction and the Radicalisation of Development".
47. See discussion at project workshop in Sarajevo in March 2007, where local discussants were extremely critical of liberal peacebuilding in Bosnia.
48. See Michael Dillon, "A Passion for the Impossible: Jacques Ranciere, Equality, Pedagogy and the Messianic", *European Journal of Political Theory*, vol. 4, no. 4 (2005), pp. 429–452.
49. J. M. Hobson, "Is Critical Theory Always for the White West and for Western Imperialism?", *Review of International Studies*, vol. 33 (2007), pp. 91–116.
50. Homi K. Bhabha, *The Location of Culture* (London: Routledge, 1994), p. 49.
51. On indigenous peacebuilding see Mac Ginty, "Indigenous Peace-Making versus the Liberal Peace", pp. 139–188; on participation, see Jarat Chopra and Tanja Hohe, "Participatory Intervention", *Global Governance*, vol. 10 (2004).
52. Fieldwork in Kosovo, March 2006.
53. David Held, *Global Covenant* (Cambridge: Polity, 2004), p. 3.
54. *Ibid.*, p. 75.

55. Ibid., p. 14. See also J. G. Ruge, "International Regimes, Transactions and Change", *International Organisation*, vol. 36 (Spring 1982).
56. Held, *Global Covenant*, p. 136.
57. Vivienne Jabri, *War and the Transformation of Global Politics* (London: Palgrave, 2007), p. 268.
58. Jacinta O'Hagan, *Conceptualising the West in International Relations* (London: Palgrave, 2002), p. 232.

## 4

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## Towards life welfare

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*Michael Pugh*

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It may be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end, for they do so with the approval of their own conscience. They may be more likely to go to Heaven yet at the same time likelier to make a Hell of earth.

C. S. Lewis<sup>1</sup>

Harnessed for various purposes by left and right libertarians and religious believers alike, C. S. Lewis's dictum might equally be applied to those summoning God, liberty and ethics to rescue strangers and cure their strangeness, as to home-grown tyrants. It is not part of the rubric of peacebuilding to allow war-torn societies to celebrate strangeness as well as peace. Their trajectory is plotted as a liberal developmental one. Progressive benchmarks to be achieved encompass security sector reform, rule of law, democratization, capacity-building, institution-building and so-called "free market" liberalization. This liberal developmentalism has considerable implications for welfare. Echoing Kenneth Boulding, this chapter locates welfare in political economy, while drawing a distinction between economic and social policy.<sup>2</sup> Social policy is distinguished by its objective of building an individual's well-being and identity around a community through appeals to integration that can entail unilateral transfers as varieties of public goods. The role of welfare – as well-being with roots in local societies – is here considered to be a critical element in achieving positive peace and essential for securing identity, fostering

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*New perspectives on liberal peacebuilding, Newman, Paris and Richmond (eds), United Nations University Press, 2009, ISBN 978-92-808-1174-2*

social cohesion and forging viable and legitimate social contracts with governing polities, whether states or sub-state communities.

However, as a dimension of the liberal peace, “welfare” cannot be divorced from the model of political economy that interventionists take it upon themselves to introduce to a society of strangers. Thus, although the impetus to engineer is driven by governance reform agendas, it is also explicable by reference to the globalization of capital and what Keynes referred to as “casino capitalism”.<sup>3</sup> The contention here is that “uninsured populations”, to use Mark Duffield’s term, often do tolerate “robber barons” because interventionist economic policies make life unpleasant.<sup>4</sup> Moreover, the fragilities, limitations and technologies of the liberal peace, as mapped in this volume, indicate that a paradigm shift in thinking about the welfare of peacebuilding is essential to foster local conceptions of peace. In problem-solving approaches, the existing conceptual framework is broadly assumed to be a given, so that the major goal of investigation and analysis is to “learn lessons”, avoid mistakes and improve the planning and implementation of peacebuilding (as in the formation of UN “integrated missions”). In the realm of political economy, the dominant paradigm is based on an assumption that economic systems and economic behaviour can be changed by external agency to achieve a particular developmental model, encompassing social policy, and that interventions can be nuanced to achieve this. It is apparent from other chapters and other studies, however, that a focus on problem-solving within the liberal peace paradigm has not worked in the interests of the powerless, marginalized and uninsured communities in war-torn societies.<sup>5</sup>

In both the academic conceptualization and the discursive practices of liberal peacebuilding, much attention is focused on institutions and capacities for democratization, rule of law and institution-building at the levels of the state and semi-autonomous authorities such as provincial governments. A paradigm shift would require attention to two other analytical spheres that tend to be either neglected or divorced from each other in the literature: the welfare of everyday life and the conditionalities of global capitalism. A shift would thus operate at two levels: continuous and equitable engagement with the diverse local cultural and welfare dynamics on the one hand, and restructuring or disempowerment of the existing financial hegemony at a global level. As Robert Cox argues, such a shift requires open debate about a post-hegemonic world order “in which different traditions of civilisation could co-exist, each based on different intersubjectivity defining a distinct set of values and a distinct path towards development”.<sup>6</sup>

The following analysis attaches a broad concept of welfare to a paradigmatic approach. It begins with consideration of the definition,

categorization and goals of social welfare. The second section contextualizes welfare in the political economy of conflict/post-conflict peacebuilding. It suggests that assorted forms of economy emerge in the process of transformative policies encountering adaptation and resistance by the local. The third section examines the welfare functions of informalities that are often labelled “criminal”. The last section elucidates the potential for transformation of the liberal peace agenda through a conceptual shift to life welfare.

### Welfare and everyday life

The concept of welfare has undergone considerable evolution, and the discourse surrounding it has a variety of meanings in different contexts. In many countries, such as the United Kingdom, it is associated with state provision of universal public goods and services paid for by taxation, whereas in the United States it connotes “hand-outs” and dependency on the part of the uninsured population. In this chapter, welfare is identified in its broad sense as individual and community-fostered well-being. It is *not* equated with the notion of the welfare state, which has been targeted for demolition by neoclassical economists, but is a socially integrative fact of bare life that may extend from communal distribution of food in rural societies to payment to householders by guerrilla groups for storing ammunition.<sup>7</sup>

Since the mid-nineteenth century, welfare in Western thought has been inseparable from social policy and state political economy. Varieties of welfare also reflect class, gender and ethnic struggles on the one hand (such as the welfare societies established by workers), and forms of state control and discipline through conditionalities on the other.<sup>8</sup> Welfare was a significant element in the social contract between citizen and state and, as Otto von Bismarck realized in promoting social insurance in Germany, ahead of any other country, it could forestall revolution by the governed. It also fostered “national efficiency”, a prevalent policy orientation in industrial capitalism.<sup>9</sup> As suggested by Ellen Wood, the state was, and remains, an essential actor in securing, and securitizing, a compliant uninsured population: “the state must help to keep alive a propertyless population which has no other means of survival when work is unavailable, maintaining a ‘reserve army’ of workers through the inevitable cyclical declines in the demand for labour.”<sup>10</sup>

The pioneer of British social policy Richard Titmuss drew attention to this raw manifestation of securitized welfare in noting the close relationship between welfare and state militarism. The demands of war led to welfare that expanded from the care of soldiers on the battlefield to ad-

dressing the needs of their dependants, and then to welfare for the masses whose cooperation was essential to mobilize the home fronts.<sup>11</sup> From these beginnings, some element of state provision for public education, health, employment and the disadvantaged came to be taken for granted in post-Fordist capitalist societies.<sup>12</sup> For Titmuss, the link with economic development was also unmistakable. Welfare was part compensation for bearing the social costs and insecurities of industrialization and social dislocation.<sup>13</sup>

However, influenced by the experiences of the Great Depression and the Second World War, Titmuss saw high value in welfare as an instrument to achieve social integration, identity and participation.<sup>14</sup> Although he understood that “[w]hat is ‘welfare’ for some groups may be ‘illfare’ for others”, an objective of social policy was “to build the identity of a person around some community with which he is associated”.<sup>15</sup> Welfare incorporated social value, altruism and human agency.<sup>16</sup> Thus the unconditional, non-commodified and altruistic norm of donating blood and body parts to the National Health Service meant that even the bare life of the individual could serve as a public good, a form of resistance to the dominance of “economic thinking” and commercialization. Titmuss objected to the discourse of “welfare state” that represented welfare as a burdensome commitment soaking up taxes, which could be alleviated only by marketization. Moreover, in the international market for health, for example, rich countries made enormous savings by importing health workers from abroad at minimal cost in education and training, thus depriving welfare to poorer parts of the world. The so-called “burden” was an actuarial and ideological construct.<sup>17</sup> Contested on either side – by those who sought to change the structures that kept people poor and by those who advocated conditional access to welfare as a means of changing behaviour – Titmuss framed the issue thus:

what particular infrastructure of universalist services is needed in order to provide a framework of values and opportunity bases within and around which can be developed socially acceptable selective services aiming to discriminate positively, with the minimum risk of stigma, in favour of those whose needs are greatest.<sup>18</sup>

Titmuss was nevertheless bound by precepts that co-opted the needy into a contract with the state, whether under a capitalist or a command economy, and conditional on acceptance of its controlling functions. His categories of welfare system varied according to stages of capitalist development, cultural norms and the diversity of social relations and resources available, but were models distinctive to states of the Organisation for Economic Co-operation and Development (OECD).<sup>19</sup> Only from the

1980s, with the revival of a critical literature on “globalization”, have non-OECD and post-colonial systems of welfare received due weight as part of a shift away from comparative social policy analysis.<sup>20</sup> This chapter can be read as extending the pluralistic conception of welfare to war-torn societies where liberalism is attempted. In such cases, the informal penetrates the formal, “official” residual welfare may be undertaken for the poorest while the powerful are privately served and secured, and neither insured nor uninsured rely on provision that is audited.

### Liberal peace welfare

Having been party to “saving strangers” – the protection and rescue of civilians in conflict areas in the form of humanitarian intervention, peace-keeping, “stability operations” and peacebuilding – the self-styled “international community” has set about curing them of their strangeness. In terms of welfare, peacebuilding agencies have necessarily given priority to relief aid and the provision of safety-net systems, often delegated by default or design to non-governmental organizations (NGOs). Indeed, a strong characteristic of international social policy generally has been the array of welfare providers mobilized to supplement the state. In war-torn societies where state infrastructures are unable to cope, such intervention is the norm, with international aid agencies, international financial institutions (IFIs), UN bodies, local, national and international NGOs and private enterprise sometimes competing to offer their services.

In addition, longer-term reform and reorganization of welfare are often regarded as essential, partly to establish respect for the needy and vulnerable. Nevertheless, the introduction of liberal economic ideology to a variety of post-conflict contexts presides over further social dislocation and increased inequality in ways that imply the (re)creation of social fragmentation rather than cohesion. The emphasis in liberalism on property rights and individual capital accumulation, deriving from a Lockean conception of property as a natural right, was reinvigorated through a post-Second World War ideological assault, led by Friedrich Hayek, on collective concepts of welfare. This school postulated that well-being in everyday life was equivalent to a possession, something with monetary value to be earned, purchased and protected. Welfare could be calculated according to financial incentives and disincentives for free-riding or self-reliance. By the 1970s the liberalism–property nexus was poised to eventually replace the Cold War political ideologies with the full-blown ideology of “neo-liberalism”. Everyday life could be monetized and a value measured and placed on everything – from ideas published



by academics to the motives for prolonging a civil war. In a sociological analysis of the impact of this ideology, Zygmunt Bauman highlights the atomization of society in advanced capitalist states.<sup>21</sup> The ideological reification of economic self-reliance supports a technology of governance to maintain elite control and, through command of global finance, the proponents and institutions of neo-liberalism also disseminate self-reliance globally.

The assumption on the part of international actors that globalization will ensure convergence, harmonization and replication of self-reliant welfare in widely differing social systems has been a central, hubristic component of liberal peace and crisis management techniques in the late twentieth and early twenty-first centuries.<sup>22</sup> However, the attempt at replicating individualistic, self-reliant welfare in war-torn societies exacerbates the socially divisive, atomizing effects of conflict – capital accumulation by dispossession, reorientations of patronage and fragmentation of authority. In societies assumed to be broken, contracts between external agencies and communities are initially fashioned out of humanitarian relief aid and externally provided safety-nets. The political economy of liberal peace then requires a range of policies and institutional mechanisms to achieve macroeconomic stability and self-reliance, over which the populations have very little say.<sup>23</sup>

Reflecting on his term of office as High Representative in Bosnia and Herzegovina (BiH), Paddy Ashdown typifies a prevalent discourse and practice in regard to reforming the political economy:

Ironically, as a politician I campaigned against many of her [Thatcher's] reforms, arguing that they would lead to lost jobs and the selling off of the national wealth; only to find myself instituting very similar reforms in Bosnia and facing the same arguments and opposition. What makes matters worse in most post-conflict countries is that they are poor, not rich – so the pain can be far greater. There is not much the interveners can do about this, except understand it and recognise that by insisting on accelerated reforms we are often asking local politicians to take responsibility for a level of social disruption which our own politicians at home would reject without a second thought.<sup>24</sup>

Quite apart from the absence of any democratic process in this governance model, the macroeconomic ideology insisted upon by the main funders and agencies takes advantage of dislocations of conflict that impact on gender, ethnicity and class sectors. The governed are expected to welcome, tolerate or passively accept radical experiments with their economic environment, and welfare is contingent on limited state revenue and conditional external subsidy.

This is not to deny the modifications of structural adjustment strategies and of the raw neo-liberalism of the Washington consensus. The devastations of structural adjustment could not be allowed to fester. The World Bank's *World Development Report* for 2006, echoing Amartya Sen, incorporated "equality of opportunity" for individuals to pursue a life of their choosing into its conceptualization of development.<sup>25</sup> There is greater discrimination in the approach to social policy in developing countries, reflecting rifts within and outside the Bank (in which one can include the UK government's decision in 2006 to temporarily withhold a £50 million contribution to the Bank until it relaxed conditionalities on aid). The Bank's fine-tuning produces a gradation favouring accessible public provision for basic health care and primary education, mixed private and public provision for higher education but wholesale privatization for pensions (perhaps making pensions vulnerable to "casino capitalism").<sup>26</sup> Similarly, the International Monetary Fund (IMF) supports access to basic social services and claims that its programmes of public provision have made a difference to poverty.<sup>27</sup> In effect, the World Bank, the IMF and the OECD have reached a consensus to privilege free primary education and health (often reproductive health), convergent with the Millennium Development Goals.

However, four caveats about the liberal welfare project are worth stressing. First, the consensus generally subordinates social imperatives to economic needs that foster macroeconomic stability in which public sector wage bills and budget deficits are very restrictive. Increased social spending, for example, either cannot occur because of weak revenue-gathering capacity or cannot keep pace with increasing demand. Moreover, the World Bank's quest to "make services work for the poor"<sup>28</sup> offers a vision that deviates little from models that encourage the rich to privatize their welfare while the poor are entitled to abstemious public provision that is always vulnerable to protests about the tax burden. The commodification of welfare through market mechanisms has been an essential element of the liberal peace, integral to the hegemonic engagement with society by international peacebuilding actors. As Peter Alcock points out, the classic economic ideology stemming from self-reliance "simply redistributed benefits in favour of private welfare and exposed the individual to greater hazard", for example in terms of access to safe drugs.<sup>29</sup> The fundamental Lockean ideology of the IFIs remains intact, and the focus on public service for reproductive health and primary education, while significant and not to be derided per se, does not represent an abandonment of commodification.

Second, the macroeconomic conditionalities of the developmental model introduced to war-torn societies by the core donors and financial

institutions require the uninsured populations to establish self-reliance. Although self-reliance began as a strategy by marginalized communities to resist economic dominance by dominant markets, it was co-opted into a system designed to secure and isolate areas that could not be integrated.<sup>30</sup> Assistance is predicated on this principle and is manifested in the popularity of micro-credit loans and grants among donors and the World Bank. Originating with the Grameen movement in Bangladesh, micro-credit has been elevated as a salvation for societies recovering from conflict by generating quick-impact economic and social benefits. But the self-reliant entrepreneurialism embedded in the concept is hardly warranted by the often highly problematic consequences. Significant failures in the longer term result in poverty being circulated among the poor, and the “quick-fix” timescale helps to establish a local institutional framework “that is almost wholly antagonistic to sustainable post-conflict development and growth”.<sup>31</sup>

Third, as Oliver Richmond contends, a predominantly hegemonic discourse of peace has determined and legitimates a disconnected form of politics over the socioeconomic welfare of local people, and it is “far from culturally and socially appropriate or sensitive, and has little chance of establishing a locally self-sustaining peace”.<sup>32</sup> Liberal peacebuilding marginalizes local definitions of peace and well-being, and its agents assume that resistance and reliance on informal economies is illegitimate. In this respect there is striking interconnection with efforts by the “international community” to democratize the unruly. In regard to the post-colonial state (where many conflicts are located), Thomas Koelble and Edward LiPuma argue that the democratic forms advocated by Euro-American states are non-replicable in post-colonial societies precisely because of their different histories. Their trajectories reflect colonial legacies of social fragmentation, absence of metropolitan political accountability, embedded injustice and the support by former colonial powers for repressive regimes. The identification and measurement of democracy by such organizations as Freedom House, Transparency International, the United Nations Development Programme (UNDP) and the World Bank are deeply flawed, not least because a clear divide is assumed between the public/community persona and the private individual, an artificial divide in many non-Western societies. Equally problematic, such indexes are often used to determine levels of economic assistance. Moreover, a lack of economic sovereignty in “undeveloped” societies means that local politicians are less accountable to their own people than to external agencies and, in the case of international administrations in war-torn societies, to foreign purveyors of good governance. As Koelble and LiPuma contend, the mechanics of the global financial and trading

systems “imposes a myriad of hidden constraints on their economic policy, which, in turn, constrains the possibility for creating the foundation for the realization of these critical [democratic] values”.<sup>33</sup>

Fourth, the dominant welfare framework reinforces a hierarchy in which public assistance becomes securitized as a means to protect the insured from the risks and unrest posed by the uninsured, who cannot be integrated into an entrepreneurial ideal of welfare. The dispersal of dominant welfare norms results in the subjugation of systems that are incompatible with that dominance, and assumes either the existence of a tax base, service infrastructures and bureaucracies able to operate welfare, or that these things can be readily created. The post-Washington consensus adjusted for a rights-based approach and UNDP concerns for social justice simply do not address the power relations that configure inequalities.<sup>34</sup>

### Criminality: Threat or welfare?

The dynamics of organized crime, corruption and informal economies have been identified by agencies as obstacles to state-building: they hinder the creation of a social contract through the rule of law between state and citizen, prevent efficient revenue collection and budgeting, interfere with fair competition and entrepreneurship, and undermine the values of human security (such as respect for the person). In addition, hidden economies are linked to terrorism, trafficking and political instability, thereby posing risks to peaceable, liberal societies. Countering corruption and organized crime has become a key objective of liberal peacebuilding, to the extent that some observers recommend that the UN Police (UNPOL) and perhaps “peacekeepers” should be mandated to deal with it.<sup>35</sup> This does not explain why Montenegro and Kosovo, supposedly sites of organized crime and corruption, should be rewarded with self-determination and recognition by states threatened by these activities in Euro-America. Further, although “corruption” probably accounts for a significant proportion of GDP in war-torn societies, in absolute terms it pales into insignificance in comparison with corruption in the main sites of Western capitalism, as the casino crisis from 2007 exposed.<sup>36</sup>

In addition, the concept of “informal economies” needs disaggregation. The term encompasses a range of activities that are not fully audited for formal revenue-gathering, and includes legal, non-observable or partly observable activities, such as bartering. Informal welfare economies also depend on petty trading, smuggling, unregistered work, bribery and tax evasion. It is not entirely flippant, for example, to observe that Bosnia’s comparative advantage in the global economy lies in informal

economic activity. Remittances and transfers by expatriate visitors are particularly important in providing welfare (most being spent on food, health and utility bills). In 2003, BiH had the highest remittances per capita of European transition countries, estimated at almost 17 per cent of GDP.<sup>37</sup> Given that, globally, remittances exceed foreign aid and foreign direct investment combined,<sup>38</sup> it is also an “opportunity gain” for the developed world in the global pattern of redistribution. Disaggregation for analytical purposes, however, does not imply compartmentalization. Petty smuggling of goods in war can lead to hotels, petrol stations and markets at transport nodes becoming significant money-laundering assets for criminal organizations – and a route to the legalization of capital as a historic aspect of state-building.<sup>39</sup> Nor should the term “informal” be taken to imply insulation from official and formal activities. Customs officials and police have been known to cross the divide between control and participation.

Clearly, in war-torn societies affected by dislocation and low rates of formal employment, non-audited economies provide a welfare function including access to goods, services and income. Informal employment is such a significant aspect of the labour market (in the region of 50 per cent of all employment in the Balkans) that it is clearly an essential element in household consumption. It almost certainly keeps people above the poverty line, particularly in rural areas (agriculture being the biggest informal employer) and among households headed by women, who are more likely to take part-time, temporary and low-income jobs.<sup>40</sup> Un-audited activity offers a form of social and economic inclusion for the uninsured population, helps to sustain resistance to the social alienation entailed in economic liberalization and takes advantage of the spaces in liberalization that are abandoned by the state.

In addition, everyday negotiations, characterized as “tricks of everyday life” by Béatrice Pouligny, have a fundamental impact on local adaptation by promoting welfare, social relations and social inclusion.<sup>41</sup> This kind of activity, not to be equated with morally heinous people trafficking, continues a tradition in which volatile issues, such as ethnic difference, are marginalized.<sup>42</sup> Everyday life does not conform to the rationalism of the economic engineers from outside. Nor does it correspond to what international peacebuilding actors write off in some cases as the legacies of inefficient state welfare. The tricks signal traditional quests for sufficiency and subsistence quite independent of constructed transitions to a particular future. They enable people to participate in “free markets” par excellence, in the sense that they are not regulated by authority but offer “daily reinvented social norms around the claim to subsistence”.<sup>43</sup> In sum, people arrange their welfare not because of the benefits of an international presence or administration, but often in

spite of it. Dismissal of all elements of informal welfare practised in the “tricks of life” – as socially corrosive and leading to moral collapse<sup>44</sup> – is to misunderstand the need for social cement in everyday life where social corrosion is engendered by increasing disparities of wealth under liberalization.

### Towards life welfare

Asymmetries of power determine the norms of liberal peacebuilding and the securitization of welfare. However, local responses to external projects lead to adoptions, adaptations and resistance, creating a mottled welfare space that might be labelled “hybridity”, though definitions and connotations of hybrid refer to a binary parentage of origins whereas patterns of well-being reflect a multiplicity of factors. The argument here is that conflict and liberal peace give rise to a range of dynamics that include a degree of reliance on activities outside the official “rule of law”.

#### *Problem-solving approaches*

Critics offer two kinds of strategy: problem-solving or paradigm-shifting. In problem-solving constructions, the existing conceptual frameworks are broadly taken as given. The chief purpose of investigation is to “learn lessons”, avoid mistakes and improve the planning and implementation of peacebuilding in war-torn contexts. As indicated above, the problem-solving approach to state welfare that characterized the Bismarckian approach had the objective of staving off unrest and structuring popular acquiescence in the demands of capital and state, including militarism and war. Ideologically, this contractarianism had roots in the defence and promotion of capital accumulation. In the contemporary world, the ideology has been extended to establish a securitized model development as a kind of loose contract between advanced capitalist societies and the rest – the former undertaking to nurse and engineer development to reduce unruliness such as corruption and threats to strategic interests. The “lifeguards of capitalism”, such as George Soros, Joseph Stiglitz and Jeffrey Sachs, provide intellectual justification for global reforms that aim to keep a lid on disorder rather than seeking a fundamental shift in the prevailing paradigm of the global economy. In this strategy, economic systems and economic behaviour can be changed by improved external agency to suit a securitized model of development.

However, the discursive emphasis on the welfare and improvement of the “other” is practised without local ownership or political roots. A more nuanced approach promotes “local stakeholding”, “capacity build-

ing”, “empowerment” and “shared sovereignty”, which represents a reaction to criticism of “empire”.<sup>45</sup> Here the solution proposed is “participation”. What began as a counter-hegemonic social research movement in Africa and South America in the 1970s was co-opted by institutions such as the World Bank to create the illusion of populism. As Pablo Leal contends, the mantra of participation served not to facilitate the agency of the poor and reduce their subjugation by the state and its international backers, but to create “a populist justification for the removal of the state from the economy and its substitution by the market”.<sup>46</sup> Liberation from an interventionist state and participation in the market were cast as “inherently empowering”. On the other hand, the incorporation of participation into the discourse of capitalism disempowers those without money to pay for privatized welfare and basic needs such as water. Empowerment through participation can be considered a governmentality that reinforces the power of those facilitating participation to “contain it within the bounds of the existing order”.<sup>47</sup>

If core capitalism is thereby saved from conflicts that threaten to disrupt the international system, this can also give a false impression that the affected populations are swimming towards development and waving rather than drowning. This level of problem-solving does little to redress the dispossession of community resources and public goods by the constant process of capital accumulation that intrudes on welfare. Expanding the uninsured surplus population may not be an overt goal, but it is a function of “accumulation by dispossession and the predatory forms of capitalism associated with it”.<sup>48</sup> As Behrooz Morvaridi summarizes, modified neo-liberalism is about how best non-economic or non-market agencies, such as social capital, can make the market “work or work better” for capital.<sup>49</sup> This is not to say that peacebuilding invariably carries the assumption of an idealized, liberal, free market democracy, since convergence is hardly feasible for “undeveloped societies”, although the rhetoric and (dubious) measurements on poverty reduction, for instance, claim this.<sup>50</sup> In practice they promote something rather different – reducing security risks to themselves and others, and incidentally rendering them open to capital accumulation, even if it means the destruction of difference. By contrast, a paradigm shift towards life welfare would require welfare practices to have political roots in local societies and political communities that would set their own welfare agendas.

### *Paradigm-shifting*

Some commentators have outlined a radical emancipatory and empathetic version of human security. Michael Barnett, for example, offers a partial shift in proposing a negotiated “republican peacebuilding” in

which domestic and external actors agree on procedures and rules for decision-making:

Unlike liberal peacebuilding, which uses shock therapy to push postconflict states toward some predetermined vision of the promised land... [republican] peacebuilding's emphasis on deliberative processes allows space for societal actors to determine for themselves what the good life is and how to achieve it.<sup>51</sup>

Similarly, Oliver Richmond envisages genuine local empowerment based on the needs of everyday life.<sup>52</sup> Indeed, exceptional work has been conducted on the anthropologies of everyday welfare needs – in practice by NGOs and civil society groups, and in a small body of reflexive literature on survival in war-torn societies.<sup>53</sup> There is a developing perception, then, that a non-securitized counter-discourse could emerge to take local voices seriously, engage with heterodoxy and reconceptualize the abstract individual as a social being. This might be configured as a “life welfare” paradigm.

In policy terms it would reject the current focus on the ameliorative interventions of international agencies and coalitions and the preoccupation with “exits” arranged around quick fixes. A life welfare paradigm would create space for counter-hegemonic agendas and the historically and spatially contingent transformation of varied societies, constructed to advance the “whole of life” potential of individuals and communities. This would include a reconfiguration of the global economic system to empower communities to have more control over their resources. It would differ from earlier versions of welfare in several respects. First, “life welfare” would encompass alternative notions of life that affect the individual, the community, the biosphere and the planetary environment. Second, it would emphasize the need for dialogue between heterodoxies, incorporating the goal of optimizing the life potential of both individuals and diverse forms of community, recognizing that the means to reach such a goal would be the object of serial negotiation. Third, it would avoid relativism, requiring attention to the structures of global capitalism as well as to the life of societies. Fourth, it would invoke the twofold meaning of welfare: well-being and social provision.

Such a perspective would lead to a twofold conceptual shift: from the “liddism” and containment of liberal peace to political economies of life welfare; and from universalist panaceas (which result in dysfunctional forms of political economy) to engagement with heterogeneity. It would encompass alternative notions of everyday life and alternative understandings of welfare in war-torn societies. It envisages not a politics of cosmetic participation but a politics of emancipation and resistance to the imposition of liberalization and its institutional, state-building empha-



sis. Furthermore, it would require researchers to focus on the archaeology and history of communities and their projected futures.

The current reform agenda problematizes the domestic governance and transformation of the “other”. A re-politicization of local welfare for social transformation would need to be accompanied at a global level by a reconceptualization of economic power to enable authorities in war-torn societies to resist the pressures to liberalize. A paradigm shift would involve interrogation of the way in which the global system exacerbates the subaltern status of war-torn societies and advocate a commensurately greater focus on the outside of the post-conflict society, on the need for a political transformation of the structures and institutions that determine the limits of welfare. This would involve more than simply equalizing the “free market”, “participation” without structural change and enhancing global poor relief – as proposed by Sen, Soros and Stiglitz. Such problem-solving leaves the power structures of capitalism unproblematic. By contrast, structural reorientation might include the wholesale regulation of finance capital, radical reform or replacement of the Bretton Woods institutions and the World Trade Organization, and the establishment of viable alternatives to hegemonic neo-liberal agendas.

## Conclusion

Could such a movement have practical significance, given that it would meet resistance from cadres of capitalism, liberal agencies and state pressures to securitize development? As Paul Williams argues, to expect liberal capitalist agencies and states to engage in peacebuilding other than by reinforcing the structures from which they benefit “would require them to engage in probably unrealistic levels of other-regarding behavior to allow the states they help build to develop in ways that are incompatible with their own ideals”.<sup>54</sup> However, it is perhaps less practical to keep endorsing the liberal peace frameworks – such as state-building that has made ethnic cleavages more pronounced – than to harness the potential of emerging alternatives. In Latin America, the creation of a Bank of the South offers to circumvent the liberal ideological orientations of the Inter-American Development Bank and even the World Bank. Moreover, the reconceptualization of welfare can be grounded in the immanent critiques of liberalism that emphasize its emancipatory potential and (unfulfilled) promises to build multi-ethnic communities. As noted above, in practice even the IFIs have shown signs of edging towards an opening-up of new agendas by engaging with counter-hegemonic discourses in civil society. The UN’s Peacebuilding Commission has also engaged in negotiations with civil society groups in Sierra Leone and

Burundi, albeit without much broadening the constituency for peace. And, as Vesna Bošnjak and Paul Stubbs show, post-conflict societies in Europe have experimented with new relationships and providers in a quest for social service reforms that offer diversity of care, decentralization to community-based services and a swing away from reliance on institutionalization of the vulnerable, so as to safeguard their human rights (a shift promoted by the United Nations Children's Fund).<sup>55</sup> Finally, the credibility of liberal problem-solving has undoubtedly slumped along with the core capitalist economies, and alternatives will become more feasible and attractive as liberalism loses traction.

Currently, the political economy of welfare in a liberal peace framework involves a "Paddyist" virtual empowerment whereby international peacebuilding actors transfer responsibility to societies without transferring control, the main objective being to maintain hierarchy. Populations have been subjected to disciplinary techniques requiring self-reliance and a loss of public or community forms of welfare.<sup>56</sup> Recognizing this is a starting point for rejecting imposition in favour of negotiation over what type of "peace" is being constructed and for whom. For example, societies that have had a tradition of cooperative welfare may wish to persist with it. Obviously it would be unsound to romanticize the "local", since the local may harbour rights abusers, and because a focus on the local leaves the operations of the global economic structures unproblematized. But "life welfare" involves a willingness to engage in unscripted conversations with the governed and implies the production of new "geographies of power" that foster social contracts at both the global level *and* the local level. As Bob Deacon comments, globalization has meant the proliferation of social agencies, knowledge networks and epistemic communities, in which welfare discourses are globally contested and welfare solidarities and aspirations cross borders. It challenges the analyses derived from the Titmuss models of state welfarism and its opponents. A post-liberal peace can be replaced by multi-layered processes and "policy assemblages", not only infiltrated by globalizing pressures but also shaped by the historically embedded exertions of class, gender and identity.<sup>57</sup> From a critical perspective, then, pluralism and a true participation in welfare involve a paradigm shift to a post-hegemonic system to underpin those struggles for life welfare and political emancipation.

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16. Alan Deacon, *Perspectives on Welfare* (Buckingham: Open University Press, 2002), p. 14.
17. Titmuss, *Commitment to Welfare*, pp. 124–127.
18. *Ibid.*, p. 135.
19. Titmuss argued that welfare arrangements reflect the cultural distinctiveness of societies, and recognized three basic types: residual welfare, when the state steps in to provide a safety-net because those most responsible – the family, the community and the market – have failed; the industrial or corporatist model, in which paid work was the route to benefits; and the social democratic redistributive model favoured in Scandinavia. Welfare was thus contingent on the stage of capitalism reached. This was further evolved, also pertinent to OECD states, by Gøsta Esping-Andersen, *The Three Worlds of Welfare* (Cambridge: Polity, 1990). Other systems, in Asia for example, feature compulsory savings. Social policy academics have generally favoured the Scandinavian model for its impacts on inequality, and for its association with worker and gender mobilization and political representation; see Deacon, *Global Social Policy and Governance*, pp. 6–7.
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34. See Morvaridi, *Social Justice and Development*, ch. 3.
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## 5

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# Does liberal peacebuilding have a future?

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*Roland Paris*

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International peacebuilding missions – defined here as multilateral deployments of military and civilian personnel to countries that are emerging from civil wars – have come under growing criticism in recent years from several directions. Some commentators view any kind of international intervention in such states as either futile or counterproductive. Others criticize the particular methods and models of peacebuilding that have been pursued, including the tendency of these missions to promote liberal political and economic reform in the transitional countries. These criticisms – which have grown stronger since 9/11 and the beginning of the “war on terror”, for reasons that will emerge below – have called into question the future of the liberal peacebuilding enterprise. The purpose of this chapter is to scrutinize some of these critiques (focusing on the most negative) and to consider what they might tell us about the prospects both for peacebuilding in general and for the distinctively liberal approaches that have characterized these missions to date. In short, does liberal peacebuilding have a future?

### Liberal peacebuilding and its critics

Since the end of the Cold War, an enormous international experiment has been under way. A shifting constellation of international and regional organizations, national governments and non-governmental organizations has conducted a series of complex “peacebuilding” operations

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aimed at stabilizing countries after war. From Namibia in 1989 to Darfur in 2007, more than 20 major multilateral peacebuilding missions were deployed to post-conflict societies with the goal of preventing the resumption of violence. This enterprise remains an experiment in that there is still no reliable formula for transforming a fragile ceasefire into a stable and lasting peace. Nor should this observation come as a surprise. It is difficult to imagine a more complex and demanding task than post-conflict peacebuilding, which combines three separate yet simultaneous transitions, each posing its own tremendous challenges: a social transition from internecine fighting to peace; a political transition from war-time government (or the absence of government) to post-war government; and an economic transition from war-warped accumulation and distribution to equitable, transparent post-war development that in turn reinforces peace. Nor is the demand for these operations likely to abate in the near future, given the increased tendency of armed conflicts to end in negotiated settlements rather than military victory.<sup>1</sup>

There has been no shortage of critics and criticisms of these missions.<sup>2</sup> Some observers have argued that the international agencies engaged in these operations have paid inadequate attention to domestic institutional (or “state-building”) conditions for successful democratization and marketization. Others maintain that peacebuilders have not appreciated or addressed tensions and contradictions between the various goals of peacebuilding. Further criticisms have pointed to poor strategic coordination among international and local actors; the lack of political will and attention on the part of peacebuilding sponsors to complete the tasks they undertake, and insufficient commitment of resources; unresolved tensions in relations between the military and non-military participants in these operations; limited knowledge of distinctive local conditions and variations across the societies hosting these missions; insufficient “local ownership” over the strategic direction and daily activities of such operations; and continued conceptual problems in defining how to bring operations to a successful close. Other critics have gone further, however, questioning the very foundations of peacebuilding, including its feasibility or its legitimacy – and it is these arguments that are the focus of this chapter.

*“Let them fail”*

According to some analysts, major international interventions aimed at helping to implement peace agreements in civil wars are inherently misguided and counterproductive when they in effect “freeze” conflicts in place rather than allowing these conflicts to burn themselves out. Jeffrey Herbst, for example, maintains that seeking to prevent state failure in



Africa or to reconstitute functioning states within existing borders can be a foolhardy strategy, particularly if it prevents new and more sustainable political arrangements from emerging through a natural process of conflict and cooperation. The political map of Africa, he argues, is defined by artificial national boundaries and states that were largely created by the European colonial powers without regard to underlying social patterns. His advice is to “let them fail” and to redraw political boundaries to reflect whatever new arrangements emerge, rather than seeking to perpetuate the untenable fictions of many existing states.<sup>3</sup>

Similarly, Jeremy Weinstein endorses a strategy of promoting “autonomous recovery” in which states achieve “a lasting peace, a systematic reduction in violence, and postwar political and economic development in the absence of international intervention”.<sup>4</sup> He maintains that international efforts to end wars through negotiated settlements, and to rebuild states on the basis of these settlements, can serve to “freeze unstable distributions of power and to provide a respite from hostilities for groups that are intent on continuing the conflict when the international community departs”.<sup>5</sup> Instead, allowing conflicts to take their own course, which would sort out the winners from the losers, would be a surer basis for peace in the longer term. This argument builds upon the research of some scholars who have found that civil wars ending in military victories are more likely to produce longer-lasting peace than those ending in negotiated agreements.<sup>6</sup>

These arguments are bold and unorthodox, and may seem compelling at first glance. It is true that long-established Westphalian states (most notably, the oldest ones in Western Europe) emerged from a lengthy and messy process of war and conflict, which resulted in borders more or less reflecting “natural” frontiers of political and economic communities. It is also true that national boundaries in much of Africa were imposed and often arbitrarily drawn, frequently with little regard to the location and extent of existing communities. But adopting a hands-off approach to conflict resolution and peacebuilding – one that allows new political arrangements to emerge from violence – would be deeply problematic in practice. Some wars might grind on for years or even decades without resolution, all the while producing humanitarian crises, famine, refugee flows and ethnic cleansing, before one side achieves complete victory. In the meantime, conflicts could spread to neighbouring territories, as several have done in Africa in recent years. Moreover, the presence of a major peacebuilding mission following a negotiated settlement has been shown to yield *longer*-lasting peace than even military victory.<sup>7</sup> On balance, then, failing to provide assistance when it is possible to do so, and when it is requested by local parties, seems a short-sighted and dangerous strategy.

*Big is bad*

For another group of observers, the contemporary practice of peacebuilding is fundamentally flawed because it is overly intrusive. According to this perspective, international actors have exercised such extensive power and have become so dominant within their host societies that they have effectively squelched domestic political participation and self-government.

David Chandler's analysis of the Bosnia mission offers a good example of this type of argument. He maintains that the extensive decision-making authority of international officials in that country has been "undermining Bosnian institutions and creating relations of dependency".<sup>8</sup> As a result, the mission as a whole has done little either to build the capacity of the Bosnian state or to legitimate it in the eyes of the population. The powers and the authority of the state have been subsumed by external actors and this process has prevented any real policy-making power being devolved to elected Bosnian bodies.<sup>9</sup>

Jarat Chopra makes similar criticisms of international peacebuilders in Timor-Leste, who, in his view, exercised quasi-monarchical powers and excluded Timorese from managing their own affairs.<sup>10</sup> Astri Suhrke's writing on Afghanistan is also critical of international intrusiveness, arguing that large international aid flows and military forces have distorted the political and economic development of the country. Specifically, dependence on external financial and military support has made the Afghan regime more accountable to external donors than to its own people, thus undermining the prospects of legitimate and effective self-government.<sup>11</sup>

In their own ways, Chandler, Chopra and Suhrke all describe a problem that is endemic to international peacebuilding: the difficulty of promoting effective sovereignty and self-government in a war-torn state and of doing so by means of foreign intervention. It is far less obvious, however, that recent missions have been *excessively* intrusive, as these three authors have claimed. In the case of Bosnia, for example, important post-war improvements have resulted from the exercise of international authority, including measures to allow the return of refugees and displaced persons and to remove ethnic identifiers from official documents, including passports.<sup>12</sup> In Timor-Leste, there has been no shortage of political participation, particularly since the initial peacebuilding mission ended in 2002, notwithstanding Chopra's concerns about the excessive powers of international administrators. If anything, the problem in Timor-Leste was that the mission ended too soon, when the job of reforming the security and justice sectors had only just begun. In fact, UN Secretary-General Kofi Annan made this very point in late 2006 when he recommended deploying a new peacebuilding operation to Timor-Leste, following the outbreak of renewed fighting among factions of the Timorese

security forces.<sup>13</sup> Finally, in Afghanistan, most ordinary Afghans appear to view their government as legitimate, in spite of large external aid flows and the presence of foreign military forces.<sup>14</sup>

Nor is there evidence from cross-national studies to indicate that larger-scale missions with robust powers – in short, more “intrusive” operations – are less effective than more modest missions in promoting peace or democracy in countries emerging from war. Christoph Zürcher examined 17 cases of peacebuilding operations deployed between 1989 and 2001, ranking the intrusiveness of each mission based on whether they: (1) enforced peace with military power; (2) decisively shaped the new constitution and/or legal code; (3) assumed executive or legislative powers; (4) decisively shaped economic policies; and (5) participated in executive policing.<sup>15</sup> He then evaluated the success of each mission in preventing renewed fighting, establishing control over military forces, encouraging economic development, promoting democratic governance and strengthening institutional capacities, including the rule of law. His principal finding is that the more intrusive missions were slightly better at achieving these goals than were less intrusive missions.

### *Imperialism redux*

Some commentators take the critique of peacebuilding’s intrusiveness much further, arguing that these missions represent a new form of imperialism or colonialism. William Bain, for example, denounces international administration as “alien rule” that denies the “human dignity” of the people who live in these countries.<sup>16</sup> David Chandler, extending his earlier work on Bosnia, characterizes peacebuilding as “empire in denial” in which external actors “colonize” non-Western societies.<sup>17</sup> Michael Pugh criticizes peacebuilding on the grounds that it is part of a larger “hegemonic” project whose “ideological purpose” is “to spread the values and norms of dominant power brokers”.<sup>18</sup> According to William Robinson, peacebuilding activities in countries such as Nicaragua and Haiti represent an effort by “the core regions of the capitalist world system” to maintain “essentially undemocratic societies”, which facilitates the continued exploitation of the global poor by the global rich.<sup>19</sup> For all of these commentators, peacebuilding hides a deeper, more destructive purpose: imperial or quasi-imperial domination and exploitation.

There are undoubtedly *echoes* of nineteenth-century European colonialism in modern peacebuilding, but such comparisons should not be taken too far.<sup>20</sup> A key similarity is that, in both types of intervention, powerful external actors have sought to refashion the domestic structures of weaker societies in accordance with prevailing notions of “good” or “civilized” governance (for modern peacebuilding, the vision of good

governance is liberal market democracy). In this sense, today's post-conflict missions may be viewed as a modern version of the *mission civilisatrice* – the belief that European colonial powers had a duty to “improve” the people living in their overseas possessions. Furthermore, as many have pointed out, international administrators have exercised extraordinary powers in some missions, including the right to dismiss from office local officials who allegedly violate the terms or spirit of a peace agreement. For some commentators, these powers resemble the far-reaching powers of colonial administrators and create similar relations of dependency and domination.

But the old and new versions of *mission civilisatrice* also differ in important respects, differences that are often neglected by those who portray peacebuilding as a form of imperialism. First, colonialism was primarily practised to benefit the imperial states themselves, including by extracting material and human resources from the colonized society, whereas the flow of resources in modern peacebuilding is in the other direction: from international actors to the host state. Second, although there was loose coordination between the European imperial powers (demonstrated, for example, in the 1885 Berlin Conference on Africa), colonialism was primarily conducted by individual European states for their own individual benefit, whereas today's peacebuilding is a multilateral enterprise involving a myriad of national and international, governmental and non-governmental actors. Third, it was not until the latest stages of the colonial period (when principles of national self-determination gained prominence) that European imperial powers came to see their holdings as impermanent. For most of the colonial period, overseas colonies were viewed as possessions of the metropole. In contrast, even the more long-lasting and robust peacebuilding missions of recent years have been designed to exercise temporary and transitional authority in their host states, and to create the conditions for effective self-government in those states. Fourth, in further contrast to the practice of colonialism, modern peacebuilding is not rooted in ideologies of racial superiority, which prepared the ground for the worst types of colonial cruelty, including the trade in human slaves.

These distinctions are important. Equating multilateral peacebuilding with imperialism or colonialism is not just exaggerated; it also implicitly (or explicitly) discredits and delegitimizes peacebuilding by framing it as an exploitative, destructive and disreputable form of international intervention.

### *Dangerous liberalism*

Peacebuilding has a distinctively liberal orientation: all major multilateral missions have promoted democratic political reforms and market-

oriented economic reforms as a means of creating conditions for recovery and lasting peace. Such liberalization efforts have produced a number of perverse and unanticipated effects (including elections sometimes serving as catalysts of renewed fighting), and peacebuilders have underestimated the challenges of democratic and market transitions in countries just emerging from civil wars.<sup>21</sup> Some commentators, however, view the liberal core of peacebuilding as more pernicious. According to Beate Jahn, for example, recent peacebuilding missions are one element of a larger “tragedy of liberal diplomacy” that includes US military interventions in various parts of the world during the Cold War.<sup>22</sup> All of these interventions, she argues, have been driven by the logic of liberal modernization theory, which defines liberalization as a natural and desirable developmental goal for all societies, and which ultimately leads to ever deeper forms of foreign intervention, including forcible regime change and military invasion. The “tragedy” is that such interventions end up being counterproductive, “ultimately producing enemies instead of allies and heightening insecurity instead of enhancing security”.<sup>23</sup>

Jahn correctly highlights the continuing relevance of modernization approaches in contemporary peacebuilding, including its flawed assumption that democratization and marketization are mutually reinforcing rather than fraught with contradictions.<sup>24</sup> She also touches upon another crucial aspect of liberalism: its universalistic claims and missionary qualities, which can sometimes escalate into liberal militancy, even militarism. But she takes this argument to extraordinary lengths, dubiously claiming that recent UN-sponsored peacebuilding operations as well as US realist balance-of-power and “containment” ideas during the Cold War (manifested in the covert and overt US interventions against authoritarian and liberal regimes alike) were all basically expressions of the liberal modernization ethic. As one of Jahn’s readers has noted, “the inclusion of such a wide range of foreign policy motivations and activities under the liberal rubric makes the very idea of a particularly liberal foreign policy hard to specify”.<sup>25</sup>

Jahn also overstates the negative outcomes of liberalization efforts in recent post-conflict missions. The liberal peacebuilding approach has produced many pathologies, but these problems need to be kept in perspective. Most of the countries that have hosted these missions are no longer at war. The absence of fighting, alone, is not an adequate indicator of “success”, since it is not equivalent to a stable peace, but it is an exaggeration to conclude that liberal peacebuilding has been “counterproductive”.<sup>26</sup> How many lives would have been lost if not for these interventions? It is impossible to say, but there is strong evidence that peace agreements endure longer, and societies are less likely to slip back into internecine violence, when major peacebuilding missions are deployed.<sup>27</sup> The economic benefits of peace are also difficult to calculate,

but one recent Oxfam study estimated the cost of Africa's armed conflicts from 1990 to 2005 as US\$284 billion, or approximately 15 per cent of GDP for the countries that experienced wars.<sup>28</sup> Compared with peaceful countries, moreover, African states in conflict have 50 per cent more infant deaths, 15 per cent more undernourished people, five fewer years of life expectancy, 20 per cent more adult illiteracy, 2.5 times fewer doctors per patient, and 12.4 per cent less food per person on average.<sup>29</sup> Yes, liberal peacebuilding methods have been deeply flawed and they deserve to be scrutinized and criticized, but let us not disregard or discount the real benefits these missions have provided.

Oliver Richmond's analysis of liberal peacebuilding is considerably more nuanced than Jahn's, but he also seems to exaggerate the intrinsically militaristic qualities of liberalism. In exploring tensions within the liberal approach to peacebuilding, Richmond usefully disentangles several "strands of thought" within the liberal tradition that sometimes clash with each other.<sup>30</sup> One of these strands is the idea of the "victor's peace", which "has evolved from the age-old realist argument that a peace that rests on a military victory, and upon the hegemony or domination of a victor peace, is more likely to survive" than one based on a negotiated settlement or ceasefire.<sup>31</sup> I noted above that liberalism can escalate into militancy and even militarism, but Richmond's notion that liberalism incorporates a preference for military victory over negotiated settlements is questionable. The belief that peace is best achieved through overwhelming power is more accurately associated with the realist rather than the liberal project, as Richmond himself acknowledges, yet he insists that the victor's peace is "a key aspect of the liberal peace".<sup>32</sup> This position not only stretches the concept of liberal peacebuilding but is not supported by the peacebuilding record: nearly all operations have been deployed to support negotiated settlements to civil wars, not military victories. Once in the field, moreover, peacebuilders have used diplomatic, economic and military means to prevent formerly warring parties from remobilizing or renewing their attempts to defeat their rivals. Indeed, it is revealing that commentators such as Jeffrey Herbst and Jeremy Weinstein, who tend to view victory as a surer foundation for peace than a negotiated settlement, have argued that the main *problem* with peacebuilding is its reflexive support for negotiation and compromise.

### The impact of 9/11 and the "war on terror"

The reaction of the United States to 9/11 – including the declaration of a "war on terror" and the invasions of Afghanistan and Iraq – has added

fuel to all these criticisms of liberal peacebuilding. After all, the Bush administration rationalized its invasions partly on liberal grounds, as a means of providing the benefits of democracy and freedom to oppressed societies. Moreover, efforts to stabilize Iraq after the invasion bore at least a partial resemblance to liberal peacebuilding strategies pursued elsewhere by the United Nations and other international agencies in countries emerging from civil wars. Elections, constitutional processes, economic adjustment and institution-building were central to the US plan in Iraq and also part of the standard formula for UN-mandated peace operations.

Given these apparent similarities – and the disastrous effects of the Iraq invasion – it was not long before commentators began equating the Iraq war and international peacebuilding missions, all of which, we were told, are part of the same abhorrent phenomenon of “democratic imperialism”<sup>33</sup> or “imperial nation-building”.<sup>34</sup> In the words of Wolfram Lacher, for example, “[s]tatebuilding and reconstruction practices in Iraq are in continuity with international operations during the post-Cold War era and beyond” because they have all involved “the reproduction and expansion of hegemonic international order”.<sup>35</sup> Alejandro Bendaña has portrayed the Iraq war as a natural extension of peacebuilding operations of the 1990s, which had promoted “external economic and strategic interests” at the expense of such principles as justice and self-determination, thereby “opening the door to Washington’s subsequent savagery” in Iraq.<sup>36</sup> John Gray has also insisted that liberal peacebuilding and the Iraq invasion are based on the same flawed methods and assumptions: the “liberal interventionism that took root in the aftermath of the Cold War was never much more than a combination of post-imperial nostalgia with crackpot geopolitics”, as events in Iraq definitively demonstrated.<sup>37</sup>

Frustration at the United States’ “regime change” invasion of Iraq thus contributed to a mounting backlash against all forms of liberal interventionism, including UN-sponsored peacebuilding. It also deepened scepticism about the legitimacy and feasibility of promoting democracy and market-oriented economics as a remedy for civil conflict. Now, instead of criticizing the manner by which international agencies support liberal democratic transitions in war-torn states, some commentators dismiss the entire enterprise as “futile”,<sup>38</sup> “folly”,<sup>39</sup> “delusional”<sup>40</sup> and “hubristic”.<sup>41</sup> Instead of examining the *echoes* of old-style colonialism in modern peacebuilding, some observers now argue that liberal interventionism in all its forms *is* colonialism or imperialism, which has been “comprehensively discredited in the killing fields of Fallujah and Samarra”.<sup>42</sup> What was previously more measured scepticism about the difficulties or appropriateness of promoting post-war liberalization has,

in some quarters, given way to an indiscriminate indictment of liberal internationalism in its many forms, and to what Neil Cooper calls a “crisis of confidence and credibility... in the Western liberal peace project”.<sup>43</sup>

The sweeping and undifferentiated quality of this backlash is unfortunate. Although there are elements of commonality between the post-conflict stabilization mission in Iraq and other peacebuilding missions, there are also crucial distinctions that should not be ignored. Most importantly, the US operation in Iraq began with an external invasion – a war of conquest – followed by US-led peacebuilding and counter-insurgency efforts. By comparison, the overwhelming majority of peacebuilding missions since the end of the Cold War have been deployed at the request of local parties after the negotiation of peace settlements to civil wars.<sup>44</sup> These “conditions of birth” for peacebuilding missions are important. When peacebuilding follows conquest, foreign interveners are more likely to be viewed as occupiers, particularly when they are the same parties that invaded the country in the first place, and any new governing arrangements established during this period are more likely to be viewed as external impositions.

Although all peacebuilding missions involve some measure of foreign intrusion in domestic affairs, the degree of intrusion represented by an external invasion and the destruction of a regime is not equivalent to the deployment of a mission at the request of local parties and with the goal of helping to implement a peace settlement. To be sure, there are a few examples of post-Cold War peace operations that began in less-than-consensual conditions – most notably, the mission in Kosovo, which followed NATO’s bombing of Serb targets in that territory – but the vast majority of missions have not involved forcible entry: they have been examples of post-settlement, not post-conquest, peacebuilding. Blurring this distinction between post-settlement and post-conquest peacebuilding invites false analogizing between multilateral peace implementation missions and the US “war on terror”. Most importantly, it risks discrediting international efforts to provide assistance to states that are making the difficult and perilous transition from a fragile ceasefire to a lasting peace.

## Regime change in the United States

The arrival of Barack Obama in the White House is an encouraging development to those who support making improvements to – rather than rejecting – liberal peacebuilding. Although President Obama has said little about peacebuilding per se, his early statements on US foreign policy, including his apparent desire to work more closely with the United States’ allies and to talk directly with its adversaries, have the potential



to improve the prospects of liberal peacebuilding. As noted above, widespread anger at Bush-era foreign policies – most notably, the administration’s embrace of pre-emption as a military strategy, its use of liberal concepts to justify forcible regime change, and its aggressive and unapologetic unilateralism – apparently contributed to the backlash against liberal peacebuilding as a concept and practice, even though most peacebuilding situations have been quite unlike the post-conquest cases of Iraq and Afghanistan. It remains to be seen whether and to what degree Obama’s foreign policy will substantively differ from that of the Bush administration (especially in its later years, when the “neo-conservatives” within the administration began to lose sway), but a change in the tone (or even the appearance of change) may be important in itself.

Among other things, President Obama has emphasized the importance of multilateralism and he has backed away from his predecessor’s most contentious slogans, including the “war on terror”, the “axis of evil” and “regime change”. By all appearances, the new administration intends to pursue a less militantly ideological foreign policy – one that is less willing to use armed force as a means of effecting democracy promotion or to use the language of democracy promotion as a pretext for aggression. That is good news for supporters of liberal peacebuilding reform, since it raises the possibility of decoupling international peacebuilding from what was widely perceived as US gun-slinging by the Bush administration. At the same time, the Obama administration has not abandoned the liberal aspirations of US foreign policy, including “the rule of law and the rights of man”, which are ideals that “still light the world”, as the incoming president put it in his January 2009 inaugural address. The United States will likely continue to support international peacebuilding efforts that are, broadly speaking, liberal in their orientation and approach. That, too, is an important condition for advancing a reformist agenda that seeks to address and remedy some of the problems and negative effects of liberal peacebuilding. Without US support for peacebuilding as a broad project, the project would have little prospect of continuing; and, with a new administration that seems to understand, at least better than its predecessor, the complexity of international affairs and the risks of prescribing simplistic universal remedies for the world’s problems, one can only hope that conditions are more ripe for constructive reform of liberal peacebuilding.

Put in different terms, the change in US administration may be creating conditions for a small but important shift in the international “normative order”.<sup>45</sup> To the extent that the Bush administration’s policies were perceived as violating the “general standards of prudent behaviour” in international affairs,<sup>46</sup> all aspects of US foreign policy (and the concepts associated with that foreign policy) were to varying degrees tarnished

and suspect, including the promotion of liberal values abroad. This unfortunate situation might now be changing. By recommitting itself to the international normative order, at least rhetorically, the new administration has made it possible for the promotion of liberal values to be established more clearly as a reasonable, legitimate and desirable goal, including through the vehicle of international peacebuilding. This would itself represent a change in the normative order: specifically, delinking liberal peacebuilding from widely rejected but ultimately unrelated norm-breaking behaviour should make it more difficult for commentators to discredit liberal peacebuilding through easy but erroneous comparisons between international peacebuilding and the neo-conservative logic of the Bush administration's reaction to 9/11.

## Conclusion

For all the shortcomings of liberal peacebuilding – and there have been many – most host countries would probably be much worse off if not for the assistance they received. The collapse of the peacebuilding project would be tantamount to abandoning tens of millions of people to lawlessness, predation, disease and fear. This is not to deny the flaws of peacebuilding or its underlying assumptions, which deserve to be scrutinized and criticized. The point, rather, is that these flaws need to be viewed against the backdrop of the larger record of peacebuilding. This record is mixed and full of disappointments, but it also indicates that such missions have, on the whole, done considerably more good than harm. For these reasons, the most sweeping critiques of liberal peacebuilding – and especially those suggesting that the entire enterprise is either futile or illegitimate – need themselves to be carefully scrutinized.

In some respects, today's "crisis of confidence" about liberal peacebuilding is just as exaggerated and unjustified as the rosy optimism of the early 1990s. Early commentaries on peacebuilding reflected a kind of irrational exuberance about the potential for liberalization strategies to consolidate market-democratic peace in war-torn states, an exuberance that echoed the broader triumphalism of the immediate post-Cold War period. Today, by contrast, the discourse on liberal peacebuilding has lost its earlier exuberance, owing in part to greater scepticism and concern about the motives and impact of foreign intervention in the aftermath of the Iraq war, and a more general awareness that the so-called "end of history"<sup>47</sup> has been supplanted by the "return of history".<sup>48</sup> Like a swinging pendulum, however, criticism has carried past the point of reasonable scepticism and now verges on unjustified pessimism and suspicion. Between these two extremes, there is a constructively critical

mid-point in which it is possible – indeed, it is crucially important – to continue to explore the strengths and weaknesses of existing peacebuilding approaches, including its liberal foundations. Such a balanced approach would avoid slipping into a posture of cynicism or rejectionism, which is both unwarranted and reckless, given how much is at stake in the future of the peacebuilding project.

## Notes

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## Transitional justice and the liberal peace

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*Chandra Lekha Sriram*

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In recent years, a powerful critique of the so-called liberal peacebuilding consensus has emerged. Criticism has focused largely upon the presumption that marketization and democratization are themselves sources of peace, when evidence demonstrates that each is more often destabilizing and may even provoke a return to conflict. This literature has not, however, offered a critique of transitional justice, which is central to contemporary peacebuilding efforts. Transitional justice strategies are not simply contemporaneous with peacebuilding; they share key assumptions about preferable institutional arrangements and a faith that other key goods – democracy, free markets, “justice” – can essentially stand in for, and necessarily create, peace. This is not so obviously the case. Rather, transitional justice processes and mechanisms may, like liberal peacebuilding, destabilize post-conflict countries and may also be externally imposed and inappropriate for the political and legal cultures in which they are set up.

This chapter examines the phenomenon of transitional justice through the lens of the liberal peacebuilding approach, arguing that it shares with liberal peacebuilding a number of under-examined assumptions and unintended consequences. It begins with a brief outline of the approach, and then turns to the practice of transitional justice itself. After offering an analysis of transitional justice, I provide a number of empirical examples to illustrate the challenges in practice and elaborate upon the potential for transitional justice to be externally imposed and culturally inappropriate. Although I am far from arguing that problems in practice

mean that some response to the very real demands for justice that emerge after mass atrocity is not necessary, I do nevertheless argue that simply presuming that justice generates or equates to peace is potentially quite problematic.

### The liberal peacebuilding argument

Even as the practice and analysis of peace negotiation and implementation have expanded, so too have the critical assessments of the dominant paradigms. In particular, concerns have been raised that peacebuilding theory and practice reflect a particular liberal internationalist paradigm, one that relies excessively on two strategies – developing market economies and developing certain features of liberal democratic domestic politics – as pathways to peace. Yet, many states emerging from conflict have little or no experience with market economies or democracy, and an emphasis on these may be both inappropriate and destabilizing.<sup>1</sup> Democratization more generally has been argued to be highly destabilizing, because the competition it entails may necessarily enhance existing cleavages that helped to engender conflict.<sup>2</sup> In the wake of conflict, any party will be extremely suspicious of an attempt by any other party to consolidate power or strengthen its influence, however innocuous. This may lead to attempts to undermine other parties, even through resort to violence. Hence, a security dilemma has been said to exist.<sup>3</sup> It has also been argued that support for democratization and good governance may experience some success while international actors are present, but subsequently the incentives for predatory behaviour by local elites are sufficiently great that reforms to governance seldom endure.<sup>4</sup>

I note here in passing, and discuss in further detail below, that the particular tools of transitional justice may frequently, although perhaps not always, be subject to the same criticisms as liberal peacebuilding, particularly that of an excessive emphasis on the building of democratic institutions. Further, they are increasingly embedded in peacebuilding and democratization or rule of law strategies. Transitional justice strategies may not be as prone to the second criticism, that related to marketization strategies. However, some tools of transitional justice are explicitly linked to democratic processes; peacebuilding tools such as judicial reform, reform of the security forces and the inclusion of former rebels and “vetted” former members of security forces are also often explicitly tied to processes of transitional justice.<sup>5</sup> As such, some tools of transitional justice will be more vulnerable to the criticisms of liberal peacebuilding than others.

The criticism of liberal peacebuilding is relatively straightforward: peacebuilding by most international agencies appears to be driven by a single paradigm, that of liberal internationalism. According to Roland Paris, “[t]he central tenet of this paradigm is the assumption that the surest foundation for peace, both within and between states, is market democracy, that is, a liberal democratic polity and a market-oriented economy”.<sup>6</sup> This paradigm is underpinned in part by the “democratic peace” thesis, which holds that democracies are less likely to go to war with each other, and which is often argued to result in more accommodating or rule-obeying behaviour by states.<sup>7</sup> The dominant criticism of this paradigm does not question its virtues in a general fashion, but rather suggests that it is a particularly poor model for states emerging from armed conflict, and that it is paradoxically (given that it is meant to be a tool of peacebuilding) more likely to promote destabilization. As Ted Gurr argues, “[t]he most dubious expectation of all is that authoritarian states such as Sudan, Iraq, and Burma might be able to defuse ethnopolitical wars by moving toward democracy”.<sup>8</sup> Often economic distribution and acute inequalities were key sources of conflict, and one or more parties promised a more equitable distribution of resources, as in El Salvador. However, simply embedding market forces without dealing with past grievances and inequities may entrench old grievances or create new ones.<sup>9</sup> It is for this reason that land reform and other programmes are often in demand after conflict, even though they may operate at cross-purposes with marketization.<sup>10</sup>

Criticism of liberal peacebuilding is not, however, limited to its emphasis upon the creation of open markets. It continues by arguing that the focus on creating functioning electoral democracies may also generate rather than alleviate conflict. It is the latter element of the critique that is most relevant to the current examination. Uneven access to political power is often a source of conflict, but simply allowing elections to go forward may not rectify inequalities in access to power because of differential resources, power bases and experiences, and may reinforce old lines of cleavage or create new ones.<sup>11</sup> Thus, although established liberal democracies may be less prone to violent internal conflict, the transformation of illiberal and conflict-prone states to such democracies is perilous.<sup>12</sup> In such instances, then, the liberal internationalist approach to peacebuilding may be said to be flawed. Liberal institutions may be conflict enhancing and broader liberalization such as free media may promote conflict through hate speech, as in Rwanda. Roland Paris thus argues that in Rwanda the internationally promoted power-sharing arrangements, as well as the vibrant but irresponsible media, helped to precipitate the 1994 genocide.<sup>13</sup> It is for this reason that he advocates a strategy that he terms “institutionalization before liberalization” (IBL),



which would prioritize embedding institutions and regulations rather than seeking early elections as a sign of democracy, as the international community so often does.<sup>14</sup>

## Transitional justice

Although the tools of transitional justice have been central to contemporary peacebuilding projects, the critique of liberal peacebuilding has yet to address them or their flaws. Rather, criticism has tended to focus on the two major pillars – marketization and democratization – without considering some of the unexamined assumptions and potential unintended consequences that transitional justice shares with peacebuilding. Because transitional justice can be and has been defined either quite narrowly or quite broadly, I seek here to examine the scope of what is treated as “transitional justice” and the way in which it is intertwined with peacebuilding.

There is a vast literature on transitional justice, and thus this is but a brief overview.<sup>15</sup> First and foremost, the literature on transitional justice is really a literature about political and institutional responses to a political, moral and legal dilemma.<sup>16</sup> Countries that have experienced authoritarian rule, internal armed conflict or transboundary conflict, or some combination of the three, will often also have suffered significant human rights abuses or violations of international humanitarian law. Violations may include torture, extrajudicial execution, disappearances, torture, war crimes, crimes against humanity, forced labour or enslavement and genocide. These may have been committed by state security forces, rebel groups, militias and private persons, many of whom may retain significant military, political or economic power. Victims, members of civil society and transnational and international actors are also likely to call for some form of “justice”, whether juridical or not. The dilemma emerges because calls for justice are likely to generate tensions and exacerbate conflicts that have the potential to undermine peacebuilding. There has thus developed a vast literature debating how to respond to past abuses and analysing the complex practice that has emerged.

Arguments about appropriate approaches to past abuses have taken several forms. These have been, variously, normative, empirical but case specific, and empirical and overarching. Much of the normative work in transitional justice considers claims about what is good for societies or victims, or simply what is “right”.<sup>17</sup> This is an important foundation for developing policy, but may well be too narrow. In particular, such approaches only occasionally offer insights into the prerequisites for peacebuilding.<sup>18</sup> This may be in part because considerations of stability are

perceived to be at odds with justice, rather than necessary for and complementary to it. Empirical single casework also abounds, considering the experience of a country that faced this choice or the role of international peacekeepers and peacebuilders that sought to assist in countries such as El Salvador or Argentina.<sup>19</sup> Other literature has drawn upon multiple cases and developed general propositions about what is feasible or appropriate with regard to accountability. For example, many scholars have made the case that truth commissions are essential in mediating at least in part the peace/justice divide, or have argued that some form of public discussion is necessary, whether through truth commission or trial.<sup>20</sup>

Transitional justice is, however, more than an academic subject. It is also an active domain of policy, practised by the United Nations and supported by regional organizations, international financial institutions, bilateral donors and specialized non-governmental organizations (NGOs) such as the International Center for Transitional Justice, based in New York.<sup>21</sup> Although such organizations engage in the practice of transitional justice, they may differ significantly as to its appropriate scope, and may be as divided as is the academic work over the necessity of legal accountability. Yet a brief consideration of recent transitions and peace accords, as well as international peacebuilding efforts, suggests that a debate about accountability, and usually some efforts to prosecute, almost inevitably accompany such transitions: for example, the creation of the Iraqi Special Tribunal, the referral of crimes committed in Sudan and the Democratic Republic of Congo to the International Criminal Court, the creation of the Special Court for Sierra Leone, and the continuing trials at the ad hoc tribunals for the former Yugoslavia and Rwanda.<sup>22</sup> Oftentimes, decisions about accountability not only are explicitly enshrined in peace agreements (and may include decisions to impose amnesties), but may also be addressed through peacebuilding operations (particularly through rule of law programming) and through new institutions that emerge alongside peacebuilding operations.

Some will argue that legal accountability is absolutely necessary so that democracy and the rule of law can be rebuilt and future crimes prevented, whereas others will contend that, for the sake of stability, accountability ought to be eschewed.<sup>23</sup> Further, the option is seldom *either* peace *or* justice; rather, there is a range of tools that may be utilized such as trials (in the formal or informal justice sectors), truth commissions, lustration or vetting, reparations, and amnesty and pardon, selective or otherwise.<sup>24</sup> Transitional justice, at its core, involves a range of tools and processes, and choices among these tools and processes. Regimes emerging from violent conflict or state repression, often with the support of the UN, regional organizations and/or bilateral donors, must make choices

about whether, and if so how, to address the crimes of the recent past. However, transitional justice involves more than these specific choices, which constitute traditional transitional justice. In contemporary practice, transitional justice also involves broader strategies to address the sources of past and potential future violence. Specifically, it must be acknowledged that transitional strategies are now closely linked to a range of reforms and processes that are not in the first instance about accountability for past abuses – for example, reform of the justice sector and reform of the security sector, including both the police and the military. This may entail a range of activities that are not obviously about justice for past crimes but are more or less essential to it. These may include institutional reform of judiciaries, training of judges, reformulation of military and other security doctrines, and reformation of security institutions themselves, which are indistinguishable from peacebuilding efforts. Further, they are necessarily connected with activities essential to peacebuilding but not at first blush at all related to justice, such as the inclusion of former rebels in new security structures and the disarmament, demobilization and reintegration (DDR) of ex-combatants.<sup>25</sup> Attempts at justice can have direct effects on activities such as DDR. For example, there was early evidence that fighters in Liberia were afraid to demobilize owing to rumours that their identity cards would be used to allow the Special Court for Sierra Leone to reach them.<sup>26</sup> Thus, transitional justice comprises a broader set of activities, including specific measures that pertain to victims and perpetrators, which involve accountability or the decision not to pursue it, but also spilling over into what have traditionally been “peacebuilding” activities, which address restoration of the rule of law and security.<sup>27</sup>

### Transitional justice as an integral element of liberal peacebuilding

Increasingly, responses to recent mass atrocities or human rights abuses are an integral part of peacebuilding activities conducted by bilateral donors, regional organizations and international institutions such as the United Nations and the World Bank. Thus in the autumn of 2004, the United Nations Secretary-General issued the first report of its kind for the organization on *The Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies*.<sup>28</sup> Perhaps the most important thing to note about the report is that it treats the rebuilding of the rule of law and specific mechanisms of transitional justice both as intertwined with each other and as central to post-conflict peacebuilding. Work that might previously have been treated as purely legal is now viewed as part of the

work of numerous departments, funds and agencies across the United Nations. For example, the United Nations Development Programme's Bureau for Crisis Prevention and Recovery (BCPR), the focal point of the UN's development arm for post-conflict peacebuilding, emphasizes transitional justice and security sector reform.<sup>29</sup> Its programmatic work treats judicial reform and reconstruction, along with corrections and police reform, as integral and linked to efforts at post-conflict justice. Although the primary focus of World Bank programming in post-conflict reconstruction and conflict prevention remains reconstruction and development activities generally, work on capacity-building may encompass development of the rule of law and judicial reform.<sup>30</sup> The UK Foreign & Commonwealth Office treats human rights as integral to democracy-building in unstable places, and the reform of justice generally as integral to post-conflict development.<sup>31</sup> In short, concerns for post-conflict reconstruction have become integrally linked with a wide range of rule of law programming – in the judiciary, in criminal justice, in policing – and tied to efforts at post-conflict justice.<sup>32</sup> Rule of law programming is now regularly built into many large UN peacekeeping operations, and transitional justice and human rights are included as part of the mandate of the missions as a whole or as rule of law sections specifically. Thus, for example, the UN Mission in the Democratic Republic of Congo (MONUC) includes a human rights and rule of law mandate, authorized by the UN Security Council, which explicitly includes support for rebuilding the rule of law and support (including protection of victims and witnesses) for transitional justice/accountability processes.<sup>33</sup>

### The liberal peacebuilding argument and transitional justice

The field known as transitional justice, once potentially separate from the field known as peacebuilding, is thus now tightly linked to it. This is certainly appropriate and necessary: it would be a mistake to seek to “do justice” in a political vacuum or to seek to build peace without addressing the horrors of the recent past. However, the subsumption of transitional justice by the liberal peacebuilding apparatus potentially subjects transitional justice to some of the same flaws and criticisms of the peacebuilding agenda.

Why might this be the case? The criticism of liberal peacebuilding is that it emphasizes the development of free markets excessively and that it demands a democratization that may occur too early and be inherently destabilizing. The first strand of the criticism is obviously less relevant here, although the costs entailed in transitional justice processes are not nominal and may place greater strain upon developing economies that

are struggling to rebuild after the conflict and to liberalize markets.<sup>34</sup> The primary issue is that transitional justice processes are often linked explicitly to democratization and that, like democratization, they may destabilize post-conflict countries. Of course, a more optimistic interpretation is possible: broad processes of transitional justice that incorporate rule of law programming may satisfy at least some of the demands of Paris's "institutionalization before liberalization" strategy. However, transitional justice is subject to the same criticism as liberal peace-building strategies have been, and may also be subject to the flaws that exist in the IBL strategy.

### *Transitional justice as destabilizing*

The first criticism that might be made is that transitional justice, like democratization, is intrinsically destabilizing. Post-conflict societies are inherently unstable: the original sources of conflict have seldom been resolved by the mere signing of a peace accord or the imposition of an international observer or peacekeeping force. Further, beyond the original causes of conflict, the course of the conflict, including violations of international human rights and international humanitarian law, will have generated new grievances that may not have been fully addressed by any peace accord.<sup>35</sup> The types of violations and mass atrocities that may occur during conflict tend to be particularly divisive: they are often heinous, invasive and quite personal, in addition to taking place on a mass scale.<sup>36</sup> These tend to create categories of people in a society – victim and victimizer, collaborator – and yet there is unlikely to be a true consensus as to who belongs in which category. Slobodan Milosevic maintained to his death – and his followers continue to maintain – that the wars in the former Yugoslavia were not about ethnic cleansing and destroying Muslims or Croats but about defending a Serbia under attack.<sup>37</sup> Similarly, the followers of Chief Samuel Hinga Norman viewed the trials by the Special Court for Sierra Leone as unfair victimization of national heroes, and fears arose repeatedly that the trials might cause unrest, although Hinga Norman's death in early 2007 may have mitigated the risk of a backlash in the longer term.<sup>38</sup> Efforts at transitional justice, particularly those that involve juridical solutions, such as domestic, international or hybrid trials, may provoke instability directly, as those accused of crimes, or their supporters, seek to prevent trials. The accused may threaten or successfully stage coups or return to armed conflict. New and weak post-conflict governance structures are ill prepared to manage such unrest. However, even in the absence of specific violence or threats of unrest, the pursuit of legal accountability may serve to hamper reconciliation and help to reify divides in society. As Jaime Malamud-Goti, the

human rights adviser to President Raúl Alfonsín and the architect of trials of junta members in Argentina, subsequently argued, trials can perpetuate the old habits of blaming and scapegoating, of categorizing people as us or them.<sup>39</sup> Transitional justice, and particularly trials, although frequently part of peacebuilding strategies, may serve to undermine peace. It is, of course, worth recognizing that this does not mean that transitional justice ought not to be pursued for other reasons, such as for retribution, for deterrence, for the sake of the victims or for a host of other reasons.<sup>40</sup> A strong case can be made that transitional justice is absolutely necessary for long-term peacebuilding and the re-institution of the rule of law.<sup>41</sup> The suggestion here is only that, as an integral component of liberal peacebuilding projects, it suffers from some of their flaws.

*Transitional justice and IBL: A further critique*

Strategies of transitional justice are said to be vital to the re-institution of the rule of law and are often linked to institutional reform strategies – of the judiciary, of constitutions, of security forces and of corrections, to name the most prominent. As such, these comprehensive strategies for rebuilding the rule of law might appear to satisfy the demands of Paris's IBL strategy. However, far from avoiding the destabilizing effects of a liberal peacebuilding that emphasizes democratization, the IBL strategy may merely relocate conflict from the realm of politics to the realm of institutions of governance. That is to say, attempts to stabilize through creating new institutional arrangements or reforming old ones will be seen by all parties, post conflict, as embedding future power arrangements, potentially permanently.<sup>42</sup> They will thus compete to control the shape of these arrangements and to ensure their own participation in key institutions, just as avidly, and potentially violently, as they would seek political power directly through electoral competition. Levels of trust will be extremely low in the aftermath of internal conflict, and thus each party will seek a maximalist agenda in power, and will view attempts by others to do the same with great suspicion. In short, the security dilemma that makes resolution of internal conflict so difficult may simply be institutionalized or embedded through processes of institutional reform.<sup>43</sup> If this is the case generally with institutional reform, it will be true of judicial and other reforms linked to transitional justice processes. Competition and the potential for conflict may emerge in relation to the rewriting of constitutions, especially with reference to provisions that may address past atrocities or amnesties, the training, vetting and appointment of judges, the redrafting of national legislation, and the like. This will particularly be the case where reform of legal institutions is clearly linked to transi-

tional justice and to the potential for contemporaneous or future trials. Conflict may simply be moved, then, from the electoral process to the process of reforming institutions.<sup>44</sup> This of course does not mean that such institutional reforms are not necessary, nor does it mean that transitional justice should be eschewed. Rather, what is at issue is the risks attendant on building transitional justice into peacebuilding strategies.

*Transitional justice: Externally imposed or culturally inappropriate?*

Underpinning the criticism of liberal peacebuilding is a recognition that peacebuilding activities, imposed or otherwise, are largely imported to post-conflict societies by the “international community” of international and regional organizations, bilateral donors and international NGOs. The result is often a set of peacebuilding activities that reflect Western forms of governance and institutions.<sup>45</sup> The same might be said of transitional justice activities. Although an indigenous demand for accountability is undeniably significant in most, if not all, countries that have experienced conflict or mass atrocity and repression, the repertoires for accountability are largely formulated by external actors, as illustrated in the policies of the World Bank, the United Nations and the UK Department for International Development, discussed above. The preferences of Western governments and of the institutions that they or their technical experts may dominate will be for precisely the type of legalized accountability familiar to Western court systems.<sup>46</sup> The preferences of international NGOs may be similar, based as they are in the West. Policy statements by both Amnesty International and Human Rights Watch have consistently stated that, after mass atrocity or conflict, accountability, preferably legalized accountability, is necessary.<sup>47</sup> NGOs that support transitional regimes, such as the International Center for Transitional Justice, take a somewhat wider view, advocating legal accountability where possible but also supporting other processes, such as vetting or lustration, reparations and commissions of inquiry. For all of these external actors, however, there is a preference for legal accountability. The emphasis on legal accountability may result in transitional justice programmes that do not function well in the political and legal cultures in which they are deployed. This may be the case for a number of reasons.

First, in many of the countries affected by significant conflict or atrocities, legal systems may have collapsed owing to that conflict or atrocities. In Sierra Leone at the end of its conflict, for example, legal opinions had not been published since the 1970s, and a portion of the Supreme Court building had burned down. Local courts were clearly ill suited to take up cases dealing with complex international crimes such as war crimes and

crimes against humanity, and indeed most people had access not to formal common law courts but to customary law practitioners.<sup>48</sup> Furthermore, in many instances, judges and lawyers seeking to enforce the rule of law in the face of arbitrary violence by the state and others will have become targets of violence themselves, and may have been killed or gone into exile. Thus demands for formal legal justice may be extremely difficult to satisfy.

Second, and perhaps more importantly, an emphasis on legalized justice may be inappropriate because the formal justice sector was never an important part of the lives of the people of the country. Thus, again in Sierra Leone, it has been estimated that some 85 per cent of the population do not have access to formal justice and rely upon traditional justice.<sup>49</sup> At issue here is not merely that people may not have access, but that they either prefer traditional justice or have simply known no other type of justice.<sup>50</sup> In such instances, Western-style trials may not fit the political culture well.

Third, and related to the second point, the emphasis upon individual rights, obligations and accountability derives from a Western liberal vision of individual rights that may not be appropriate to cultures that emphasize group or community identity. Visions of rights and justice that are communally based may not view individual trials as justice. Indeed, significant problems may arise where countless numbers perpetrated crimes but only a few are singled out as “criminals”. Societies that engage in communally based treatments of wrongdoers may prefer reparations, exhumation and proper burial of victims, and a communal discussion of the reintegration of a perpetrator over individual accountability.

Finally, sometimes transitional justice is truly an external imposition, in that states or other actors in the international community pursue trials over the strong objections of states or individuals. Thus, for example, we have seen strong objections by states to the exercise of universal jurisdiction or the functioning of the International Criminal Court (ICC), arguing that they are external impositions that may disrupt delicate domestic peace and reconciliation processes. Similar objections have been raised to the ad hoc criminal tribunals for the former Yugoslavia and Rwanda and to the Special Court for Sierra Leone, even though the Special Court was created at the request of the government of Sierra Leone. Tribal leaders of the peoples most affected by the predations of the Lord’s Resistance Army (LRA) in Uganda – the Acholi – have raised concerns that ICC indictments will only increase LRA atrocities and kidnapping of children, upset local amnesties, and undermine the current mediation process or traditional justice processes.<sup>51</sup>

One potential solution to these objections is to allow traditional justice mechanisms to deal with some, or even all, perpetrators of atrocities. In



fact, traditional mechanisms have been used in Timor-Leste and Rwanda, to name just two.<sup>52</sup> However, in these instances traditional justice was brought in not because it was seen as virtuous or culturally appropriate in itself, but because the formal justice sector was struggling to address large numbers of perpetrators.<sup>53</sup> It was only after traditional justice mechanisms were utilized that arguments could be heard for its ostensible merits as community based or culturally appropriate. However, there is a distinct problem since traditional justice was frequently designed to handle ordinary crimes or property disputes and may not be well suited to addressing serious international crimes. Certainly in Rwanda there have been concerns that communities were intimidated into accepting confessed perpetrators of genocide and other atrocities by the large presence of their family members at *gacaca* sessions. In other instances, some of the “judges” have been found to be perpetrators of genocide themselves. These problems have led the Rwandan government to pass legislation creating greater administrative control over these processes, in essence partially formalizing the informal sector.<sup>54</sup>

The objection that transitional justice mechanisms are externally imposed or culturally inappropriate should not, however, be overstated. In many instances, governments themselves request such mechanisms (support for domestic trials or international or hybrid courts). Further, domestic NGOs often actively push for accountability, suggesting that people are not simply being told by Amnesty International that they should have trials. It may be the case, nonetheless, that the limited repertoires offered by international advisers dealing with transitional justice in effect narrow the range of options for countries engaging in it.

Transitional justice, and trials in particular, are frequently imported from the outside and occasionally externally imposed. In this they are similar to the liberal peacebuilding of which they are a part. Derived from Western models, they may thus be in part inappropriate in other political and legal cultures. However, there is a dilemma: whether or not the model of transitional justice is Western, there is often a real indigenous demand for accountability. It should presumably not be denied on the grounds that it is a Western demand. Thus we are likely to continue to see Western models of legalized justice used after conflict or mass atrocity, although perhaps linked to traditional justice processes as well.

## Conclusion

The argument, then, is that transitional justice is increasingly integrated in strategies of peacebuilding, and that this subjects it to some of the same criticisms that may be directed at the so-called liberal peacebuilding consensus. In particular, the focus of transitional justice strategies on

legal accountability and public reckoning may be destabilizing rather than peacebuilding, however valuable they may be for other reasons, much like democratization. Further, transitional justice strategies must be understood not merely as legal accountability or truth commissions but rather as a package of activities not only to address past abuses but to prevent future ones. These include longer-term institutional reforms of the judiciary, the security forces and the like. These might in principle be presumed to satisfy the demands of Paris's IBL strategy by focusing on longer-term institutional restructuring rather than shorter-term and contentious political activities. However, as part of the criticism of the IBL solution to the liberal peacebuilding argument, institutional reforms such as these may simply generate competition and conflict over ownership of and participation in the reform processes themselves. Finally, in some instances (although not all), strategies of international justice may be not only externally generated but imposed, or they may be inappropriate to the legal and political cultures in which they are placed. These criticisms are meant not to question the importance or necessity of such reforms, or of transitional justice, but rather to highlight the risks inherent in them. Further, there may not be an ideal solution to such problems. Demands for transitional justice after conflict are often so strong that they must be dealt with immediately, and thus trials and other processes may be unavoidably linked to peacebuilding processes. Similarly, reform of the institutions of justice is usually necessary after conflict, because they may have been destroyed or perverted by the conflict, and decisions about reforming such institutions necessarily compel discussion about dealing with past abuses. It may be, then, that there is no satisfactory solution to the dilemma, although this does not render it any less important to recognize the risks inherent in embedding strategies of transitional justice in liberal peacebuilding processes.

One possibility, still somewhat speculative, is that transitional justice and rule of law programming could evolve within and outside peacebuilding processes to engage traditional or non-state justice and conflict resolution processes and authorities. As I have already noted, populations without access to formal state judicial structures often do turn to non-state processes as the only available provider, and in some instances states, peace agreements and some external actors may promote the use of these as well.<sup>55</sup> However, we should guard against any naive embrace of such processes as automatically better because they are somehow more indigenous or "authentic". As scholarship on traditional justice has observed, it is dynamic rather than static and is often seriously disrupted by conflict, as well as being inconsistent with key international human rights standards. Nonetheless, to the degree that these are processes to which citizens in post-conflict situations often turn, they may merit

closer examination and cautious engagement by those who seek to promote accountability with peacebuilding.

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## Notes

1. Roland Paris, “Peacebuilding and the Limits of Liberal Internationalism”, *International Security*, vol. 22, no. 2 (1997), pp. 54–89; Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).
2. Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W. W. Norton, 2000); Edward Mansfield and Jack Snyder, “Democratization and the Danger of War”, *International Security*, vol. 20, no. 1 (1995), pp. 5–38. See, generally, Mahmood Monshipouri, *Democratization, Liberalization, and Human Rights in the Third World* (Boulder, CO: Lynne Rienner, 1995).
3. Jack Snyder and Robert Jervis, “Civil War and the Security Dilemma”, in Barbara F. Walter and Jack Snyder (eds), *Civil Wars, Insecurity, and Intervention* (New York: Columbia University Press, 1999), pp. 15–37; Barry R. Posen, “The Security Dilemma and Ethnic Conflict”, *Survival*, vol. 35, no. 1 (1993), pp. 27–47.
4. Stephen D. Krasner, “Sharing Sovereignty: New Institutions for Collapsed and Failing States”, *International Security*, vol. 29, no. 2 (2004), pp. 85–120, proposes that neo-trusteeship arrangements or sovereignty-sharing may be necessary in some instances, although his focus is ostensibly not upon countries concluding peace agreements but on failing and failed states.
5. These “strategies of transition” are discussed at length in Chandra Lekha Sriram, *Confronting Past Human Rights Violations* (London: Frank Cass, 2004), pp. 206–207 and *passim*.
6. Paris, “Peacebuilding and the Limits of Liberal Internationalism”, p. 56.
7. See, generally, Michael Doyle, “Liberalism and World Politics”, *American Political Science Review*, vol. 80, no. 4 (1986), pp. 1151–1169; Anne-Marie Slaughter, “International Law in a World of Liberal States”, *European Journal of International Law*, vol. 6 (1995), pp. 53–81; compare José E. Alvarez, “Do Liberal States Behave Better? A Critique of Slaughter’s Liberal Theory”, *European Journal of International Law*, vol. 12 (2001), pp. 183–246.
8. Ted Gurr, *Minorities at Risk: A Global View of Ethnopolitical Conflicts* (Washington DC: United States Institute of Peace Press, 1993), p. 138.
9. Paris, *At War's End*, pp. 112–134, discusses this issue in peacebuilding operations in Central America. I have noted elsewhere that these peacebuilding missions not only may have failed to address the underlying sources of conflict but in many instances have also failed to cope with continuing political and social conflict, treating it as mere

- “criminality”. Chandra Lekha Sriram, “Dynamics of Conflict in Central America”, in Chandra Lekha Sriram and Zoe Nielsen, *Exploring Subregional Conflict: Opportunities for Conflict Prevention* (Boulder, CO: Lynne Rienner, 2004), pp. 131–167.
10. See, for example, Frances Stewart, “Policies towards Horizontal Inequalities in Post-Conflict Reconstruction” (no date), <[http://www.hcn.org/papers/Stewart\\_philadelphia.pdf](http://www.hcn.org/papers/Stewart_philadelphia.pdf)> (accessed 18 May 2009).
  11. For a critique of the push for rapid elections, see Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2005), pp. 204–235.
  12. Paris, *At War's End*, pp. 44–46, elaborates upon this point, developed previously by Snyder and Mansfield and discussed above.
  13. Paris, *At War's End*, pp. 75–76.
  14. *Ibid.*, pp. 179–211.
  15. Key sources, from which this discussion is drawn, include Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001); Carla Hesse and Robert Post (eds), *Human Rights in Political Transitions: Gettysburg to Bosnia* (New York: Zone Books, 1999); Jaime Malamud-Goti, *Game without End: State Terror and the Politics of Justice* (Norman, OK: University of Oklahoma Press, 1996); Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence* (Boston: Beacon Press, 1998); Aryeh Neier, *War Crimes: Brutality, Genocide, Terror, and the Struggle for Justice* (New York: Times Books, 1998); Mark Osiel, *Mass Atrocity, Collective Memory, and the Law* (New Brunswick, NJ: Transaction Books, 1997); Rama Mani, *Beyond Retribution: Seeking Justice in the Shadows of War* (Cambridge: Polity Press, 2002); Naomi Roht-Arriaza (ed.), *Impunity and Human Rights in International Law and Practice* (Oxford: Oxford University Press, 1995); Robert I. Rotberg and Dennis Thompson (eds), *Truth v. Justice: The Morality of Truth Commissions* (Princeton, NJ: Princeton University Press, 2000); Sriram, *Confronting Past Human Rights Violations*; Paul R. Williams and Michael P. Scharf, *Peace with Justice? War Crimes and Accountability in the Former Yugoslavia* (Lanham, MD: Rowman & Littlefield, 2002); Neil J. Kritz (ed.), *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, 3 vols (Washington DC: United States Institute of Peace Press, 1995). I have considered the development of transitional justice literature and debates over the past few decades in Chandra Lekha Sriram, “Transitional Justice Comes of Age: Enduring Lessons and Challenges”, *Berkeley Journal of International Law*, vol. 23, no. 2 (2005), pp. 506–523.
  16. *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. Report of the Secretary-General*, UN Doc. S/2004/616, 23 August 2004, para. 8, defines transitional justice as “the full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation. These may include both judicial and non-judicial mechanisms, with differing levels of international involvement (or none at all) and individual prosecutions, reparations, truth-seeking, institutional reform, vetting and dismissals, or a combination thereof.”
  17. Neier, *War Crimes*; Osiel, *Mass Atrocity*; Minow, *Between Vengeance and Forgiveness*.
  18. See Elizabeth M. Cousens and Chetan Kumar, with Karin Wermester (eds), *Peacebuilding as Politics: Cultivating Peace in Fragile Societies* (Boulder, CO: Lynne Rienner, 2001); John Paul Lederach, *Building Peace: Sustainable Reconciliation in Divided Societies* (Washington DC: United States Institute of Peace Press, 1997); compare a critique of the traditional assumptions of peacebuilding in Paris, “Peacebuilding and the Limits of Liberal Internationalism”.
  19. Ian Johnstone, *Rights and Reconciliation: UN Strategies in El Salvador* (Boulder, CO: Lynne Rienner, 1995); Malamud-Goti, *Game without End*.

20. Hayner, *Unspeakable Truths*; Rotberg and Thompson (eds), *Truth v. Justice*; Osiel, *Mass Atrocity*.
21. *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. Report of the Secretary-General*; see also the website of the International Center for Transitional Justice, <<http://www.ictj.org/>> (accessed 18 May 2009).
22. Chandra Lekha Sriram, *Globalizing Justice for Mass Atrocities: A Revolution in Accountability* (London: Routledge, 2005), ch. 6 and conclusion; Mahnouch H. Arsanjani and W. Michael Reisman, "The Law in Action of the International Criminal Court", *American Journal of International Law*, vol. 99 (April 2005), pp. 385–403; Daryl A. Mundis, "Closing an International Criminal Tribunal while Maintaining International Human Rights Standards and Excluding Impunity", *American Journal of International Law*, vol. 99 (January 2005), pp. 142–158. Compare Christian Eckart, "Saddam Hussein's Trial in Iraq: Fairness, Legitimacy & Alternatives", a Legal Analysis", Cornell Law School Graduate Student Papers Series, Paper 13 (2006), <<http://lsr.nellco.org/cornell/lps/papers/13>> (accessed 18 May 2009). Clearly these responses have been taken by very different sets of actors and have differing degrees of legitimacy, which for reasons of space I do not address here.
23. This is not the full range of reasons offered; others such as the needs of victims may be adduced for accountability, and the need to entrench a nascent democracy may also be offered as a reason to abandon accountability. See Sriram, *Confronting Past Human Rights Violations*, introduction and ch. 2, for a discussion of these and illustrations from myriad cases.
24. In many instances, countries choose several of these options simultaneously, or serially. See Sriram, *Confronting Past Human Rights Violations*, ch. 2.
25. Sriram, *Confronting Past Human Rights Violations*, ch. 1 and conclusion, discusses these strategies. This recognition is clearly enshrined in the newly developed *Integrated Disarmament, Demobilization and Reintegration Standards* (United Nations, December 2006), <<http://www.unddr.org/iddrs/>> (accessed 18 May 2009).
26. Sriram, *Globalizing Justice for Mass Atrocities*, ch. 6, discusses this in more detail.
27. On the restoration of the rule of law and conflict prevention and peacebuilding policies, see Chandra Lekha Sriram, "Discourses of Prevention and Rule of Law: Rhetoric and Reality", in Agnes Hurwitz and Reyko Huang (eds), *Civil War and the Rule of Law: Security, Development, Human Rights* (Boulder, CO: Lynne Rienner, 2008).
28. *Rule of Law and Transitional Justice in Conflict and Post-Conflict Societies. Report of the Secretary-General*.
29. See the Bureau for Crisis Prevention and Recovery's transitional justice page at <[http://www.undp.org/cpr/we\\_do/trans\\_justice.shtml](http://www.undp.org/cpr/we_do/trans_justice.shtml)> (accessed 18 May 2009).
30. For example, a recent in-house summary of work in conflict prevention and reconstruction primarily included work in development, reconstruction and mine clearance, but it also included work on the rule of law. See World Bank, Conflict Prevention and Reconstruction (CPR) Unit, "CPR and Related Publications on Conflict and Development", <<http://siteresources.worldbank.org/INTCPR/Publications/20812069/CatalogSep7.05.pdf>> (accessed 18 May 2009).
31. See descriptive page at <<http://collections.europarchive.org/tna/20080205132101/www.fco.gov.uk/servlet/Front%3fpagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029393564>> (accessed 18 May 2009).
32. See, generally, Reyko Huang, "Securing the Rule of Law: Assessing International Strategies for Post-Conflict Criminal Justice", Policy Paper, International Peace Academy, New York (November 2005), <[http://www.ipacademy.org/pdfs/IPA\\_E\\_RPT\\_SecuringROL.pdf](http://www.ipacademy.org/pdfs/IPA_E_RPT_SecuringROL.pdf)> (accessed 18 May 2009).
33. See "Democratic Republic of the Congo – MONUC – Mandate", <<http://www.un.org/Depts/dpko/missions/monuc/mandate.html>> (accessed 18 May 2009). See also UN

- Security Council Resolution 1628, UN Doc. S/RES/1628, 30 September 2005. Similar mandates exist within many missions, including the United Nations Mission in Liberia (UNMIL) and the United Nations Mission in Sudan (UNMIS); I am currently directing a research project funded by the British Academy on such rule of law programming activities.
34. This may particularly be the case if reparations are part of the transitional justice process. See discussion of the project on reparations at the International Center for Transitional Justice, <<http://www.ictj.org/en/tj/782.html>> (accessed 18 May 2009).
  35. See, generally, on the causes of conflict and on human rights violations in conflict and peacebuilding processes, Chandra Lekha Sriram and Karin Wermester (eds), *From Promise to Practice: Strengthening UN Capacities for the Prevention of Violent Conflict* (Boulder, CO: Lynne Rienner Publishers, 2003), ch. 2; Michelle Parlevliet, "Bridging the Divide – Exploring the Relationship between Human Rights and Conflict Management", *Track Two* (Centre for Conflict Resolution, Cape Town), vol. 11, no. 1 (2002), <[http://ccrweb.ccr.uct.ac.za/archive/two/11\\_1/bridging.html](http://ccrweb.ccr.uct.ac.za/archive/two/11_1/bridging.html)> (accessed 18 May 2009); Ellen Lutz, Eileen F. Babbitt and Hurst Hannum, "Human Rights and Conflict Resolution from the Practitioners' Perspectives", *Fletcher Forum of World Affairs*, vol. 27, no. 1 (2003), pp. 173–193; Hurst Hannum, "Human Rights and Conflict Resolution: The Role of the Office of the High Commissioner for Human Rights in UN Peacemaking and Peacebuilding", *Human Rights Quarterly*, vol. 28, no. 1 (2006), pp. 1–85; Tanya Putnam, "Human Rights and Sustainable Peace", in Stephen J. Stedman, Donald Rothchild and Elizabeth Cousens (eds), *Ending Civil Wars. The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), pp. 237–273; Christine Bell, *Peace Agreements and Human Rights* (Oxford: Oxford University Press, 2003); and Human Rights Watch, *World Report 2004: Human Rights and Armed Conflict* (New York, 2004), <<http://www.hrw.org/legacy/wr2k4/>> (accessed 18 May 2009).
  36. See, generally, Eric Stover and Harvey Weinstein (eds), *My Neighbor, My Enemy: Justice and Community in the Aftermath of Mass Atrocity* (Cambridge: Cambridge University Press, 2004).
  37. Roger Cohen, "To His Death in Jail, Milosevic Exalted Image of Serb Suffering", *New York Times*, 12 March 2006, p. A1; Gabriel Partos, "Serb Nationalists Still a Force", *BBC News*, 14 March 2006, at <<http://news.bbc.co.uk/1/hi/world/europe/4804510.stm>> (accessed 18 May 2009).
  38. Chandra Lekha Sriram, "Wrong-Sizing International Justice? The Hybrid Tribunal in Sierra Leone", *Fordham International Law Journal*, vol. 29, no. 3 (2006).
  39. Malamud-Goti, *Game Without End*.
  40. See Sriram, *Globalizing Justice for Mass Atrocities*, ch. 3.
  41. On the link between transitional justice and the development of long-term rule of law and democracy, see Ruti Teitel, *Transitional Justice* (Oxford: Oxford University Press, 2000).
  42. I make this argument in greater detail in Sriram, *Peace as Governance? Power-Sharing, Armed Groups, and Contemporary Peace Negotiations* (London: Palgrave, 2008). On the weakness of power-sharing or decentralization as an interim stabilization solution, see the contributions to Philip G. Roeder and Donald Rothchild (eds), *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca, NY: Cornell University Press, 2005). Although power-sharing is clearly linked to democratization, power-sharing arrangements are often really meant to be institutionalized protections against the destabilizing effects of democratization and, particularly, ethnic outbidding.
  43. Snyder and Jervis, "Civil War and the Security Dilemma"; Posen, "The Security Dilemma and Ethnic Conflict".

44. The contentious nature of the debate over a revised Iraqi constitution is one salient example. See, for example, Bernard Finel, "Iraqis Prepare for Vote on Constitution", transcript of comments, *Washington Post*, 13 October 2005, <<http://www.washingtonpost.com/wp-dyn/content/discussion/2005/10/11/DI2005101100829.html>> (accessed 18 May 2009).
45. On the political nature of peacebuilding and challenges for Western peacebuilders in unfamiliar political cultures, see Elizabeth Cousens, "Introduction", in Cousens and Kumar, with Wermester, *Peacebuilding as Politics*.
46. This is not to suggest that other forms of response do not occur: traditional justice and conflict resolution mechanisms have also been utilized in a number of African countries. See chapters on Rwanda and Mozambique in Suren Pillay and Chandra Lekha Sriram (eds), *Peace vs. Justice? Truth and Reconciliation Commissions and War Crimes Tribunals in Africa* (Durban: University of KwaZulu Natal Press, 2009).
47. See, for example, Human Rights Watch's webpage on "International Justice", emphasizing the necessity of justice generally and promoting the option of international justice where justice is not feasible domestically: <<http://hrw.org/justice/about.htm>> (accessed 18 May 2009); the Amnesty International website makes similar points: <<http://web.amnesty.org/pages/jus-index-eng>> (accessed 18 May 2009).
48. Owen Alterman, Aneta Binienda, Sophie Rodella and Kimyia Varzi, "The Law People See: The Status of Dispute Resolution in the Provinces of Sierra Leone in 2002", National Forum for Human Rights, Freetown (2002).
49. Sriram, "Wrong-Sizing International Justice?"
50. Alterman, et al., "The Law People See"; Sriram, *Globalizing Justice for Mass Atrocities*, ch. 6.
51. Because of these concerns, the Chief Prosecutor of the ICC, Luis Moreno-Ocampo, invited a delegation of Acholi leaders to discuss these topics and reassure them that local amnesties and traditional justice processes would not be affected. "Statements by ICC Chief Prosecutor and the Visiting Delegation of Acholi Leaders from Northern Uganda", The Hague, 18 March 2005, available at <<http://www.icc-cpi.int/Menus/ICC/Press+and+Media/Press+Releases/>>> (accessed 18 May 2009). See also the discussion in Chandra Lekha Sriram and Amy Ross, "Geographies of Crime and Justice: Contemporary Transitional Justice and the Creation of 'Zones of Impunity'", *International Journal of Transitional Justice*, vol. 1, no. 1 (2007), pp. 45–65.
52. Sriram, *Globalizing Justice for Mass Atrocities*, ch. 5.
53. Robert Walker, "Rwanda Still Searching for Justice", *BBC News*, 30 March 2004, <<http://news.bbc.co.uk/1/hi/world/africa/3557753.stm>> (accessed 18 May 2009).
54. See the discussion of problems with *gacaca* courts by Human Rights Watch at <<http://www.hrw.org/english/docs/2006/01/18/rwanda12286.htm>> (accessed 18 May 2009).
55. See Luc Huyse and Mark Salter, *Traditional Justice and Reconciliation after Violent Conflict: Learning from African Experiences* (Stockholm: International IDEA 2008).





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Part II

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Cases and experiences

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## A critique of the political economy of the liberal peace: Elements of an African experience

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*M. A. Mohamed Salih*

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The liberal peace has generally nurtured the politics of democratic hope and a modicum of respect for human and civil rights, but it has largely failed to deliver tangible developmental or economic benefits to the majority of the African poor. Although it is imperative to underscore the relationship between peace, democracy and development, it is equally important to emphasize that, in most African countries, democracy is treated as a metaphor for development. After years of corrupt one-party governments, military or socialist regimes, Africans came to the realization that democratic open systems of government are important safeguards against corruption and the diversion of public or development funds for personal interests. Likewise, citizens of countries that emerged from violent conflicts have also come to realize that war and violent conflicts not only undermine but also destroy the existing factors of development: administrative structures, the rule of law, schools, hospitals, roads, bridges and farming (on land littered with mines).

I argue that, in the case of Angola, Burundi, the Democratic Republic of Congo, Ethiopia, Eritrea, Mozambique, Namibia, Rwanda, Sierra Leone, South Africa and Uganda, the transition from conflict to peace and from peacebuilding to development has been contingent on the outcomes of the political economy of peace rather than on an uncritical superimposition of the liberal peace onto poor societies. The prime interest of poor citizens of post-conflict societies – or countries in democratic transition – is to couple democracy and development as a precursor to linking peace and development.

In my view, the dominant political economy of the liberal peace has failed to address major developmental problems such as poverty, exclusion, the social justice deficit and inadequate access to basic human needs. This anomaly could be explained by the ever-present tension between liberalism and democracy, which informs the contradictions within the political economy of neo-liberalism or the discrepancy between political and economic liberalization. These tensions tend to increase rather than decrease the likelihood of the social conflicts and violent struggles that undermine development and by the same token also undermine peace and democracy in the long term.

### Liberal peace blind spots in Africa

Three blind spots inform the theory and practice of the liberal peace in Africa: (1) underplaying the entrenched tensions between liberalism and democracy in transition countries; (2) privileging the liberal over the social; and (3) rendering politics subservient to the market.

#### *Underplaying the tension between liberalism and democracy*

Liberalism and its variants comprise only one form of democracy: liberal democracy. It seems that the liberal peace debate has deliberately conflated the liberal and the democratic, hence liberal democracy, hence the offer of “liberalism” as the way forward for ensuring peaceful coexistence in African countries. In this respect, Fischer laments: “This conflation may seem insignificant since both theorists and practitioners refer to the liberal kind of democracy that has come to prevail in the West. Nonetheless, it is important to appreciate the significant differences between the democratic and the liberal aspects of these regimes in order to grasp the peace that prevails among them.”<sup>1</sup>

Therefore, the contention that democracy causes states to live in peace with each other refers to particular types of states, which have developed a long liberal tradition that goes beyond the bare existence of polyarchy and democratic institutions (political parties, parliaments and civic associations). If the liberal peace is about promoting liberalism and its current dominant derivative – neo-liberalism – it will confront several challenges in the democratizing African countries, which are not yet fully democratic or liberal. They are better described as countries at various stages of transition to democracy. These countries could hardly qualify for being called democratic and less so liberal.

Overall, the manner in which the liberal peace is implemented has produced a serious disconnect with the political economy of African con-

flicts, which has not been sufficiently problematized. Hence a three-pronged criticism of the liberal peace can be developed:

- (1) It fails to appreciate the democratic and developmental differences between “old” and “new” democracies. Either the liberal peace is viewed as a technical intervention packaged and exported from old to new democracies or its advocates care little about the poor who endure the burden of living in harsh post-conflict conditions. The liberal peace theoreticians have unwittingly exaggerated the quality of democracy in African post-conflict states, which are taking only the first steps towards “democratizing” at best. Put more succinctly, Barnett argues that, “[b]ecause liberal states have these desirable dispositions, peace builders have attempted to transplant and nurture these attributes. Exhibiting their own brand of shock therapy, international peace builders attempt to transform nearly all features of the state and society, accomplishing in a matter of months what took decades in the West.”<sup>2</sup>
- (2) It assumes that the African countries are readily able to nurture and integrate the ethos and core values of liberalism (or its current dominant variant, neo-liberalism) as the preferred paradigm for peace, development, state-building and post-conflict development. It is legitimate to ask why, if the liberal peace attributes have been criticized even in the more industrially developed Western economies and democracies, they should be so uncritically adopted by the African countries.<sup>3</sup> One consequence of this, as has been observed by Paris, is that “liberalization prior to institutionalization has, in some instances, produced more harm than good”.<sup>4</sup>
- (3) It neglects the historic tension between liberalism and democracy. Although liberalism entails liberal and individual property rights and a free market, it inherently has a strong tendency towards curbing governance by the state generally in favour of a strong private sector and civil society. The problem with this formula is that the free market and the empowered private sector provide opportunities for repressive, criminalized elites who were also part of the criminal war economy. They exploit the liberal peace drive for privatization and the free market to consolidate their power and extend war-time strategies of accumulation through local manipulation of externally imposed programmes of privatization and deregulation.<sup>5</sup> Hence, in democratic countries without a liberal tradition, such as African post-conflict societies, the elected governments espouse adherence to the democratic form but not to the substance. Some democratically elected leaders have thereby continued to abuse the human rights of their opponents, thus betraying a main ethos of the liberal peace.<sup>6</sup>

*Privileging the liberal over the social*

This section is concerned with whether the liberal content of the liberal peace can be uncritically exported to Africa, where the existence of fundamental social problems such as poverty and underdevelopment are major characteristics of a neo-liberal ascendancy wrapped in the romantic appeal of peace.

Most current propositions on the virtues of the liberal peace have something in common with Doyle's description:

Liberal states, founded on such individual rights as equality before the law, free speech and other civil liberties, private property, and elected representation are fundamentally against war . . . When citizens who bear the burdens of war elect their governments, wars become impossible. Furthermore, citizens appreciate that the benefits of trade can be enjoyed only under conditions of peace. Thus, the very existence of liberal states, such as the United States, the European Union and others, makes for [the liberal] peace. And so peace and democracy are two sides of the same coin.<sup>7</sup>

Understandably, the states mentioned by Doyle as success stories of the liberal peace ("the United States, the European Union and others") are "old" democracies, economically developed and industrially advanced. In these countries, the conditions for the liberal peace to blossom are secure. But, even here, the most capitalist amongst them – the United States and the United Kingdom – have a modicum of social welfare policies implemented by government institutions, subcontracted to the private sector or self-governed by the expansive philanthropic sector. Doyle was more honest than most when he argued that, "even within the old democracies of the industrially advanced countries, there should be no expectation that a population widely sharing liberal values associated with human rights norms will shape policy unless they have democratic representation with the transparency and accountability that can shape public decision-making".<sup>8</sup> It is doubtful whether African post-conflict societies have instantaneously acquired such democratic representation.

Even if we do not question the liberal peace adherence to its liberal content, it is not uniform or homogeneous. In reality, the liberal peace has acquired different manifestations in different countries, producing different forms of democratic experiences and social arrangements in order to temper the negative social effects of neo-liberalism. Obviously, the social deficits of neo-liberalism have drawn bellicose criticism even within the West, and much more so in poor underdeveloped countries.<sup>9</sup>

The current concern with the "liberal" peace in Africa neglects the dire social conditions of its people and treats the continent as if its coun-

tries were socially on a par with countries for which liberalism has delivered the peace dividend. The expectation is that the structural parallel will prevail, as Doyle suggests: “When citizens who bear the burdens of war elect their governments, wars become impossible. Furthermore, citizens appreciate that the benefits of trade can be enjoyed only under conditions of peace.”<sup>10</sup>

However, in Africa, where more than 50 per cent of the population live below the poverty line, considerations such as individual rights, equality before the law, free speech, private property and elected representation, which are very important human values, do not by themselves translate into prosperity to be enjoyed in peace. Nor do these values, noble and cherished as they are, allow the majority of African citizens, who are poor, to realize the benefits of free trade, in which their personal, national and global share is negligible (less than 2 per cent of world trade).<sup>11</sup> The neglect of the “social” in the liberal peace is complicated by the promulgation of policies that have systematically undermined the state’s minimal support of social welfare in the form of subsidizing basic goods. In other words, the economic liberalization conditionality of the liberal peace has not been helpful because there is no evidence to suggest that the free market has reduced poverty or contributed to equality. Cooper laments that, at “the global level, neoliberalism has fostered a particular kind of globalization that in simultaneously weakening states and fostering the free movement of goods, has created conditions under which local conflict entrepreneurs have been able to utilize flexible worldwide trading networks to generate global revenues from local predation”.<sup>12</sup> In other words, the beneficiaries of the peace dividend are the very criminal elements that benefited from the political economy of war and exacerbated conflict.

Although the liberal peace paradigm has expanded the number of thin democracies, its emphasis on neo-liberal economics as the preferred policy choice for post-conflict states has exacerbated economic marginalization among the poor, increased poverty and fomented grievance and social injustice. This has undermined social peace and could in certain circumstances contribute to violent conflict.

#### *Rendering politics subservient to the market*

Advocacy of the liberal peace is informed by the triumph of the neo-liberal paradigm over various forms of authoritarianism where “institutionalism” has become the dominant force informing economic and political liberalization. International financial institutions such as the World Bank and the International Monetary Fund (IMF) preach the primacy of institutionalism – the market and New Policy Management in the area

of economic governance, and the rule of law and democratic governance in the case of political institutions.<sup>13</sup> These global financial governance institutions also seek institutionalism as the preferred perspective for post-conflict development, including humanitarian assistance.

Christian Morrison asks whether IMF humanitarian emergency programmes cause conflict.<sup>14</sup> In answering this question he distinguishes between soft repression, as a response to strikes and demonstrations, and hard repression, which contributes to major violent conflict. In his view, although IMF programmes are likely to cause soft repression, they do not cause hard repression. Morrison argues that hard repression is infrequent and short-lived. He therefore calls for soft repression or a limited humanitarian emergency to be anticipated in the design of adjustment or liberalization programmes. Two propositions are plausible here. First, although Morrison's analysis is logical, the situation on the ground indicates that the international community regards humanitarian emergencies as short-lived, as are the social costs associated with them. In most cases, humanitarian emergency programmes are financed on a short-term basis, whereas the social justice deficits emanating from the conflict are ongoing and often not taken into account in the adjustment policies. Second, most conflict-stricken countries are ill prepared to manage long-term social safety-nets and as such often do little to alter the post-conflict situation or to remedy the fundamental social problems that were responsible for conflict. In fact, humanitarian emergency programmes dealing with social costs have not been successful owing to their short-term nature. In other words, the programmes are treated by their architects as part of a short-term humanitarian emergency designed to reduce the political tension associated with the social hardships exacerbated by conflict and latterly associated with economic liberalization.

In relation to post-conflict states, Newman and Richmond observe that "the liberal peace is generally agreed to be the objective of peace processes" and "this means that any outcome should ostensibly be democratic, incorporate free and globalised markets, and aspire to human rights protection and the rule of law, justice, and economic development".<sup>15</sup> Paraphrased in the language of the political economy of post-conflict reconstruction, free markets and economic development constitute the economic dimension of the liberal peace, whereas human rights protection, the rule of law and justice comprise the political dimension. Hence, it is safe to argue that the economics of the liberal peace has become synonymous with economic liberalization and free trade-cum-market principles, and political liberalization has become synonymous with democratization. In particular, political liberalization has invoked political reform programmes, which in most African countries included constitutional reforms to allow the formation of political parties



and civic associations. This development has opened up a limited political space for electoral competition and the reform of statutory, penal and administrative structures that once impeded any political activities outside the confines of the ruling political party. As the case studies presented below will illustrate, these political, legal and administrative reforms extended civil liberties previously curbed under authoritarian one-party regimes, thus allowing the emergence of autonomous civil society and non-governmental organizations (NGOs). However, none of the countries used as case studies in this chapter has been capable of matching economic liberalization with tangible economic benefits for the poor, whose numbers have increased rather than decreased.<sup>16</sup>

Because of the economic and political conditionality implemented by the democratizing developing countries under the auspices of global financial governance, African post-conflict states have adopted the economic and public policy orientations of the neo-liberal globalization paradigm.<sup>17</sup> The influence of international financial institutions is such that all major state political and policy-making institutions adhere to a broadly defined free market paradigm. As has already been amply demonstrated by Paris for Angola, Liberia, Mozambique, Namibia, Rwanda and Sierra Leone, rapid privatization and free market fixes have failed to ensure that the peace dividend is evenly shared and, in some cases, peace itself was jeopardized.<sup>18</sup> In fact, the sections of the population who suffered most as a result of war are the very ones who have been excluded and marginalized. In some post-conflict societies, peace has rewarded those who perpetuated the war and operated the “criminal economy”, which prolonged the conflict. It simultaneously disempowered and ignored the combatants either worse off after demobilization or frustrated with a peace that has failed to improve their quality of life.

Liberal peace sequencing (from stabilization through transition to consolidation), including formulations that require the United Nations temporarily to take over the administration of collapsed states, has been suggested as a practical measure for mitigating the downside of liberalization in post-conflict states. Although sequencing can address some practical issues, fundamental problems associated with the manner in which the liberal peace is implemented are most likely to hamper its full potential. Two problems are common to post-conflict societies. First, the difficulty of determining when war ends and peace starts, let alone the onset of a clearly identifiable post-conflict situation, necessitates flexible sequencing arrangements, which are often beset by protracted flare-ups of conflict after the signing of peace agreements. In choosing which form of sequencing to adopt, one should be mindful of the tacit knowledge that “peace” and “post-conflict” mean different things for different actors (spoilers, warlords, victims, lobbying and advocacy groups,

interested international entities). Secondly, the political economy of peace or post-conflict situations is replete with social conflicts engendered by the blind spots (mentioned at the beginning of this chapter) that mar the implementation of the liberal peace.<sup>19</sup> Hence, the positive attributes of sequencing are enhanced or undermined by the interaction of the internal determinants and wider environment (neo-liberalism) informing the implementation of the liberal peace.

Economic liberalization policies implemented under the pretext of the liberal peace have certainly made politics in post-conflict states subservient to the market, with market forces being exploited by predatory states and warlords. Some warlords become commercial cartels and are considered legitimate political operators under the watchful eye of the international financial institutions, and they are often protected by economic policy reforms advocated by the liberal peace lobby. Although most post-conflict governments have proclaimed themselves democratic, in fact they own the political agenda but not the national economic and public policies agreed upon in global consensus agendas such as the Washington Consensus. This contention leads me to contextualize these debating points and delineate a few common features of the political economy of African conflicts.

### The political economy of African conflicts

The political economy of African conflicts is generally informed by the nascent politics of underdevelopment, which determines the flow of resources between states, the dominant social and political forces, rent seekers, losers and gainers, and amongst various segments of society. This particular type of political economy is overwhelmed by greed or grievance,<sup>20</sup> opportunities for rebellion,<sup>21</sup> a dependence on commodity exports such as oil, non-fuel minerals and agricultural goods,<sup>22</sup> or the “resource curse” enigma.<sup>23</sup> In general terms, African underdevelopment gives its conflicts a special dimension involving poverty and want. These conflicts are about material or non-material resources and the attempt to redress real or perceived governance deficits in states captured by competing power elites for private gain.

African conflicts often emanate from an interplay between internal root causes and external pressures. Table 7.1 summarizes the political economy of conflicts in 12 African countries, supported by documented evidence. The dominance of economic factors as the root cause of conflict in poor economies should not come as a surprise, and leads to the following observations:

Table 7.1 Dominant political economy explanations of some African conflicts

Country	Dominant political economy explanation
South Africa	Apartheid informed the political economy of liberation and the struggle for social justice. The apartheid regime conferred civil rights on the white population to the exclusion of black Africans. The white regime also controlled the state and its coercive powers and the economy, including the rich mineral resources of the country, with deliberate and systematic government-sponsored policies that excluded the majority black populations.
Namibia	Decolonization struggle against the South African occupation of the country and the exploitation of alluvial gemstones and land by the white populations. As an extension of South Africa's apartheid regime, the occupation fostered social exclusion and the denial of civil, political and human rights. Democratic rights and political participation were conferred on white colonial settlers, who also controlled the state, the economy and the rich mineral resources of the country.
Uganda	Excessive centralization policies, which antagonized a loose indirect rule of kingdoms and chieftainships established during the colonial era, failed. Some kingdoms espoused separatist intentions (Busoga, Teso and Buganda), which ignited the anger of the army (most of which was recruited from the poor northern ethnic groups) and resulted in a military coup. Regional inequalities between the South and the North were increased by civil war (which has ended in the South, Centre, East and West, but until recently continued in the North).
Eritrea	The liberation struggle was a result of decolonization failure, a reaction to annexation by Emperor Haile Selassie of Ethiopia in 1962. Eritrea was liberated from Ethiopia in 1991 and became independent in 1993 under the leadership of the Eritrean People's Liberation Front (EPLF).
Rwanda	Failure to democratize the post-colonial state, which was initially dominated by the Tutsi (minority) and soon changed hands to the Hutu (majority). State-building failure was augmented by externally imposed programmes of neo-liberal reform that created the conditions for the initiation and perpetuation of conflict.
Angola	Hegemonic bipolar power influences and ideological rivalry during the Cold War. Factors influencing the conflict were: the opportunity for rebellion, the resource curse (oil), and greed and grievances (arising from mean income per capita, male secondary schooling, economic growth rate and inequality).
Congo, D.R.	Factors influencing the conflict were: the opportunity for rebellion and the resource curse (alluvial gemstones and timber), combined with greed and grievances (arising from mean income per capita, male secondary schooling leaving youth without employment or hope, low to negative economic growth rate and inequality).

Table 7.1 (cont.)

Country	Dominant political economy explanation
Liberia	Cronyism and rent-seeking activities involving private investment, state bureaucracy, the army and powerful chiefs, who operated as intermediaries exploiting timber concessions together with foreign firms. Neo-liberal prescriptions coupled with a changing global economy provided no incentive to develop state institutions or to prevent the collapse of the formal economy.
Mozambique	Decolonization failure, hegemonic power influences and ideological rivalry during the Cold War, coupled with the destabilization policies of South Africa's apartheid regime, a serious human rights deficit, ethnic cleavages and regional disparities.
Burundi	Competition between monarchist and republican elites over control of an extractive state and the resources of the state, with the minority (Tutsi) using military dominance to exclude the majority (Hutu). The Tutsi elite also exploited state patronage to support a well-entrenched rent-seeking business sector augmented by competition over a densely populated country.
Ethiopia	Real or perceived elite control over an extractive authoritarian (Amhara dominated) imperial regime, succeeded by military socialist regimes (Amhara ethnic group) to the exclusion of others (Somali, Tigray, Oromo, Afar ethnic groups) and the annexation of Eritrea, which was under the trusteeship of Ethiopia as a result of a Second World War settlement.
Sierra Leone	Factors influencing the conflict were: the opportunity for rebellion and the resource curse (gold, alluvial gemstones and timber), combined with greed and grievances (arising from mean income per capita, male secondary schooling, declining economic growth rate and inequality). The presence of an ethnically divided rent-seeking elite, some of whom were prepared to use the army as an extension of civilian rule.

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Table 7.1 (cont.)

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- Although ethnicity is an important factor in conflict situations, it does not feature as a direct cause. Rather, in most cases ethnicity has been manipulated by competing power elites who deploy it as an instrument of political mobilization. The existence of ethnic cleavages is not in itself a cause of conflict.<sup>24</sup> However, some studies reveal that societies with serious ethnic cleavages had a 50 per cent higher probability of civil war than either homogeneous or less diverse societies.<sup>25</sup> Since 1989, of 37 countries involved in conflict, only 25 have experienced ethnic conflict.<sup>26</sup> Studies of conflict have tended to be dominated by ethno-political analysis; this emphasizes the idea of ethnic conflict while neglecting political economy factors that might provide valuable alternative interpretations of the sources and nature of conflict.
- As a result of the decline in foreign financial and military support during the 1980s and early 1990s, warring parties depended primarily on exploiting and trading domestic resources, where economic criminality and corruption thrive.<sup>27</sup> Sustaining any conflict requires vast resources to maintain a fighting force and to secure the flow of arms and equipment. Thus the political economy of war and violent struggle to control these resources becomes fierce and unrelenting.
- A major difference between some cases of decolonization (Eritrea, Mozambique and Namibia) and second liberation conflicts (Burundi, Ethiopia, Rwanda and Uganda) is that they are characterized by less obvious economic criminality and predatory behaviour than are Angola, the Democratic Republic of Congo, Liberia and Sierra Leone. These wars could be referred to as new wars, "which occur in situations in which state revenues decline because of the decline of the economy as well as the spread of criminality, corruption and inefficiency, violence is increasingly privatized both as a result of growing organized crime and the emergence of paramilitary groups and political legitimacy is disappearing".<sup>28</sup> However, this does not imply that there were no

politico-economic considerations behind war in these countries. It means that the disputants' reliance on domestic resources made their natural riches a focus of conflict, with its own internal logic and external beneficiaries and trading partners.

- Without exception, all 12 case-study countries are caught in the poverty–conflict trap. As low-income democracies (even in South Africa and Namibia the majority of the population live below the poverty line, earning less than US\$1 a day), they “tend to have relatively high levels of instability, and this probably tended to increase their risk of civil war”.<sup>29</sup>

The political economy of African post-conflict recovery incorporates, by necessity, multiple and often contradictory interests represented by a multitude of interest groups. These include disputants, spoilers, state operators, armed forces, private business, political parties of different ethnic, religious and regional persuasions, and the citizenry at large. Some of the stakeholders are outsiders (NGOs, democracy and peace activists, human rights defenders and humanitarian agents and agencies), though I must hasten to add that in most cases they come to help with good intentions. Multilateral global political and economic governance is also directly or indirectly involved in perpetuating political economy trends.

Generally, African post-conflict states have made some tangible achievements in respect to what could typically be described as the dominant political dimension of the liberal paradigm. Using Freedom House data,<sup>30</sup> Table 7.2 shows that the majority of post-conflict governments are “Not Free” or “Partly Free”, with the exception of Namibia and South Africa, which are “Free”. Three observations are worth making:

- (1) South Africa and Namibia are the only countries found by Freedom House to be “Free” out of the 11 listed, and, as Table 7.3 shows, they are also better off in terms of the Human Development Index (HDI) and have the highest per capita incomes (US\$11,192 and US\$7,418, respectively).
- (2) Most countries have maintained their status as “Free”, “Partly Free” or “Not Free”. The only real improvement occurred in Burundi, which was promoted from “Not Free” to “Partly Free” in 2004.
- (3) All three countries with a long tradition of multi-party democracy (for example Sierra Leone), and even those with exclusionary democracies before the transition to multi-party democracy (Namibia and South Africa), are better able to manage the transition and remain either “Free” (Namibia and South Africa) or “Partly Free” (Sierra Leone). As Table 7.2 also illustrates, liberal dispensations have paid off in terms of political rights and civil liberties, although these attributes do not hold true for real improvements in the HDI.<sup>31</sup>

Table 7.2 Political rights (PR), civil liberties (CL) and freedom status in African post-conflict states, 2002–2006

Country	2002			2004			2006		
	PR	CL	Status	PR	CL	Status	PR	CL	Status
South Africa	1	2	Free	1	2	Free	1	2	Free
Namibia	2	3	Free	2	3	Free	2	2	Free
Uganda	6	4	Partly Free	5	4	Partly Free	5	4	Partly Free
Eritrea	7	6	Not Free	7	6	Not Free	7	6	Not Free
Rwanda	7	5	Not Free	6	5	Not Free	6	5	Not free
Angola	6	5	Not Free	6	5	Not Free	6	5	Not Free
D.R. Congo	6	6	Not Free	6	6	Not Free	5	6	Not Free
Mozambique	3	4	Partly Free	3	4	Partly Free	3	4	Partly Free
Burundi	6	5	Not Free	5	5	Partly Free	4	5	Partly Free
Ethiopia	5	5	Partly Free	5	5	Partly Free	5	5	Partly Free
Sierra Leone	4	4	Partly Free	4	3	Partly Free	4	3	Partly Free

Source: Freedom House, *Freedom in the World* Country Ratings database, <<http://www.freedomhouse.org/template.cfm?page=439>> (accessed 19 May 2009).

Notes: Political rights and civil liberties are measured on a 1–7 scale, with 1 representing the highest degree of freedom and 7 the lowest. Until 2003, countries whose combined average ratings for Political Rights and for Civil Liberties fell between 1.0 and 2.5 were designated “Free”, between 3.0 and 5.5 “Partly Free”, and between 5.5 and 7.0 “Not Free”. Beginning with the ratings for 2003, countries whose combined average ratings fall between 3.0 and 5.0 are “Partly Free”, and those between 5.5 and 7.0 are “Not Free”. Liberia is excluded because of lack of data owing to the civil war.



Table 7.3 lists African post-conflict states according to their ranking on the HDI. It illustrates that the majority of African post-conflict states remain poor despite the fact that all of them have achieved a reasonable level of economic growth. With the exception of South Africa and Namibia, African post-conflict states rank amongst the poorest 27 countries in the world.

Since 1990, income poverty has fallen in all world regions except sub-Saharan Africa, which is “the only region that has witnessed an increase both in the incidence of poverty and in the absolute number of poor. Some 300 million people – almost half of the region’s population – live on less than \$1 a day.”<sup>32</sup> The populations of African post-conflict states have the lowest Human Poverty Index (a composite index measuring deprivations in the three basic dimensions captured in the Human Development Index – living a long healthy life, knowledge and a decent standard of living), again with the exception of Namibia and South Africa, ranging from 30.9 per cent for South Africa to 55.3 per cent for Ethiopia. The populations living below the poverty line are relatively large, ranging from 36.4 per cent in Burundi to 70.2 per cent in Sierra Leone. Whether some of these countries are better off than countries that have not experienced violent conflicts does not matter because their recent collective memories and low HDI magnify the prospect of social conflicts and political instability in those seemingly peaceful poor countries as well.

For example, although Mozambique provides a showcase of the liberal peace political transition to “democracy” and economic growth successes, its laudable achievements remain fragile and not as dazzling as originally thought. In this respect, Weinstein acknowledges that:

On the ground in Mozambique, however, the continuation of this upward trajectory looks anything but guaranteed. The newspapers hint at trouble just beneath the surface: two major bank failures, the assassination of the country’s most respected independent journalist, the continued depreciation of the currency, and stop-and-start talks between the Liberation Front of Mozambique (Frelimo, as the ruling party is usually called) and its main political rival, the Mozambican National Resistance (Renamo), about how to share power at the local level. In November 2000, when police in the city of Montepuez killed demonstrators challenging the government’s claim to have won that year’s national elections, tensions nearly exploded into large-scale violence.<sup>33</sup>

Englebort and Tull’s most recent commentary is less generous, calling Mozambique, indeed the whole post-conflict reconstruction in Africa, “Flawed Ideas about Failed States”. They lament that “[e]ven Africa’s earlier success stories, such as Mozambique, which completed its post-conflict transition in 1994, remain weak states dependent on international

Table 7.3 Human Development Index (HDI) for African post-conflict states

Country	HDI		Life expectancy at birth		Adult literacy rate (aged 15 and older)		Human Poverty Index		Below national poverty line (%)	GDP per capita	
	Rank	Value	Rank	Years	Rank	Rate (%)	Rank	Value (%)		Rank	PPP US\$
South Africa	121	0.653	156	47.0	76	82.4	53	30.9	–	55	11,192
Namibia	125	0.626	155	47.2	73	85.0	57	32.5	–	75	7,418
Uganda	145	0.502	150	48.4	104	66.8	62	36.0	37.7	148	1,478
Eritrea	157	0.454	143	54.3	–	–	70	38.1	53.0	161	977
Rwanda	158	0.450	162	44.2	105	64.9	67	37.3	60.3	149	1,263
Angola	161	0.439	169	41.0	102	67.4	79	40.9	–	125	2,180
D.R. Congo	167	0.391	165	43.5	103	67.2	80	40.9	–	168	705
Mozambique	168	0.390	168	41.6	–	–	94	48.9	69.4	150	1,237
Burundi	169	0.384	163	44.0	109	59.3	78	40.7	36.4	169	677
Ethiopia	170	0.371	153	47.8	163	36.0	98	55.3	44.2	166	756
Sierra Leone	176	0.335	170	41.0	122	35.1	95	51.9	70.2	172	561

*Source:* Compiled from United Nations Development Programme, *Human Development Report 2006* (New York: Palgrave Macmillan, 2006), Table 1, pp. 283–286, and Table 3, pp. 292–294.

*Note:* Liberia is excluded owing to the lack of data.

aid, and have faced setbacks”. Instead of espousing lofty ideas about post-conflict reconstruction, Englebert and Tull’s advice is simple: “Encouraging indigenous state formation efforts and constructive bargaining between social forces and governments might prove a more fruitful approach for donors to the problem of Africa’s failed states.”<sup>34</sup>

Not only do cautious assessments prevail in the academic discourse, but respected liberal peace practitioners’ assessments provide an equally mixed picture. The UK Department for International Development (DFID) describes Mozambique’s successes as follows:

There have been numerous achievements in the governance of Mozambique since the 1990s including: the introduction of a multi-party democracy within a strongly secular state; the holding of five free and fair elections – some with localised conflict and an opposition boycott; the decision by a President not to press for a third term in office; conversion to a market economy; the rebuilding of the infrastructure of government, the judiciary, and parliament; and progress in a wide-ranging programme of public sector and legal reforms.<sup>35</sup>

Mozambique’s achievements are those typically expected to be delivered by the liberal peace. However, DFID’s upbeat description of Mozambique’s political successes should be tempered with some stark realities in post-conflict Mozambique:

- The impact of the political achievements and economic growth has for many, especially among the rural poor, been modest and the impact of government and public services is low. Regional inequalities remain high.
- Parliament remains relatively weak and dominated by one political party and civil society has failed to mobilize, which carries the risk that the government and the ruling party will become less accountable to the people of Mozambique.
- There is the possibility that Mozambique will develop into a society of fear, “considering the impunity of growing criminal activities by organized crime networks and the ineffectiveness of the police and justice systems.”<sup>36</sup> An assessment by the United States Agency for International Development (USAID) is equally critical, pointing out that “[t]he key problem in the judiciary is corruption. It manifests itself in the buying and selling of verdicts, the exertion of political control over judicial outcomes, losing evidence or case files, intimidation of witnesses, and freeing of key suspects.”<sup>37</sup>

If the rule of law is one of the cardinal points of the liberal peace, reading through the two assessments by DFID and USAID one cannot help but argue that Mozambique offers an excellent example of where the liberal peace has apparently delivered on its growth promise but

also apparently lagged behind in the political civil rights side of the equation. Even here, economic growth has typically concentrated amongst the few, leaving out the many and the rural poor. Looking at the bigger picture, notwithstanding qualified successes, the results of these operations in Africa have been paltry, particularly as regards the establishment of self-sustaining state institutions, as the case of Sierra Leone illustrates.

Sierra Leone offers an interesting case in that it is rich in natural resources (diamonds, timber, fertile lands) and is often cited as epitomizing what is known as the “resource curse”. The conflict (1996–2002) destroyed many lives and claimed most of the infrastructure, including government institutions, roads, schools and health facilities. On the positive side, in addition to two post-conflict elections held in 2002 and 2007,<sup>38</sup> “the government’s presence has been re-established throughout the country. Many refugees and displaced people have returned and the economy has begun to recover.”<sup>39</sup> Michael Chege did not exaggerate when he called Sierra Leone “the state that came back from the dead”.<sup>40</sup>

However, according to Thomson, “Sierra Leone remains stubbornly at the bottom of the UN Human Development Index and recent improvements may not be sustainable unless other dimensions of governance improve too. Re-establishing institutions carries with it the risk that old abuses will return.”<sup>41</sup> The overall picture in terms of post-conflict economic and political achievements is mixed:

- (1) “The government’s attempts to tackle widespread corruption through the judicial process have made little impact... implementation is at an early stage... [and] it is too soon to say that opportunities for corruption have been reduced on a sustainable basis”;
- (2) although district councils have been established, “rivalry with the chiefdoms means that it is far from clear that decentralization will succeed in promoting stronger citizen participation and better service delivery”;
- (3) “little progress has been made in reforming the judicial system and civil service, or in developing credible checks on executive power through parliament, the media and civil society”; and
- (4) “the source of political power in Sierra Leone is in patronage networks and it seems that the old patterns are emerging again”.<sup>42</sup>

The International Crisis Group (ICG) was not generous even in its account of the 2007 elections, which were hailed by many as a landmark in the country’s post-conflict democratic experience. The ICG argues that “Sierra Leone’s first post-transition elections in 2007, for example, were marred by violence. Youth who fought in the civil war continue to be marginalized; the economy has stagnated; and economic mismanagement remains rampant.”<sup>43</sup>

Wyrod gives credence to the Chatham House and International Crisis Group reports, which clearly mirror views solicited by practitioners. Dur-

ing its relatively short post-conflict experience, Sierra Leone has been able to maintain a steady consolidation of peace despite the prevalence of three major problems: (1) a long legacy of corruption, which exacerbates political tension and increases the potential for conflict; (2) “access to justice remains severely restricted” and “district courts and customary-law bodies controlled by local chiefs remain corrupt and dysfunctional”; and (3) “restrictions on freedom of information and the press continue to limit oversight and criticism of the government to an unhealthy degree”.<sup>44</sup>

At least three conclusions can be teased out from the cases of Mozambique and Sierra Leone, despite their socioeconomic and political differences. Mozambique is a dominant-party state and the political entities that conducted the civil war are still politically active. In Sierra Leone, the situation is different in that in the 2007 elections the All People’s Congress unseated the Sierra Leone People’s Party, which had governed the country since independence from the United Kingdom in 1961.<sup>45</sup> First, although Sierra Leone is endowed with huge mineral and other natural resources, Mozambique, with its meagre resources and more or less regular floods, has managed to maintain a higher rate of growth thanks to huge international investment.<sup>46</sup> Second, whereas Sierra Leone attained its independence as a multi-party democracy (until the 1996 military coup heralded the onset of the civil war), Mozambique’s democratic experience is very recent and began only with the end of the civil war in 1994. In neither case, however, has democratic progress reduced, let alone eliminated, certain forms of serious democratic deficit associated with the heavy-handed treatment of political opponents. Third, the difficulties emanating from the political economy of conflict and the proposed neo-liberal solutions have not been given sufficient attention. Table 7.3 clearly illustrates that, despite the fact that Mozambique has performed better than Sierra Leone, the liberal peace dividend has not paid off in terms of tangible socioeconomic improvements in the lives of the majority of the population, who still by and large live under the stress of poverty. In essence, the liberal peace has actually privileged the liberal over the social.

### The political economy of liberal peace in post-conflict situations

In addition to the myriad criticisms of the theory and the practice of liberal peace in post-conflict African states, a major disappointment is its irreconcilability with the social conditions of underdeveloped economies. Its advocates, in their zealous drive to expand the ethos of the liberal peace, have neglected the fact that they are dealing with societies

crippled by acute poverty, destitution, endemic and pandemic disease, and debt, to mention but a few. Although spreading democracy, human rights and the rule of law is a noble endeavour in its own right, it ignores the fact that the political economy of liberalism, in both its philosophical tenets and its practice, is incompatible with the socioeconomic and political conditions obtaining in post-conflict societies.

Tony Addison examines the interaction between countries emerging from civil war and the global economy by asking, “Does that interaction help or hinder their transition from war to peace? And in what ways could global economic policy be improved to facilitate their ‘post-conflict’ recovery?”<sup>47</sup> These questions, which are of a political economy nature, are important enough to merit some elaboration. Addison concludes that a neo-liberal peacebuilding blueprint is a prescription for free market economies and the privatization of public services, which often hurt the poor and the weaker economic sectors, such as small and medium enterprises, through which the majority of the population subsist. His suggestion is that “[o]utward-orientated development strategies can consist of low protection of the domestic market (to encourage exporting), direct subsidies to exporters, or import-protection combined with implicit export subsidies – profits from domestic sales reinvested in an export-drive. Today, WTO membership and rules imply considerably less scope for using import protection and subsidies as part of a development strategy.”<sup>48</sup>

According to Carbondier, another reason for adopting these outward-oriented development strategies within the political economy of the liberal peace is that “internal conflict offers huge profit opportunities to a small minority while living conditions dramatically deteriorate for the vast majority. War therefore tends to increase income concentration and widen the gap between rich and poor. Much is then at stake during the reconstruction phase.”<sup>49</sup> Implicit in this statement is that liberal packages alone cannot work and what is needed are ways to reduce the grievances created by income concentration and to mitigate poverty by targeting the poor. Moreover, “the ensuing collapse of market entitlements for large groups of people makes it highly dangerous to rely exclusively on the market to allocate resources, set prices and fix factor incomes”.<sup>50</sup>

Instead, we observe that the types of policies that could deliver goods and services for the poor are the very ones that global financial governance institutions such as the World Bank and the IMF have proscribed as a condition for supporting economic reform programmes for post-conflict reconstruction. The contradictions of the economic and political liberalization dimensions of the liberal peace reflect, according to Sriram (Chapter 6 in this volume), a “particular liberal internationalist paradigm, one that relies excessively on two strategies – developing market economies and developing certain features of liberal democratic domestic politics – as pathways to peace. Yet, many states emerging from conflict

have little or no experience with market economies or democracy, and an emphasis on these may be both inappropriate and destabilizing”, at least in the initial transitional stages.

The political economy that gave way to conflict is often woven into the new conflict-prone political economy of the liberal peace, which is supported by and based on “criminal markets”. This requires state intervention at least to protect vulnerable sections of the population who easily fall prey to the predators. Addison describes this shady and criminal economy as being no stranger to the free market in a globalized world.

Conflict countries have many points of contact to the global economy, including: flows of illegally-produced and internationally traded minerals and narcotics; flows of finance involved in the looting of national assets; and the subsequent transmission of the money offshore. Flows of information as new communications technologies are used to organize war economies and international terrorism; and flows of people as fighters, refugees, and “human commodities” (including the trafficking of women and children).<sup>51</sup>

The fundamental problem that confronts post-conflict states therefore is not one of reconnecting economies that are disconnected from the global economy; rather it is the changing nature of their interaction with the global market in ways that undermine both war-to-peace transition and *broad-based* recovery and development in apparently poor underdeveloped economies. Nor can this broad-based recovery be served by market-based poverty reduction strategies under the guise of the Millennium Development Goals (MDGs). No African country will meet these goals. The most they are likely to succeed in doing is to halve poverty (not eliminate it) by 2015 (the MDG target). In this respect, post-conflict states are more disadvantaged than most.

The obsession of liberal peace advocates with economic liberalization in the form of privatization and fostering the principles and practices of the free market is a major factor in relegating pressing social problems to obscurity. In the process, post-conflict societies are prematurely rushed into a political economy of the liberal peace – code-named neo-liberal economic policy reforms – without critically examining the long-term implications for sustainability. In these circumstances, Paris’s contention that “institutionalization before liberalization is a commonly missed wisdom” is laudable.<sup>52</sup>

## Conclusion

The critique of the political economy of the liberal peace takes issue with political culture explanations of why liberalism has not thrived in Africa. My position in this debate is published elsewhere and need not

be reiterated here.<sup>53</sup> Without exception, “liberal democratic” states that display all the major manifestations of polyarchy in form and content are industrialized, and have achieved high levels of economic and social development. Old democracies have huge cultural variations in respect to the evolution of their democratic traditions and the social arrangements developed under capitalist dispensations. Even in Africa, countries where democracy has thrived have largely achieved higher levels of economic development or have higher standards of living than most (Botswana, South Africa and Namibia). The failings of the African political elite entrusted with operating the state and the democratic institutions cannot be attributed to African political culture, which is not the dominant factor informing the political process or the democratic norms of the Western-educated elite. If democracy were socially and culturally embedded and if democracy were elite dominated, the behaviour of the Western-educated elite would by no means be authentically African. Other studies have shown that traditional African societies have well-established local governance regimes, some of which are democratic and some are not. These include councils of elders, chiefs and monarchs with varying indigenous democratic traditions. Obviously, not all African traditions are liberally inclined or inform a democratic practice that is socially and culturally embedded. The problem with liberalism in African post-conflict societies is that it is not necessarily appropriate or in step with different levels of economic development, but this should not automatically lead to the conclusion that African political culture is an impediment to democracy. Obviously, culture varies more than do levels of economic development. Because the majority of African states are poor, the political economy of the liberal peace provides a more objective analysis linking poverty and the challenge it poses to the promotion of both liberalism and the liberal peace. In essence, the political economy of conflict and development provides a more plausible explanation of the failings of the liberal peace than do political culture explanations.

The three critical commentaries on the liberal peace introduced in this chapter lead to at least four conclusions. First, there is an apparent discrepancy in post-conflict states between pronouncements of democracy and actual achievements in consolidating the civil liberties of their opponents. This demonstrates that the liberal peace architects have underplayed the tension between liberalism and democracy, particularly in post-conflict societies.

Second, the impoverished human conditions in post-conflict societies in Africa require a reversal of the prevailing wisdom, which privileges the liberal over the social. The social conditions that gave rise to the African conflicts are entrenched by a political economy that works against treating them if they are secondary to the zealous drive to export liberalization by other means.



Third, the liberal peace emphasis on the market as the best institutional mechanism for the distribution of goods and services, including peace, has contrived deliberately to render politics subservient to the liberalized free market. In these circumstances, African post-conflict states cannot resist the economic conditionality of global financial institutions such as the World Bank and the IMF. With their weak competitive advantage in the global market, they can hardly own the political agenda, let alone control the economic and public policies essential for consolidating peace.

Fourth, in the light of the material presented in this chapter, the prevailing evidence suggests that the proponents of the liberal peace remain insensitive to the centrality of poverty to Africa's fundamental social problems, including conflict.

In sum, the architects of the liberal peace are in fact empowered by the prevailing dominant neo-liberal paradigm and economic liberalization, which explains why they keep silent about the root causes of African conflict. In other words, the emphasis on democracy and civil liberties alone, while ignoring the social conditions, will continue to fuel the tension between the liberal peace and the socioeconomic conditions of the poor. The intensification of social conflicts is an obvious result of the mismatch between the political and the economic liberalization agendas espoused by the dominant neo-liberal paradigm and implemented under claims of a liberal peace.

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## Earth calling the liberals: Locating the political culture of Sierra Leone as the terrain for “reform”

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*Ian Taylor*

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Any evaluation of the potential benefits of the liberal peace when applied to Sierra Leone – or other African contexts – needs to overcome a great deal of scepticism *and* needs a heavy dose of realism. An understanding of how politics in Sierra Leone works suggests that the types of stricture on governance advocated by the liberal peace cannot be hurriedly implemented – as the donors demand – without undermining the foundations upon which Sierra Leone’s political class bases its rule. In other words, the empirical state in Sierra Leone does not conform to Western liberal (pre)conceptions of the Weberian state, something that the liberal peace assumes as a given. Indeed, it is precisely the rational-bureaucratic state that is taken as the framework and model for what should be constructed in Sierra Leone as part of the liberal peace project. This is hugely problematic because many of the accepted features of a liberal democratic state are simply not present in Sierra Leone, even though the country’s elites have long been adept at appropriating external guarantees for their state – often manipulating the fashionable rhetoric of “democratization”. Although it may be true that it is Western conceptions of the state in Africa, rather than the state itself, that have failed, overall this does not really help the average Sierra Leonean, mired in poverty and all too often prone to predatory elites.<sup>1</sup>

Indeed, “alternative” formulations of the state in Africa, which may take the form of emphasizing the informal and those activities outside of the “normal” functions of the state as a solution to the continent’s impasse, are somewhat problematic. As Leys remarks:

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*New perspectives on liberal peacebuilding, Newman, Paris and Richmond (eds), United Nations University Press, 2009, ISBN 978-92-808-1174-2*

Contrary to the wishful thinking of some observers [the increase in the informal] is part of the pathology of Africa's collapse, not a seedbed of renewal. Anyone who believes that, for example, carrying sacks of cocoa beans on bicycles along secret forest tracks to sell them illegally across the frontier is more promising for the economy than taking them directly to the port by truck, is not to be taken seriously. People resort to the second economy for survival, to escape the predations of the corrupt and parasitic state machinery, that is all: they bribe the police to look the other way, they pay no tax, and the roads still get worse.<sup>2</sup>

Equally problematic is the fact that "enforcing basic democratic rights in Africa would mean reviewing and replacing practically every government in Africa. With less than five exceptions, Africa's governments are dictatorships, whether this fact is proclaimed openly and proudly or quietly enforced through manipulating elections and jailing opponents."<sup>3</sup> This is no less true in Sierra Leone, where the political class has shown remarkable survival skills, re-emerging in the post-war era to restake its claim to the nation's assets – albeit somewhat constrained by surveillance from the "internationals". Even international supervision should never be exaggerated given the historic tolerance shown by the donor community towards corruption in Africa.

The likelihood that Freetown's elites will commit class suicide in the furtherance of the liberal peace agenda is viewed with some doubt. Some might claim that this is "Afro-pessimism". However, this is rejected; an honest appraisal of the current situation on the continent is far more useful to the reader than some naive celebration of liberal values and their triumphant application to places such as Sierra Leone. I am also less interested in the public pronouncements of elites (who will always generally parrot the donors' line in expectation of pecuniary reward – either directly or indirectly) than in what they do actually do. Examining the political culture of Sierra Leone suggests that the liberal peace has little chance of success.

## Political culture

As Duffield has observed, the concept of "political culture has been used to denote the subjective orientations toward and assumptions about the political world that characterize the members of a particular society and that guide and inform their political behaviour". In his opinion, analysts "have distinguished three basic components of political culture: the cognitive, which includes empirical and causal beliefs; the evaluative, which consists of values, norms, and moral judgments; and the expressive or

affective, which encompasses emotional attachments, patterns of identity and loyalty, and feelings of affinity, aversion, or indifference”.<sup>4</sup> Given the importance of religious ideas in the Sierra Leonean context, empirical and causal beliefs would encompass both the material and the spiritual worlds.<sup>5</sup> The expressive or affective dimension of political culture within Sierra Leone, and how patron–client bonds and other networks of trust and loyalty operate within the country’s neo-patrimonial system of governance, is central to any serious analysis of how the liberal peace may or may not be implemented in the country.

Understood in this manner, the study of political culture is based on the assumption that autonomous and reasonably enduring cross-cultural differences exist and that they can have important political consequences. As noted by Inglehart, one of those consequences is the effect political culture can have on the prospects for the success and sustainability of liberal democratic forms of government. In particular, “[t]he political culture literature argues that the evolution and persistence of mass-based democracy requires the emergence of certain supportive habits and attitudes among the general public. One of the most basic of these attitudes is a sense of interpersonal trust.”<sup>6</sup> This is understood as a prerequisite for the formation of secondary associations, which, in turn, are thought to be essential to political participation in any liberal democracy.

### Political culture in Sierra Leone

The central features of the political culture espoused by Sierra Leone’s state elites, and within which they are embedded and reproduce, stem from the neo-patrimonial basis of their regimes and the subsequent inability of the ruling classes to construct a hegemonic order. These factors have significant implications for how these elites operate and what commitments are likely to inform their shared beliefs about challenges to their privileged positions and how, crucially, to manage and contain them. As numerous analysts have argued, the political story of most African states can be interpreted as revolving around a struggle for power and survival that has marginalized all other concerns, including national development.<sup>7</sup> This struggle has witnessed the emergence of what are often called neo-patrimonial regimes.

Such regimes are said to exhibit four characteristics. First, they display “the more or less systematic resort to clientelism to gain and maintain political support”. In other words, political authority is often “based on the giving and gaining of favors in an endless series of dyadic exchanges that go from the village level to the highest reaches of the central state”.<sup>8</sup> Second, this clientelism is “largely based on privileged access to state

resources, rationed by leaders following a strict political logic". As a result, the boundary between the public and private spheres is extremely blurred. Within this context, the third characteristic is the centralization of power, usually around the presidency, which, in turn, is usually located within the capital city. Finally, neo-patrimonial states house hybrid regimes wherein the informal mechanisms of political authority described above coexist with the formal trappings of the modern state such as a bureaucracy, written laws and the institutions of a Weberian legal-rational system. These regimes are hybrids because the governing elites rely upon the trappings of a rational-legal order even as they consistently subvert it for their own advantage. Daily government in a place such as Sierra Leone thus resembles a balancing act to maintain a degree of political stability by satisfying the regime's supporters and weakening its opponents. Since the end of the Cold War, those regimes that failed to persuade their external (mainly Western) creditors that they were committed to democratic reform saw their external funding channels dry up, making their balancing act even harder. This has also meant that aspirant elites are assiduous in publicly proclaiming their profound commitments to liberal democracy, although the authenticity of such stated dedication is doubtful.

One of the fundamental problems with the political system within Sierra Leone is that it has bred great resentment in individuals and groups that are excluded from the governing regime and hence are denied access to the state's resources.<sup>9</sup> This is certainly at the heart of any explanation of the roots of Sierra Leone's civil war. It is in this sense that the ruling class in Sierra Leone has historically lacked hegemony over society, at least in the Gramscian understanding of the concept.<sup>10</sup> By the ruling class of Sierra Leone I mean the senior political elites and bureaucrats, the leading members of the liberal professions, the nascent bourgeoisie and the top members of the security arms of the state.<sup>11</sup> The early years of post-colonial nationalism in Sierra Leone under Siaka Stevens were, broadly speaking, an attempt to build a hegemonic project that bound society together around more issues than simply discontent with the British. But this project quickly collapsed into autocracy and failure under the weight of both external and internal dynamics. Moral and political modes that might rise above notions of economic-corporate interests and instead reflect broader ethico-political ones have consistently remained missing in the country. Mutual suspicion and antagonism abound, usually articulated via ethnic expressions and jealousies. Consequently, because Freetown's elites have been unable to preside over a hegemonic project that is viewed as legitimate by the majority of domestic society (particularly in the hinterland), they have been forced to revert to modalities of governance that seek to dominate – if not



annihilate – opponents. These have commonly involved both the threat and actual use of violence *and* the immediate disbursal of material benefits to supporters. Without these twin strategies – both of which are unfavourable to Sierra Leone’s long-term development and political stability – the ruling elites in the country cannot maintain order unless quarantined from society by external military forces.

In such circumstances, it would not be too excessive to state that, for the time being, Sierra Leone appears to remain united and peaceful only because its plundering ruling elite has a common interest in the diamond reserves and in attracting resources from international donors. Even here, stability cannot be taken for granted, with those left out of the process – be it marginalized youth or excluded elites – lurking to accentuate and exploit grievances for their own ends. Given that there has long been a pattern of Freetown’s leadership simply serving the narrow interests of the country’s ruling elites, who, in the meantime, continue to exhibit a contemptuous disregard for the basic needs and interests of ordinary Sierra Leoneans, this is not altogether surprising.

This sort of political culture obviously has had important consequences for Sierra Leone, not least a deeply negative impact on the overall security environment. In particular, it encouraged the long-running civil war and societal breakdown, as well as attempts to violently overthrow incumbent regimes (five so far successfully in the country’s history). Of course, since the 1960s West Africa has been the global epicentre of coups d’état, with at least 40 examples and many more unsuccessful attempts.<sup>12</sup> In fact, Senegal is the only West African state to have escaped a successful coup (Cape Verde was technically united with Guinea-Bissau when a coup in Bissau in 1980 disrupted unification intentions). The modes of governance in Sierra Leone as well as in the broader West African region have long encouraged despotism and unpredictability – the latter of course being anathema to the construction of a stable legal order *and* development. As a result, for most of its post-colonial period Sierra Leone has been trapped in a cycle of underdevelopment that has stimulated societal conflict both at the extreme level, manifested in a brutal civil war, and at the more mundane level, where the country has staggered from one economic and political crisis to another. Given the parlous condition of West Africa’s states when measured according to a range of contemporary governance indices (see Table 8.1), this is not altogether unanticipated.

In the absence of hegemony, Sierra Leone’s leaders have relied on control and patronage, rather than building what Max Weber called a rational, technical state where authority is vested in a public office and state tasks are administered by an effective bureaucratic apparatus. Indeed, although Sierra Leone’s elites command the state apparatus, their

Table 8.1 Governance indicators for ECOWAS states

	Freedom House rating (2007)	Transparency International ranking (out of 163)	Failed State Index 2007 (out of 177)	UNDP Human Development Index 2006 (out of 177)	Ruler incumbent since	Means of attaining power
Benin	Free	121	104	163	2006	Won free election
Burkina Faso	Partly Free	79	33	174	1987	Coup d'état
Cape Verde	Free	–	66	106	2001	Won free election
Côte d'Ivoire	Not Free	151	6	164	2000	Coup d'état
Gambia	Partly Free	121	86	155	1994	Coup d'état
Ghana	Free	70	125	136	2004	Won free election
Guinea	Not Free	160	9	160	1984	Coup d'état
Guinea-Bissau	Partly Free	–	38	173	2005	Won contested election
Liberia	Partly Free	–	27	–	2006	Won free election
Mali	Free	99	91	175	2001	Won free election
Niger	Partly Free	138	32	177	1999	Won contested election
Nigeria	Partly Free	142	17	159	2007	Massive fraud
Senegal	Free	70	117	156	2000	Won free election
Sierra Leone	Partly Free	142	23	176	1998	Won free election
Togo	Not Free	130	46	147	2005	Massive fraud

Source: Compiled by the author.

own practices often undermine and subvert the state's institutions and the effectiveness of its bureaucracy on a daily basis with varying levels of intensity.

A major part of the explanation for the intentional erosion of the Sierra Leonean state's institutions lies in the transformation of the inherited colonial bureaucracies "into far larger patrimonial-type administrations in which staff were less agents of state policy (civil servants) than proprietors, distributors and even major consumers of the authority and resources of the government".<sup>13</sup> However, at the same time as being the repository of a bloated but partisan bureaucracy, the state in Sierra Leone was simultaneously weak at its core. As Chabal and Daloz noted, the state in Africa more generally was "*vacuous* in that it did not consolidate, as was once expected, on the foundations of the colonial legacy but instead rapidly disintegrated and fell prey to particularistic and factional struggles. It became an empty shell. As a result it failed to acquire either the legitimacy or the professional competence that are the hallmarks of the modern state."<sup>14</sup> Of course, this is a generalization that cannot apply to a number of African states, such as Botswana, Mauritius and South Africa. But it generally holds true of much of West Africa and certainly applies to Sierra Leone.

### Entrenching elites through "rollback"

According to Cooper, "the application of neo-liberalism provides new openings for war elites to enrich themselves through control of privatization processes, while also fostering the illicit economy as an alternative to welfarism".<sup>15</sup> Within Sierra Leone, an intrinsic aspect of the attempt to promote the liberal peace has been economic programmes based on neo-liberalism. With the termination of hostilities, the International Monetary Fund (IMF) and the World Bank (WB) promoted Sierra Leone's recovery and rehabilitation through a set of programmes dominated by the IMF's Post-Conflict scheme and the jointly administered (IMF/WB) Heavily Indebted Poor Countries (HIPC) initiative. It must be emphasized that, in the main, what these programmes advocate is increased access to the world market for externally oriented elites (thus in a sense pushing the specific interests of a very narrow – but politically important and wealthy – faction of society), while at the same time pressing for an opening up of the market in Sierra Leone as well as entrenching privatization schemes. This will not, however, necessarily be the panacea for Sierra Leone's problems. Indeed, within the current political economy of the country it is likely that the programmes will be sidetracked into clientelistic networks.

As Tangri rightly notes, well-connected elites in Africa have not only personally benefited from what privatization and liberalization they have allowed, but also been able to develop strengthened systems of patronage, which have further emboldened their positions as patrons and Big Men.<sup>16</sup> As Silver and Arrighi remark:

Third World elites were not the passive victims of the US liquidation of the development project. At least some fractions of such elites were among the strongest supporters of the new Washington Consensus through which the liquidation was accomplished. To the extent that this has been the case, Third World elites have been among the social forces that have promoted the liberalization of trade and capital movements.<sup>17</sup>

They have done this based on a dispassionate evaluation of how liberalization (deftly managed and limited in scope) might not only gain favour with the “international community” but also provide substantial resources, thus solidifying political power while at the same time granting the illusion of compliance and cooperation, further stimulating more resources in the shape of aid and other capital. Alarming, the donor community seems not to care particularly about this:

[E]xternal financing [is] in fact appropriated by national elites and their local men of straw. That appropriation [can] take place directly – this has happened, for example, with school and hospital building projects or gifts of vehicles for the police or the civil administration. But for most of the time it has taken place indirectly – by oiling the wheels of a rentier political economy, now privatised, the ruling classes strengthen their position, with the complicity of big private companies which are often considered by aid donors as the only reliable negotiating partners. These abuses are encouraged by the lax attitude of aid donors, who do not follow up carefully on their funding, do not check the precise use made of the funds, and impose conditionality only on increasingly weak public actors.<sup>18</sup>

Certainly, numerous studies have shown that liberalization has actually helped neo-patrimonial regimes to endure, albeit often transformed into even more repressive forms.<sup>19</sup>

The call for liberalization within the liberal peace agenda has been greatly facilitated by the discrediting of internally oriented nationalist projects and societal exhaustion after decades of underdevelopment and, more recently, conflict. As Riddell notes in relation to Sierra Leone:

[A] formal peace was officially declared in January of 2002, with national elections held four months later. The rural citizens of Sierra Leone were faced with a lack of leadership in their quest for recovery. Certainly this direction wasn't

to be found in the country's state which had exploited them for over four decades, and it wasn't emanating from their "natural leaders", the chiefs, for they represented the interests of the elders and the better-off of the chiefdom, not the young peasants. Instead of this local leadership, Sierra Leone's path to recovery during this period was assisted and directed by the IFIs [international financial institutions].<sup>20</sup>

Furthermore, the legacy of the past has hollowed out what little was left of the ideological and material bases of the old nationalist and inward-looking programmes. At the same time, the opportunities afforded to those state elites with the vision to "ride the globalization wave" mean that those pushing integration and/or liberalization have had their positions strengthened and are certainly the type of "partners" that actors promoting the liberal peace aim at encouraging and who the West takes more seriously.

The point is that such outward-looking elites – or at least those who express liberalizing messages – are in a stronger position to demand increased flows of aid resources, often couched in terms of facilitating liberalization and/or softening the impact of difficult economic decisions. Such elites within Sierra Leone have more and more attempted to make use of the global capitalist system and its attendant liberalizing values in a strategy aimed at bolstering their own domestic positions. And if it all goes horribly wrong, donor pressure or the perils of "globalization" and the "colonial legacy" can always be deployed as a useful excuse for failure.

Beatrice Hibou discusses how this has played out at the more general African level. Hibou regards the 1980s as Africa's "lost decade", and sees neo-liberal development strategies that prioritize economic growth over social progress as politically destabilizing. Hibou regards the nature of the African state itself as being primarily to blame for political instability within an environment of economic stimulus. Neo-liberal market stimulus is deemed to fail in Africa not because of an organized citizenry whose demands cannot be satisfied, but rather because of the multifaceted and predatory nature of the African state. In an analysis that has profound implications for the success of any neo-liberal project in Sierra Leone, Hibou asserts that neo-liberalism has failed and will fail in Africa because it does not take into account the nature of the state and the informal nature of its activities as an economic actor. In striving to constrain formal state actors to put a stop to corruption and rent-seeking, neo-liberals have inadvertently granted more power to the informal sector, which has a tendency to be not only actively involved in "rent-seeking" as well but also "criminal" by many common understandings of the term. Hibou states that, in such circumstances, neo-liberalism helps

(further) to undermine formal state institutions in Africa while stimulating “the development of personal networks, of informal or even illegal practices”.<sup>21</sup> Where this will lead to in Sierra Leone as the liberal peace seeks to advance neo-liberal economic solutions for the country’s developmental impasse is an intense problem.

### Implications for liberal reform

Because Sierra Leone’s elites exercise power in circumstances that lack hegemony (in the Gramscian sense), the relative autonomy of the state is absent and their rule is intrinsically unstable. This means that there is very little political space to allow reform along the lines required by the liberal peace. In short, the soil in which a liberal democracy might be nurtured is largely absent in Sierra Leone. The rational, technical state intrinsic in assumptions around the liberal peace is dependent upon the intrinsically liberal distinction between the public and the private, which then grants space for “politics” to take on an identity that is seen as different from “economics”. Yet the very core of politics in Sierra Leone is – and always has been – the conflation of the public and the private. Since independence, the state has been the main battleground where both political and economic domination can be achieved – a domination that is exercised with little concern about its effect on the ordinary people upon whom this supremacy is visited. As Robert Fatton has argued: “The absence of a hegemonic bourgeoisie, grounded in a solid and independent economic base and successfully engaged in a private accumulation of capital, has transformed politics into material struggle.”<sup>22</sup> Instead of a stable hegemonic project that binds different levels of society together, what exists in Sierra Leone is an intrinsically *unstable* system of domination, with all elites scrabbling for control or access to the resources accruing from the diamond fields.

In such a situation, absolutism reigns, power is upheld through patrimonial practices by means of the commandeering of state resources, and politics is a zero-sum game. Corruption, not hegemonic rule, is the cement that has long bound the political system in Sierra Leone together. Consequently, capturing the state – or at least being linked favourably to those who command its apparatus – is usually a precondition for acquisition and self-enrichment in Sierra Leone. The main exception is when valuable resources can be accumulated in border areas beyond the political control of the state in question, which accounts for the vicious struggles during the civil war for the diamond areas on the border with Liberia. In such instances, enrichment strategies may not hinge on actually controlling the capital city but may instead focus on the more

economically profitable zones. In neighbouring Liberia, we of course witnessed precisely the same sort of strategy with the creation of “Taylorland” (with its rubber, timber, iron ore, etc.).

The routine exercise of personalized exchange, clientelism and corruption has become so widespread and internalized that leading analysts have described such systems as constituting “essential operating codes for politics” in Africa.<sup>23</sup> Sierra Leone is no exception, and this makes the application of the liberal peace hugely problematic. As Clapham noted, for years such a political code has been “accepted as normal behaviour, condemned only in so far as it benefits someone else rather than oneself”.<sup>24</sup> Where such codes have become very deeply entrenched, they constitute a routine and unspectacular part of the social fabric of a country.

Within the Sierra Leonean political regime, the personalization of political power – at either the low or high social levels – has constructed well-defined roles that are understood by all participants. They are much less well understood by external actors, however. In fact, Western donors and institutions have often turned a blind eye to this situation.<sup>25</sup> They also blithely assume that Western concepts and institutions exist in Africa *in toto* (or at least can be transplanted to the continent with only minimal fine-tuning). Indeed, much work on security by non-governmental organizations (NGOs) within the region focuses on the (often self-proclaimed) importance of actors within “civil society”. Part of the problem, however, is that in Sierra Leone there is a lack both of the “autonomous agentic individual” and of a significant degree of political space distinct from, and beyond, state power that is a prerequisite for developing the sort of civil society and civic associations popular in the Western imagination.<sup>26</sup> Autonomous individuals free from communal, ethnic and class loyalties are a rarity in Sierra Leone. Instead, what is arguably more common is what Jordan Smith characterized in Nigeria as the “Patronage, Per Diems and the ‘Workshop Mentality’”.<sup>27</sup>

Equally, resources extracted from the state based in Freetown or the wider economy are deployed as the means to maintain support and legitimacy, with the result that the control of the state is often equivalent to the control of resources (particularly diamonds), which in turn is crucial for remaining a Big Man. The Big Man utilizes his wealth (often secured corruptly) to show that he is more munificent, more of a father figure, than his opponents. As Kourouma wryly notes in his remarkable fictitious treatment of a generic African president:

[The president] must appear to be the wealthiest man in the land. There is no future, no influence to be had in independent Africa for he who wields supreme executive power if he does not parade the fact that he is the richest and most

generous man in his country. A true, great African leader gives gifts, ceaselessly, every day.<sup>28</sup>

Clearly, it is possible for rebels to become “Big Men” without controlling the state – as Foday Sankoh (leader of Sierra Leone’s Revolutionary United Front rebel group) demonstrated. But this is an extreme example where the individual concerned had to be willing to engage in armed insurgency against the incumbent regime. In the current post-war situation it is very difficult to generate political momentum in Sierra Leone beyond one’s own ethnic group or local neighbourhood from a position outside of the incumbent party. To do so requires access to resources from external networks, which can often be used by political opponents to cast aspersions on the motives of the individual and suggest that they are in the pocket of foreign interests.

In addition, it remains true that the control of the state in Sierra Leone brings in a wealth of helpful resources associated with sovereignty, such as loans from the international financial institutions and aid from a variety of donor governments – as long as one promises commitment to liberalism. Being the head of state also entitles the actor to issue licences and concessions that come with international recognition. Command of the state in Sierra Leone can thus be understood as serving the twin purposes of lubricating patronage networks and satisfying the selfish desire of elites to enrich themselves, in many cases in a quite spectacular fashion.

Only robust international monitoring facilitated elections in Sierra Leone, yet the fact remains that the democratic option is not really respected by the loser and it is doubtful that the elections would have proceeded so peacefully without intense external surveillance. The political culture within Sierra Leone means that the stakes – and the costs of failure – are simply too high; once one is out of the loop vis-à-vis access to state resources, the continuation of one’s status and the ability to enrich oneself become practically impossible. Thus, as mentioned, for the majority of the major players, politics tends to be viewed as a zero-sum game.<sup>29</sup> This in itself is rooted in the country’s political culture. As Scott notes:

[A]s long as public officials or businessmen can conspicuously display their enormous wealth that cannot be attributed to their innovation, business acumen, hard work, inheritance, winning the lottery etc, without any fear of being asked by the appropriate authorities to account for their wealth, inefficiencies and corruption will continue to flourish. The average African must first realize that the luxury automobiles or the villas arrogantly displayed by a public servant may be connected with his or her poverty and deplorable living conditions.<sup>30</sup>



At the end of the day, fundamental political changes must come from within Sierra Leone, with backing from outside playing a supportive role at best. Such support would involve encouraging a rebuilding of state and society that might allow a new political culture of compromise to emerge. This is certainly possible: Sierra Leone has enormous potential and its current situation is *not* the result of some inherent “Africanness” that holds the country back. Its predicament has political roots and the future is not closed, or inevitable. It is the task of the country’s people to build on their own rich human, mineral and agricultural resources. The international community *can* play an accommodating role, particularly in helping to build capacity and supporting efforts to exercise responsible power through legal channels and through rehabilitating the state into something capable of pursuing developmental goals – a tall task, admittedly, but not unattainable. But picking whom one should work with needs to be far more selective than at present.

### Concluding remarks

Building a hegemonic project that encompasses national development and a broad-based productive economy is a low priority for the political class in Sierra Leone. Indeed, it may actively stimulate opposition to its leadership. Instead, most effort is usually directed to ensuring the continuation of the system that has historically permitted the gainful utilization of resources for the individual advantage of the ruler and his clientelistic networks. As Bertrand Badie explains more generally vis-à-vis the state in Africa:

On the one hand, economic development is a goal that every head of state must pursue . . . On the other hand, an overly active policy of development risks producing several negative results: it would valorise the competence of the technocratic elite relative to that of the fragile political elite, break up social spaces and favour the constitution of a civil society capable of counterbalancing the political system, and indeed, neutralize neo-patrimonial strategies.<sup>31</sup>

The state bureaucracy in Sierra Leone – even after all the training workshops and capacity-building programmes – still tends to cultivate its own set of interests. At the individual level the primary concern is often ensuring job security and prosperity for oneself and one’s dependants. In such a context, the dominant logic that ensues further distorts the civil servant’s role away from the ideal-type rational-bureaucratic actor who is meant to be loyal to “Sierra Leone” rather than to the regime currently in power. Some development NGOs and relevant UN agencies,

however, continue to operate on the assumption that the country's bureaucracies are staffed with rational technocrats rather than often desperate individuals who are under pressure from a variety of angles (family, clients, patrons) to continue to either earn money or act as a gatekeeper to some segment of the state's resources. Any person who has interviewed Sierra Leonean civil servants recognizes this picture. It has resulted in an unhealthy dependence on external sources of finance and sometimes even military power and further contributes to the decay of the state in Sierra Leone.

The key problem facing the liberal peace in its application in Sierra Leone is the ability or otherwise of governance and development initiatives associated with this project to operate successfully in the context of a political culture defined by neo-patrimonialism and Big Men politics. As Chabal notes with regard to Africa, any dispassionate evaluation of the political situation on the continent undermines the potency of such renewal projects as a means towards better governance.<sup>32</sup> Whatever the intentions of its promoters, any short-term successes associated with various elements of the liberal peace are likely to be hindered – if not prevented – by Sierra Leone's well-established governance problems such as personal rule, clientelism, corruption and an unwillingness to engage seriously with non-governmental organizations or to expend resources on broad-based development projects. The logic of neo-patrimonialism has long underpinned politics in Sierra Leone and rules out the very type of policies that the liberal peace advocates. As Clapham noted some 20 years ago and talking of general African situations vis-à-vis reform policies:

The problem is not where you should be trying to go, but how you should get there. And the most evident tragedy of third world states lies in the fact that many of those comparatively few states which have seemed to be in a position to build effective institutions on the basis of shared values have dramatically failed to do so. . . . In these cases the most evident source of the problem . . . has been the refusal of those elites which control the state to accept the diminution in their position of privilege which accountability would imply.<sup>33</sup>

Most previous commentaries on the liberal peace in Africa have ignored this reality. In brief, in spite of the façade of a modern state, power in Sierra Leone progresses informally between patron and client along lines of reciprocity. This system is deeply personalized and is generally implemented on behalf not of the general populace but rather of key constituencies that are strategic to maintaining patronage arrangements. This is perhaps the fundamental problem facing the implementation of the liberal peace in Sierra Leone and it is what laid down the

conditions that sparked the disastrous civil war from which the country is now seeking to recover. The implication of this gloomy analysis is that external involvement predicated upon the liberal peace may mean that it is little more than an instrument calculated to gain Western endorsement of certain elites and the continuation of resource flows. It beggars belief that Sierra Leone's elites, who have long benefited from disorder, will help unravel this disorder and political culture and that they will accede to the demands of the liberal peace and thus give up their cash cows and relinquish power and, with it, their means to a livelihood.

Trying to enlist the support of elites who are expected to undermine their own positions and the positions of their supporters is naive. And, even if there exists a particularly visionary leader in Sierra Leone, overcoming the strongest societal obstacles to reforms is problematic, to say the least. In Africa it is fairly well established that states present bureaucrats with access to patronage and power. Reforms threaten this and stimulate resistance. Thus, even if political will and visionary leadership are present in the country, the types of relationships that are embedded within and around actors linked to the state in Sierra Leone (who are, according to the logic of the liberal peace, to be the key implementers and promoters of the renewal project) can prevent the very same sorts of governance strictures being advocated. This means that analyses of the liberal peace in Africa that move beyond agential explanations – a must for any coherent study – will come up against the structural impediments of liberal governance reforms.

In addition, the liberal peace, as noted, stresses a functioning, administrative state with a competent, committed and non-corrupt bureaucracy. This simply does not exist in Sierra Leone, where the state has long stopped performing as a mechanism to meet the citizens' needs. Certainly, the types of development policy articulated by the promoters of the liberal peace would have major infrastructural requirements such as education, communications, a conducive political and economic environment, a reliable legal framework, the assurance of public order and the sort of milieu that can encourage and guarantee long-term foreign direct investment. However, "if these functions cannot be efficiently performed, as is unquestionably the case for a large number of African states, then development policies which depend on them will fail",<sup>34</sup>

Overall, if the analysis of the post-colonial state in Sierra Leone is correct, then its operations are largely based on and directed by the imperatives of privatized patronage and the prohibition and erosion of real, functioning democracy (in other words, broad accountability). Long-term development and broad-based inclusivity – including gender empowerment – are more or less off the agenda. In practice, implementing the liberal peace and operating by its own rubrics would inevitably

damage the incumbent elites' own personalized grip on the system and reduce their ability to service their clients, probably leading to their replacement by others. As a result, the speedy implementation of liberal measures on governance and accountability is viewed with some doubt. After all, it is not simply about reordering the political culture in Sierra Leone and thus "getting the politics right"; rather, it is much more deep-rooted and contextual and there are no easy solutions or shortcuts. As Riddell notes,

Within Sierra Leone there is the lack of a sense of national integration – a feeling or rationale in which all of the people of Sierra Leone see themselves as citizens of the nation-state first, members of its several ethnic components second, and loyal to a chiefdom and settlement third. The sad fact of the history of Sierra Leone is that over the last half-century of independence, government has not acted as a leader in the quest for economic growth, betterment, and national cohesion. Rather, the leadership of the state has been seen as an avenue to personal wealth. Yet, such nation building is an integral aspect of development, as all citizens need to feel themselves part of the nation-state and act accordingly in order to attain betterment. Such is a necessary condition for development.<sup>35</sup>

Although one needs to be fully aware of the structural constraints on the Sierra Leonean state's development, history has sufficiently demonstrated that harmful exogenous influences pale into insignificance against the destructive talents of the country's homegrown elites, and that simultaneous economic and political change on the continent is exceedingly complex and difficult. This has marked the developmental discourse for years:

African leaders . . . are saddled with a strategy that hardly any of them believes in and that most of them condemn . . . Lacking faith in what they are doing and caught between their own interests, the demands of their external patrons, and their constituents, African leaders tend to be ambivalent, confused and prone to marginalize development and even their role in its pursuit. The development of Africa will not start in earnest until the struggle over the development agenda is determined.<sup>36</sup>

What this means in practical terms is that the type of peace that will be constructed in Sierra Leone if the current strategies are continued will probably result in a hybrid mix of tentative liberal institutions embedded within the local context of personalized exchange and affection. From this context, well-placed elites are likely to come to a tacit understanding to maintain the semblance of peace and elite unity, as long as resources and favours continue to flow in their direction. Yet this local

peace will be inherently unstable, because it will continue to foster extreme inequality and poverty amongst the wider populace and necessarily create and stimulate a cadre of disaffected outsiders. In the past, such segments of the population were particularly located amongst unemployed and alienated youth, who were the natural recruiting ground for the Revolutionary United Front. From the evidence thus far, there seems to be very little progress in post-war Sierra Leone in moving away from the perpetuation of such highly volatile social conditions.

Public receptivity by elites to the strictures associated with the liberal peace might be best understood as a strategic response by Sierra Leone's political class to cement its power in the post-war milieu by attracting external guarantors. But this, as ever, needs to be contextualized. The liberal peace seems unlikely to promote Sierra Leone's regeneration, given the extant political culture and the nature of the governance modalities long practised in the country. After all,

This political difficulty (corruption and neo-patrimonialism) is not simply a complicating issue in the implementation of PRSPs [Poverty Reduction Strategy Papers], developed within a neoliberal economic framework by the IFIs... Their belief in the separateness of the economic and political spheres means that their programmes do not address the fundamental inseparability of these domains. In reality, however, the political defines how the economic operates. This is curious in that such cohesion is well known in the literature, and is even apparent from the media. Yet the HIPC Initiative is applied as if macro-economics is the main factor in poverty alleviation, with politics of only an incidental concern.<sup>37</sup>

Until the liberal peace advocates drop their blinkers and comprehend the terrain upon which they are trying to assert their "transformative agendas", frustrations and failure will be the norm.

## Notes

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## Afghanistan: Justice sector reform

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The concept of “the liberal peace”, as it emerged in the UN system and the international aid community after the end of the Cold War, was introduced to Afghanistan in the wake of the US-led intervention in October 2001. The new order manifested itself above all in the establishment of the institutions of political democracy and a market economy. It soon became evident, however, that the map did not really match the terrain. The results were often different, or the impact less, than the model of a liberal peace promised. In the justice sector, the parties did not even share a common vision of the central principles and institutions of law, and change came very slowly. By late 2007, it was commonly observed that the justice sector in Afghanistan was among the most significant but also the most problematic areas of reform. Why was this so?

This chapter examines current justice sector reforms in the light of similar efforts in the past. Both now and then, reform entails negotiating multiple legal traditions.

### Liberal peace and illiberal reform

A basic fact conditioning justice sector reform in Afghanistan is the national context of legal pluralism, defined by Islamic law, customary law and Western codes and practices. Legal pluralism in itself, of course, does not necessarily spell conflict, either in terms of legal reasoning or in the consequences of its application. Indeed, in the liberal tradition,



pluralism is viewed as an essentially harmonious texture, whether it refers to ethnic pluralism in a sociological sense, as understood by Amartya Sen, or to value pluralism in a philosophical sense, as laid out by Isaiah Berlin.<sup>1</sup> In Berlin's view – which has become paradigmatic of contemporary liberalism – pluralism consists of a core of common human values that allow “agreement on at least some moral issues”; this core is surrounded by a field of diverse values that is delimited only by a “common human horizon” beyond which it is morally impermissible to go.<sup>2</sup> Within this horizon, the appropriateness of a particular value or identity would be determined by context. It might appear that the same logic would apply to matters of law. Different legal traditions could apply to separate jurisdictions. Alternatively, the various traditions could be synthesized into a coherent, though plural, body of law and practice. However, this is more easily said than done. In the context of Afghanistan, diverse legal traditions have at times coexisted and blended into a relatively harmonious texture. But, just as often, attempts to reform the legal system have involved conflict. Times of change seem to juxtapose and sharpen potential tensions among legal norms; moreover, change not only involves values but has material consequences for the relationship between the ruler (*amir*) and the clergy (*ulama*).

The period initiated by the 2001 intervention accentuated the conflictual aspects of justice sector reform. Western donors were the principal architects of the design for the new order in matters of law as well as other public policy areas, and the emphasis was on reform, not reconstruction. To support this agenda, the donors assigned numerous advisers to Afghan government institutions, and provided practically all the required funding even after the Afghans were formally in charge of the process. By 2007 the Afghan state remained extraordinarily dependent upon foreign assistance. Overall, around 90 per cent of official funds expended annually came from foreign transfers. Some three-quarters of the aid was not even channelled through the Afghan government but was disbursed directly in the field by aid agencies and their contractors.<sup>3</sup>

The highly unequal relationship generated resentment on the Afghan side; it reflected a Western donor approach that was not always “liberal” in Isaiah Berlin's sense of being inclusive and accommodating. This was particularly problematic in the field of justice because of the centrality of law to the legitimacy of the state and the cohesion of society. The problems surfaced in many ways. The Italian government had taken the lead responsibility among Western donors for assistance to the justice sector and in 2003 assigned an Italian legal professional to draft a new criminal procedure code. The existing law dated from the 1960s and, as later amended by an authoritarian president (1974) and the Afghan communist party (1979 and 1981), gave sweeping powers to the Attorney

General and the secret service that European legal experts found “most disturbing”.<sup>4</sup> The Italian expert who drafted a law closely patterned on the Italian code failed to consult with Afghan officials, who strongly resented the exclusion and asked President Hamid Karzai not to sign the draft. The Italian government nevertheless stood by its expert and threatened to withdraw funding for related projects unless the draft was approved.<sup>5</sup> The incident was symptomatic of a broader problem. Western approaches to the substance of law were narrowly focused on Western legal traditions and did not engage with Islamic law. Assessing five years of aid to the justice sector, an international panel led by the distinguished legal scholar Cherif Bassiouni, concluded that donors had failed to link reforms to “the foundation for justice in Afghanistan” – Islamic law. As Bassiouni observed, “Internationally supported rule of law programs tend to ignore or avoid issues of Islamic law. This negatively impacts the acceptance of these programs by Afghan society.”<sup>6</sup>

The inclination of Western donors to fasten onto their own legal tradition within the texture of Afghan law was hardly surprising. It reflected the ideological division between Islam and the West that had justified the US-led intervention in the first place. The ideological underpinnings of “the war on terror” continued to frame the subsequent international engagement of reconstruction, and divisions hardened as the armed conflict between militant Islamists and NATO forces escalated from 2005. Both sides ideologized the differences between Islamic and Western values to serve their respective struggles. Taliban leaders presented the star-like symbol of NATO as the cross of the crusaders and called for *jihad* against the “foreign infidels”. NATO officials claimed the future of Western democracy and the alliance itself were at stake in the fight against the Taliban and al-Qaeda in Afghanistan.<sup>7</sup> The voices of reformers who argued for a syncretic vision of Western and Islamic values – and, by extension, legal traditions – were hardly heard above the din of the battle.

The growing military conflict undermined the case for liberal legal reforms (in Isaiah Berlin’s sense) in other ways as well. Lack of an effective formal justice system was increasingly cited as the main reason villagers turned away from the government and supported the Taliban, and in some parts of the south accepted the Taliban version of justice. The international aid community consequently made greater efforts to establish “the rule of law”, mainly by pledging more financial aid, more consultants and stronger measures to “professionalize” the judiciary (through training in Western legal procures, higher salaries and anti-corruption measures). There was little recognition of the call from the expert panel led by Bassiouni to engage with substantive issues of Islamic law.

In what follows, we trace the history of legal reforms before discussing present issues and political alignments. Alignments often involved mixed membership of nationals and internationals, or what Bertrand Badie calls importers and exporters of change, which formed under labels such as “modernists” (or “reformers”) and “traditionalists” (or “conservatives”).<sup>8</sup> When Western officials visibly intervened on central issues of Islamic law, however, an overarching distinction between Afghans and non-Afghans tended to emerge because the Afghans banded together on grounds of religion and nationalism.

### Legal traditions and previous legal reforms

Legal traditions are the sinews of a society, described by legal scholars as “a set of deeply rooted, historically conditioned attitudes about the nature of law, about the role of law in the society and in the polity, about the proper organization and operation of a legal system, and about the way law is or should be made, applied, studied, perfected and thought. The legal tradition relates the legal system to the culture of which it is a partial expression.”<sup>9</sup> In principle, the legal system both mirrors society and is an authoritative guide for its development. Societies with segmented or plural legal systems, however, face a hall of mirrors that can make legal reform quite difficult.

By the time the post-Taliban, Western-led reforms started in Afghanistan, the country had several distinct traditions. There was customary law, among the Pashtun population known as Pashtunwali, and its counterparts in other tribal configurations and ethnic groups (Tajik, Uzbek, Hazara). Above customary law – at least in principle and as affirmed by most of the country’s several constitutions – was Islamic law and two of its schools of jurisprudence (Hanafi and Jafari, associated with the majority Sunni and the minority Shi’ite populations, respectively). Positive law drew heavily on the Napoleonic Code, and was also influenced by Egyptian modernists who assisted Afghan monarchs in the mid-twentieth century to codify legal principles. During the second half of the twentieth century, a left-leaning president and the Afghan communist party (PDPA) introduced socialist principles in constitutional law and decrees. A little later the Taliban regime established another set of legal decrees and practices based on a restrictive interpretation of Islam as well as their particular vision of state and society.

In the past, legal reforms were driven by governing groups or individuals who sought to strengthen the state and/or put it in the service of social change – whether Western–modern, Islamist or Marxist in inspiration.

Reforms typically entailed changes in the nature of law, its enforcement, the jurisdiction of courts and the qualifications of legal personnel.

The first reform period in the modern era started in the late 1800s with measures to establish a centralized legal system. These efforts continued in the early nineteenth century and produced conflicts along the axis of centralized state power versus religious scholars and tribal authorities in the provinces.<sup>10</sup> All parties to some degree invoked *sharia* law as a legitimizing principle; the distinction was rather between what Etling calls the “ruler’s law” (laid down by the *amir* in Kabul) and the law as pronounced by the *ulama* and tribal elders outside.<sup>11</sup> Building on an early Islamic understanding of the relationship between the ruler and the law, Amir Abdul Rahman (r. 1880–1901) based his regime on the idea of the ruler as the upholder of sacred law.<sup>12</sup> In itself this did not fundamentally challenge the traditional understanding of Islamic legal systems. The ruler is granted the right to issue decrees that are in the public good, provided the laws are not in violation of Islamic principles. The power to interpret these principles and resolve disputes arising from the meaning of the law rests with the *ulama*. In this tradition, the *ulama* and the ruler are mutually dependent but also competitive. The state needs the guidance and legitimizing force of the *ulama*, but the role of the latter is circumscribed by the power of the state. However, Abdul Rahman tried to alter the competitive balance in his favour by establishing a centralized, state-controlled *sharia*-based legal system, backed by the force of his cavalry. In doing so, he confronted the power of the informal justice system represented by the *ulama* and the tribal elders, who exercised their legal and implicit political authority through tribal councils (*jirga* or *shura*). Recognizing their power, Abdul Rahman allowed informal legal systems to continue, although he remained committed to the “ultimate goal” of their dissolution.<sup>13</sup>

The next great reformer, Amir Amanullah (r. 1919–1929), issued a state-supervised, standardized legal code as part of his ambitious modernization agenda.<sup>14</sup> Inspired by Kamal Attaturk’s reforms in Turkey, Amanullah promulgated the first Afghan constitution (1923), which limited the role of informal justice institutions and challenged the authority of both the conservative *ulama* and the tribal leaders. Its promulgation met with strong resistance, especially in the eastern tribal areas in Khost, and culminated in a rebellion that felled Amanullah. Among the leaders of the resistance were many *ulama* who claimed that the new constitution conflicted with the *sharia*. The constitution, of course, also served to undermine their power, and the rebellion has since been cited as a warning to Afghan rulers of the difficulty of extending central authority outside the urban areas.

After a conservative reactionary interlude, modernizing legal reforms were introduced during the middle and late periods of Zahir Shah's reign (1933–1973). The 1964 constitution contained enabling legislation designed to create “uniformity in judicial practice, organization, jurisdiction and procedures of the courts” (Article 104). Much of the subsequent legal work was inspired by the Egyptian model of modernist Islamic law, with many laws being direct translations of Egyptian codes.<sup>15</sup> The so-called statutory courts (first established by Amanullah to limit the jurisdiction of the *sharia* courts) were strengthened. So was training of legal personnel at the state university in Kabul. The capstone in the expansion of “the ruler's law” was the comprehensive penal and civil codes promulgated by President Daoud in 1976. The 1976 codes drew on principles of both *sharia* and Western (mainly French) law. Daoud had members of the *ulama* assisting in drawing up the codes, although some of them reportedly did so reluctantly. The codes built on *sharia* and some customary law, and to that extent expressed a syncretic vision of law as a merger of different traditions. Yet, by significantly expanding the body of statutory law, the codes limited the legal room for applying *sharia* law and thus represented “a further step...towards the secularization of Afghanistan”.<sup>16</sup>

Islamic law has been recognized in virtually all of Afghanistan's many constitutions since 1923, although its precise role has varied. The 1923 constitution promoted by the modernizing Amanullah invoked the principle of complementarity (all cases “will be decided in accordance with the principles of *sharia* and general civil and criminal law”, Article 21). The more conservative 1931 constitution established the primacy of the *sharia*. The 1964 constitution – generally considered the most liberal and the model for the present constitution adopted in 2004 – was conservative in matters of law. It affirmed the subsidiary principle (courts would apply *sharia* principles in the absence of statutory law), but also the stronger principle of repugnancy (“no law must be repugnant to the principles of the sacred religion of Islam”).<sup>17</sup> The repugnancy principle established Islam as the foundational law and positioned the *ulama* as the ultimate authority on the constitutionality of a given code. The relationship meant that “the government defines *qanun* [statute]” but the religious authorities “interpret and control *fiqh* [jurisprudence]”.<sup>18</sup>

The repugnancy principle tilts the ultimate balance in favour of Islamic law, and subsequent modernizers modified it. The constitution of 1977 reflected the vision of President Daoud, who seized power in a military coup and embarked on a state-driven, socialist-inspired development agenda. His constitution affirmed respect for Islam in the preamble and recognized a subsidiary role for *sharia* law (to be applied in the absence

of statutory law), but that was all. Similar provisions were included in the interim constitution of the communist party (PDPA), the Fundamental Principles issued in 1980, two years after the party seized power. Chastened by massive resistance to its rule and the Soviet invasion, the PDPA later embraced a more even balance between the two traditions of law. The 1987 constitution recognized Islam in the preamble and in a separate Article 2, which in its core was similar to Article 2 of the 1964 constitution promulgated by the king: "The sacred religion of Islam is the religion of Afghanistan and no law shall run counter to the principles of Islam." The repugnancy principle was re-established, although with a caveat that recalled the complementarity principle in Amanullah's constitution. The remainder of the article read "*and* other values in this constitution". These values included an explicit commitment to respect the United Nations Charter and the Universal Declaration of Human Rights. Conflicts between values identified here and in certain interpretations of *sharia* law were certainly conceivable, regarding for example freedom of religion and the rights of women, but were left unresolved. The same formulation was incorporated in the next, and last, constitution of the PDPA, issued in 1990.

The "other values" invoked by the communist regime in the constitution and other laws were mainly associated with the "national, democratic, anti-feudal and anti-imperialist revolution" launched by the PDPA in 1978. In terms of substantive law, the regime left a modernizing and progressive legacy, especially the early decrees abolishing forced marriage, initiating land reform and abolishing usury. The party also affirmed the state nationalization laws issued by Daoud in a wide swathe of the economy.

The communist period was followed by civil war, which erupted in the power vacuum caused by the withdrawal of Soviet forces and the collapse of the PDPA. Out of this chaos the Taliban emerged to spin another thread into the texture of Afghan legal traditions. A striking feature of Taliban rule was a redefinition of the private and the public spheres, as Juan Cole points out.<sup>19</sup> Religion was *de*-privatized: how and where individuals worshipped was now a matter of public law and state enforcement. By contrast, the Taliban decreed a *re*-privatization of the domestic, most clearly expressed by restricting the presence of women in the public sphere. These and similar strictures were expressed in detailed decrees issued by the Ministry for the Promotion of Virtue and the Prevention of Vice (an institution that pre-dated the Taliban). Transgressions were punished by public displays of exemplary violence that "as in Foucault's old regime...inscribed the power of the state on the body of the offender".<sup>20</sup>

By the time the Taliban regime was overthrown, the old state apparatus was in ruins, and, with it, the formal system of justice that had developed since the late nineteenth century. In its absence, the informal justice system run by local mullahs, the *ulama* and tribal elders in accordance with customary and Islamic law was the principal mechanism for resolving conflicts and dispensing justice.

The formal justice system remained sharply bifurcated. The court system was divided between the principal structure, originally called the *sharia* courts, later the primary courts, and the special courts introduced to address matters associated with the growth of the state administration and the economy (such as public security, civil servants, commercial disputes and traffic violations). The legal personnel – judges, prosecutors and attorneys – were divided in terms of their formal education. The proportion of judges with only religious education had been reduced somewhat in the 1960s, but as late as 1972 slightly over half of the judges had no formal training beyond religious education in private *madaris*.<sup>21</sup> Of the remaining judges, the large majority had been trained in *sharia* law in state *madaris* or the Islamic Law Faculty at Kabul University. Only a small minority – 10 per cent – had graduated from the university's Faculty of Law and Political Science.<sup>22</sup> Outside the special statutory courts (whose judges were trained in the Western tradition and applied statutory law), the training of judges determined which body of law would be used. Judges trained in *sharia* law would apply Islamic jurisprudence regardless of the existence of relevant statutory law. Judges trained in statutory law and legal reasoning would apply positive law. Efforts in the 1960s and 1970s to integrate the bifurcated legal system had consequently focused on the training of judges. Courses on *sharia* jurisprudence were introduced in the Faculty of Law and Political Science and principles of Western law and legal reasoning were introduced in the Islamic Law Faculty. By the time of the 1978 revolution, however, little progress had been made.<sup>23</sup> The almost 25 years of revolution and war put a further brake on institutional developments of this kind.

### The ruler's law and Islamic law after the Taliban

The challenges facing the reformers in the justice sector after 2001 were enormous. The dominant justice sector – the informal system – did not recognize the principles of international human rights law and international standards endorsed by the Western donors and the UN system, particularly with respect to the rights of women and children. The formal legal system was in near ruins. The material infrastructure was heavily

damaged (courthouses abandoned, documents scattered, officials killed or in exile, the Ministry of Justice in disarray, etc.). Legal personnel were mostly trained in Islamic law. A growing but diverse body of statutory law had accumulated over the years but was of uncertain validity and relevance to the new order. The difficulties of connecting these pieces and developing a legitimate, fair and functioning justice system hobbled the reform efforts from the beginning.

The 2001 Bonn Agreement, which laid out the framework for the post-Taliban new order, recognized the significance of justice sector reform and established a Judicial Reform Commission as one of several independent bodies of the new Afghan administration. The Commission consisted of 16 eminent persons and was an opportunity to have the country's best legal scholars and practitioners participate in the rebuilding of the country's justice system. Within four months of its establishment, however, the government dissolved the Commission because its members could not agree. A new Commission laboured on for two years but was unable to formulate a strategy for reform.

Donors, meanwhile, viewed justice sector reform as a requirement for progress in development and security areas, and they were becoming increasingly impatient. The major donors had already agreed in April 2002 on a division of labour to speed up reconstruction. Italy was given the lead responsibility for the justice sector and oversaw some progress in physical reconstruction (such as refurbishing courthouses) and training (legal seminars and conferences). The critical issues were mostly not addressed, however, above all reform of the principal institutions (the Ministry of Justice, the Attorney General's Office and the Supreme Court, which administered the courts), strategies for dealing with the informal justice system (which by 2007 still handled an estimated 80 per cent of cases<sup>24</sup>), policies for the education of legal personnel and strategies for developing substantive law.

The slow progress reflected institutional rivalries and resource competition, but more basically the diverse and competing concepts of law. In institutional terms, for instance, the Ministry of Justice was associated with the reformists, whereas the Supreme Court was a bastion of conservatives. Western donors sided with the reformists. As a way out of the impasse, a 10-year plan was drawn up. Entitled "Justice for All", the plan was coordinated with the interim five-year national development plan (I-ANDS), which was validated in a formal and detailed Compact between the Afghan authorities and the donors at a conference in London in January 2006. This did not resolve, but rather emphasized, the underlying conflicts. The Afghan institutions called upon to provide inputs – the Attorney General's Office, the Ministry of Justice, the Supreme Court – were unwilling or unable to offer a vision of a legal system for Afghan-



istan, or even the more modest goal of determining how the bifurcated court system could be cobbled together and how the informal justice system could be engaged. Instead, as the Bassiouni report noted, they came up with benchmarks for salaries, training and material infrastructure development.<sup>25</sup>

Western donors, for their part, emphasized training in statutory law, evaluation and monitoring, and anti-corruption measures – all code-worded as “professionalization” – and donor coordination. Substantively, Western donors stressed international standards, especially human rights principles, but paid little attention to issues of Islamic law, the role of Islamic authorities in Afghanistan and the country’s legal traditions, as the Bassiouni report further concluded.<sup>26</sup> Having the funds required for reconstruction and reform, the donors had considerable leverage vis-à-vis their Afghan partners. Consultation was often minimal. The UN mission in Kabul (UNAMA) reprimanded donors in 2006 for failing “to properly consult with the [Afghan] justice institutions”.<sup>27</sup> A joint Afghan–donor consultative group established to promote better communication, the Justice Sector Consultative Group, had functioned poorly. UNAMA found a “lack of understanding among government and stakeholders about the purpose” of the Group.<sup>28</sup>

Problems of communication and consultation were surface manifestations of underlying conflicts over what kind of law the reforms should privilege. Take the matter of legal training. Afghan authorities and donors agreed in principle on the critical need for training. The question was what kind. Five years into the post-Taliban order, almost two-thirds of the judges had education beyond a primary-level *madrassa*. That was better than the situation in 1972, when the equivalent figure was 53 per cent. But there was a sharp imbalance in the kind of secondary or university training. Only 12 per cent were trained in Western law (compared with 10 per cent in 1972). The rest were trained only in Islamic law.<sup>29</sup> Western donors seized on this state of affairs to emphasize the need for training in Western legal reasoning and statutory law, as offered at the Faculty of Law and Political Science at Kabul University, rather than the training that the University’s Islamic Law Faculty offered. To underline their priority, Italy and the United States – which had joined forces to speed justice sector reform – agreed with the Afghan government in 2004 to establish a National Legal Training Center located at Kabul University. The objective was to “build a modern, professional service . . . to ensure uniform curricula for similar trainings across the justice sector”.<sup>30</sup> In the two law faculties at Kabul University there were different perspectives on what this would entail. The promised centre added to the tension over doctrine and resources between the faculties and made it difficult to establish joint training courses, as had been tried in the 1970s.

For Western donors, an appropriate legal training programme was an important instrument of the state-building project initiated in 2001, which aimed to integrate Afghanistan into a liberal international economic and political system. In this order of things, there was little room for more education in Islamic law. The Western policy thrust also meant building modernist institutions in the legal sector. The Ministry of Justice, a critical element in the “liberal peace” agenda, was – along with the Ministry of Finance – singled out for early, preferential civil service reform (PRR) and received a lot of technical assistance. Reformists led the Ministry of Justice almost from the beginning. The Ministry’s *taqnin* department – which drafted laws – was one of its most overworked but also most effective units. By 2007 the *taqnin* had prepared 188 laws for adoption over the previous five years, and was aiming for another 20 in 2007–2008, including a (revised) Criminal Procedure Code, contract law, elections law and civil service law.<sup>31</sup>

The donors had initially less success with the Supreme Court. The Chief Justice from 2001 until 2006, Faisal Ahmed Shinwari, was a leading conservative trained exclusively in Islamic law. Shinwari was outspoken on politically sensitive issues, issuing fatwas (Islamic decrees) against an Afghan feminist holding a cabinet position and against a local TV station for “obscene” broadcasts. Given the Supreme Court’s statutory independence and responsibility for administering the court system, Shinwari was more than a symbol of conservative power. Western donors and Afghan reformists joined forces against him. By early 2006, a group of European diplomats sent a formal request to Karzai to “professionalize” the Supreme Court – that is, bringing in reformist judges with knowledge of statutory law.<sup>32</sup> In the end, the newly elected Afghan parliament rejected Shinwari’s reappointment in 2006.

### The ruler and the *ulama*

The constitution adopted in January 2004 affirmed the foundational role of Islamic law. Afghanistan is an “Islamic Republic” and the primacy of Islam is established in the principle of repugnancy: “no law can be contrary to the sacred religion of Islam” (Article 3). As during the Daoud and communist governments, the constitution refers to international standards – the UN Charter and the Universal Declaration of Human Rights – although in more compelling terms.<sup>33</sup> For the first time, a market economy is also enshrined in the constitution (Article 10). Yet the hierarchy of laws is clearly established by Article 3. Efforts during the drafting session to add the clause “and other values in this constitution” were defeated, although the addition survived in unofficial translations. Never-

theless, the interpretation of law was often placed in the political arena, with religious authorities playing an active part.

Sunni Muslims in Afghanistan do not have an organized or hierarchical clergy, and the *ulama* do not constitute a monolithic body. Collectively, the *ulama* are distinguished from ordinary village mullahs by function and education. As elsewhere in the Muslim world, the authority of the *ulama* derives from their education rather than their association with institutions. Some are organized in councils of religious leaders (*shura e ulama*), of which there exist several at various levels (local, provincial and national). Since 2001, the *ulama* have been split between government supporters (seen by other *ulama* as political opportunists) and government sceptics (who wanted to keep the *ulama* autonomous and independent of government influence). The schism reflects a growing polarization that emerged during the 1980s and 1990s between “the modernists” – educated at the University of Kabul, inspired by Egyptian (and Pakistani) Islamism and sometimes having studied at Al-Ahzar University in Cairo – and the “traditionalists” – educated at private *madaris*.<sup>34</sup>

Like previous rulers, the Karzai government has tried to mobilize the *ulama* in order to legitimize the regime and its policies, and to pre-empt the radical opposition. The national *shura e ulama* is supported by the government and a measure of cooperation has been evident. The *shura* agreed, for instance, to issue a fatwa in support of the government on key issues such as declaring the cultivation of the opium poppy un-Islamic and calling for the release of a kidnapped foreign worker. Independent religious leaders in Kabul were quick to label the national *shura* a mouthpiece of the government, but the relationship has been complex and ambiguous.<sup>35</sup> In formal terms, the *ulama* are supposed to be men of piety and wisdom, and as interpreters of the (Islamic) law they are also the moral guardians of society. Being too closely identified with the government would erode both the self-image and the status of the *shura*, and the council has resisted open attempts at being instrumentalized. For instance, while supporting the government on the poppy issue, the *ulama* also wanted to promote their own policy agenda (such as a total ban on alcohol consumption).<sup>36</sup>

The mounting insurgency has greatly increased the pressure on the religious authorities. Moving too close to the government can mean a death sentence from the Taliban. The government, for its part, has attempted to establish friendly *shura* of clergy in contested areas in the south as part of its counter-insurgency strategy. Influential voices in the government, echoed by foreign advisers, have suggested enlisting the *ulama* in a nationwide network of government informants, paying them salaries to report on activities in the local mosques.<sup>37</sup> The private *madaris* are seen

by reformist Afghans as well as Western donors and many in the UN aid system as institutional carriers of tradition and a potential source of religious radicalization. Seeking to enhance state influence and control in this sector, the Minister of Education started a programme to establish new state-supported *madaris* – *dar ul uloom*, or “centres of excellence” – in all provinces. The schools will combine religious education, secular subjects and skills training. A number of religious leaders considered traditional-conservative – but not fundamentalist or Islamist – are critical of the idea, dismissing it as populism that could create further distrust and widen the gap between the government and the *ulama* as well as local mullahs.<sup>38</sup>

Contradictory demands from reformists and conservative segments on the political spectrum have converged on the President’s office. Trying to strike a balance, Karzai tried to please all sides. On issues of public morality and the media, he offended reformists but pleased conservatives by approving the reintroduction of the Ministry for the Promotion of Virtue and the Prevention of Vice (which had long existed but was made notorious by the Taliban), and by supporting restrictions on the media. To the relief of Afghan and foreign modernists and human rights advocates, the Department of Vice and Virtue was reintroduced in name only and not activated. In his nominations to the Supreme Court in 2006, Karzai struck a careful balance by proposing candidates with training in statutory and Islamic law in equal numbers. The parliament cherry-picked his list, most strikingly by defeating Karzai’s controversial re-nomination of Chief Justice Shinwari. The opponents of Shinwari formed a diverse group of modernists and female representatives, as well as representatives associated with radical Islamist groupings who apparently saw an opportunity to create an embarrassing defeat for Karzai.

The reformist/conservative divide was highlighted by two controversial cases involving alleged violations of the *sharia*. One case involved the (male) editor of a women’s human rights magazine who was indicted for blasphemy and faced a possible death penalty. In the other case, a man who had publicly declared on Afghan TV that he had converted to Christianity faced the mandatory death sentence if convicted under the *sharia*. Both cases were going through the court system in 2005–2006 while contradictory political pressures mounted. Afghan modernists and international supporters mobilized on behalf of the editor and against the death penalty for the convert, while conservative forces around Chief Justice Shinwari came together on the other side. The apostasy case attracted much attention, both in Afghanistan and abroad. There were street demonstrations in Kabul and several *ulama* publicly called for the death penalty. There were equally strong reactions in the international aid community and a public outcry in the United States. (The case was even

featured as a vote question on the front page of the widely used American internet server aol.com.) The case became so inflamed that it could not be resolved inside Afghanistan and the defendant was spirited out of the country (to exile in Italy).

In terms of law, the editor's case was more complex and more revealing of the religious and political landscape. At the request of the Supreme Court, Ali Mohaqiq Nasab was arrested in October 2005 and charged with blasphemy for having written articles that claimed (i) conversion from Islam to another religion was forbidden (in moral terms), but it was not a crime (in terms of civil law), (ii) harsh corporal punishment was inconsistent with the principles of the *sharia*, and (iii) Islamic law in some respects discriminated against women. To conservative clerics, these were unacceptable transgressions. A group of 200 religious scholars in Kandahar issued a fatwa declaring that Nasab should repent or be hanged within three days. Kandahar is often considered a stronghold of religious conservatism, but there were reactions elsewhere as well. A sizeable group of clerics gathered in the northern city of Mazar-e-Sharif to issue an equally clear opinion, demanding that Nasab be executed for blasphemy. On the other side, an assorted group assembled to defend Nasab: the head of the Ministry of Information and Culture, the journalists' association, the government-appointed but independent Media Commission, the Afghan Independent Human Rights Commission, and an assortment of foreign organizations including the Open Society Institute, Reporters Without Borders and the Committee to Protect Journalists. Interestingly, Nasab's defenders did not argue on the grounds of substantive law, as Nasab himself had done. They could have invoked the basic argument of Islamic modernists to the effect that, although the *sharia* is both religion and law, a distinction must be made between moral (or religious) law and civil law. If a given rule laid down in the Quran or *sharia* "is a rule of law, the state should enforce it; if it is a rule of ethics, the state cannot enforce it".<sup>39</sup> Nasab's defenders, however, were unwilling or unable to engage the *ulama* on these terms. Instead, they argued on procedural grounds: Nasab's arrest was illegal in technical terms and his trial flawed. President Karzai refused to take a public stand, referring to the independence of the judiciary as laid down in the constitution. In the end, Nasab's fate was resolved with a mild jail sentence that was later commuted.

Western donors and non-governmental organizations (NGOs) had in both cases weighed in heavily on the side of the defendants. Although this helped secure a short-term victory for liberalism and tolerance, it also created the impression that the Afghan government had caved in to Western pressures, thus failing both the nation and the sacred religion. It was a double-barrelled loss of legitimacy.

## The mullahs of Saidabad

What do presumably “traditional” mullahs think about legal reform and the role of Western agents in matters of justice? To address this question, we can draw on a study that included structured interviews with mullahs in the predominantly Pashtun province of Wardak, just south of Kabul, and semi-structured interviews with other religious leaders.<sup>40</sup>

Located only half an hour’s drive from Kabul but in a distinctly rural setting, Saidabad district in Wardak is situated on the fringes of the Pashtun heartland. The province was a stronghold of the Islamist movement Hezb-e-Islami of Hekmatyar Gulbuddin during the war against the communists and the civil war, and important commanders later joined the Taliban. The population is almost entirely ethnic Pashtun and follows the Hanafi school of Sunni Islam.<sup>41</sup> The mullahs interviewed in Saidabad reflect the population in this respect. They are also steeped in the belief of the primacy of one school of Islamic law, the Hanafi *fiqh*. Only a few accepted that a different jurisprudence should be applied to minority sects.

The sample had great differences in age and education. The mullahs interviewed range in age from 23 to 78 and have mixed educational backgrounds from private and/or government religious educational institutions. Most have higher-level degrees.<sup>42</sup> Most attended lower-level religious schools in Afghanistan and then went on to either government *madaris* (such as the Darul Uloom in Kabul) or private *madaris* in Pakistan.<sup>43</sup> Despite these differences, the mullahs are quite homogeneous in their views of the role of religion in society, the role of the mullah and the relationship between the *ulama* and the government.

The sample represents “the village mullah” – the traditional backbone of religious civil society. The mullahs are poor; they commonly live on donations from the community or work as teachers (of both religious and secular subjects) in government schools. Although local mullahs are still highly respected in their communities and people listen to them, the politicization of religion during the jihad and subsequently under Taliban rule has reduced their standing. The mullahs are scrutinized by the community for their sincerity and virtues, something that may have contributed to the decision of most mullahs in Saidabad to stay out of politics. Some mullahs were associated with political parties during the war against the communists, but none report having political affiliations at present. Instead, they describe their duties primarily as those of moral guardians who protect virtue and protect against vice.

The mullahs in Saidabad are isolated and disconnected both from the government and from organized religious civil society. They evidently have no contact with the government Ministry of Pilgrimage and Reli-

gious Affairs. Although this ministry pays the salaries of some mullahs and religious preachers in other parts of the country,<sup>44</sup> none of the mullahs interviewed in Saidabad said they were on the ministry payroll. Further, no district-level *shura e ulama* appears to exist, and most mullahs were unaware of the existence of a provincial *shura e ulama*. None professed to have connections with the national *shura e ulama*, although this might be because they feared that admitting to government links would invite Taliban reprisals.

As for the role of the *shura e ulama*, the mullahs in Saidabad emphasized the corrective function of the moral guardian. As they saw it, the responsibility of the national *shura e ulama* was to put pressure on the government to follow the right way of the Quran and enforce the *sharia*. If that happened, peace would prevail. This view contrasts with that of religious actors interviewed in the capital, Kabul, where some *ulama* saw their role as being a bridge between the state and the people.<sup>45</sup> The *ulama* who were most sympathetic to the government emphasized that their role was to preach in favour of government policy – provided the government was Islamic. Individuals more critical of the government believed the *shura e ulama* should be apolitical and independent of the government and act as a guardian to protect virtue and protect against vice.

With the *sharia* constitutionally affirmed as the basis of all law in Afghanistan, the Saidabad mullahs did not see the relationship between secular law and the *sharia* as particularly sensitive or conflictual. They assumed that, in the event of conflict, *sharia* law would prevail. When *sharia* law was set aside – as in the 2006 apostasy case – the mullahs uniformly and strongly condemned it. The government's failure to observe *sharia* law (and impose the mandatory death penalty) demonstrated its lack of independence and its subservience to foreign pressures, they said. A few mullahs went further, seeing it as evidence of a Western conspiracy to diminish the status of Islamic principles.

Given these views, it is hardly surprising that almost all the mullahs rejected Western assistance and advice in matters of law. In this area, only assistance from other Muslim states was acceptable. The mullahs complained about the government's priorities in the justice sector, claiming that the Karzai government was concerned only about women's rights and human rights. This view was echoed by *ulama* in Kabul, who stressed the need to go slowly in the area of human rights and related legal reforms: "Afghans are not ready for this."

In Saidabad, as in much of the country, local conflicts are mainly resolved by community leaders and *ulama* who apply a combination of customary law and *sharia* law. Most mullahs did not find the use of customary law (*urf*) problematic, provided it did not conflict with the *sharia*. Applied in institutions sanctioned by Islam – assemblies such as *shura*

and *jirga* – customary law was seen as an appropriate means of reaching agreement through consensus to create peace. Moreover, the mullahs often had a place in the *shura* and could thereby bring the authority of the *sharia* to bear on matters of dispute.

In Wardak, as in Afghanistan generally, a case is brought to the formal court system only if it is serious and cannot be settled through the informal justice system (and not always even then). Decades of corruption in the courts have made the institution as a whole lose legitimacy. Most people cannot afford to bring cases to the court and distrust its verdicts.<sup>46</sup> The mullahs of Saidabad, likewise, uniformly describe the government district courts as corrupt. The fact that most of the judges and prosecutors have religious training is not a mitigating factor in their view. The judges are simply corrupt, they said. Asked what they consider to be necessary qualifications of a judge, the mullahs cited personal moral qualities – “piety” and “wisdom” – rather than formal education.

Although critical of non-Muslim foreign assistance in the field of law, the mullahs of Saidabad were generally positive towards the government’s development agenda as well as foreign aid for reconstruction. Most said that foreign aid was needed and wanted by the people of Afghanistan; it was also an obligation owed by the West after the Afghan mujahedin defeated the communist Soviet Union. Almost none of the mullahs interviewed took part in foreign or government-funded reconstruction activities, but many would have liked to if offered the opportunity. Many of the mullahs were also conversant with issues in the national aid discourse. Some suspected that aid was mainly going into the pockets of influential people rather than reaching those in need. Some cited preconditions. Aid should be grants, not loans, and should be unconditional. Some specified that only technical assistance was acceptable. Above all, the foreigners must respect Afghanistan’s culture and religion – *afghaniyat* and *islamiyat*. In this area, the Afghans must decide. These views harmonize with the self-image of the mullahs as the moral guardians and protectors and promoters of the right path.

Although they accepted foreign assistance for reconstruction and humanitarian purposes, almost all the mullahs strongly opposed the foreign military presence. Foreign soldiers were described in highly negative terms (“*kafir* invaders”, “criminals”, “threaten peace and security”). A few mullahs said *jihād* against the foreign forces was obligatory (*farz*). A few cited cases where foreign troops had bombed and harassed Afghans, not in their province but further south (“we travel there and we know”).

As for government institutions, the mullahs see the Karzai government as weak and dependent on foreigners, mainly the United States. They view the parliament as a legitimate institution in that the Quran provides



for the institution of an assembly (a *shura*), but many describe the parliamentarians as corrupt, self-seeking and illegitimate.

Overall, the mullahs of Saidabad seem firmly anchored on the conservative side of what in the field of law appears as a reformist/conservative divide in contemporary Afghanistan. The mullahs see the clerics as the moral guardians of the state, thereby rejecting a distinction between religion (as morality) and the state (as enforcer of civil law). They see the *sharia* as both foundational and supreme in matters of justice. There is little room in this vision for statutory law as a separate body, and there is also strong opposition to Western aid for legal reform. In part, this seems to reflect the suspicion that Western legal assistance is a cover for proselytizing Christianity – a view that is eminently logical if the premise is that law and religion form an indissoluble entity.<sup>47</sup> As for the formal justice system, the mullahs' attitudes appear to reflect ethical rather than legal or doctrinal concerns. The problem with the government courts is not the nature of the law applied, which is assumed to be in accordance with the *sharia* as affirmed in the constitution, but the poor quality of the judges (“corrupt”).

These views suggest that the mullahs would be open to justice sector reform provided this is clearly done within the framework of the *sharia* and without high-profile Western involvement. Assistance from Muslim countries, it should be noted, would be welcome. A certain openness to both government and foreign assistance was noticeable in other areas. The mullahs were anxious to keep a political distance from the government, but many were teaching in government schools (unlike the more militant Islamists, who are burning government schools). The mullahs strongly opposed a foreign military presence, and many saw the government as subservient to Western powers, but they all appreciated foreign economic assistance and many were ready to participate in development projects.

## Conclusions: Problems and proposals

Rebuilding the justice system in Afghanistan after almost 25 years of war and changing governments is an enormous challenge; translating that into an agenda for reform makes the task even more daunting.

The history of previous legal reforms in the country is characterized by negotiation among diverse legal traditions. At the present time, Western assistance has been visible and proactive, with little effort to engage with Islamic law and limited consultation with Afghans. This process has emphasized the division between Islamic law and Western statutory law rather than the potential for accommodation and integration.

Islamic legal traditions are marked by diversity and constant negotiation. If integrative or truly “liberal” reform were the objective of international assistance to the justice sector, Muslim countries would have been a more appropriate source of aid. Involving Muslim countries with a history of negotiating relations between the scholars’ law and the ruler’s law – such as Egypt, Turkey and Pakistan – could have strengthened the integrative dimension in justice sector reform. In Pakistan, for instance, legal scholars from various traditions worked for years to establish the Muslim Family Laws Ordinance of 1961.<sup>48</sup> Using Pakistani expertise was politically impossible in view of the country’s support for the Taliban regime, but only modest and belated efforts were made to recruit specialists from other Muslim countries. Several Egyptian legal advisers were assigned to the Supreme Court as well as the UN mission, and some worked in a later phase of the Italian-led reform programme. Overall, however, the most significant actors in this field were the United States and Italy – neither of which have much experience in engaging positively with Islamic law.

The collective profile of the mullahs of Saidabad underscores the importance of the conclusion reached by the Bassiouni report in 2007. To be legitimate and effective, legal reform has to engage with the foundation of justice in Afghanistan: Islamic law. Arguably, reform also must be visibly shaped by Afghans rather than foreigners, particularly from non-Muslim countries. Even traditionalist religious figures of the Saidabad type are open to cooperation provided the foreigners respect both the culture and the religion – *afghaniyat* and *islamiyat*. This is crucially important in the matter of law, which goes to the heart of the moral foundation of society.

The other main conclusion that has emerged from recent studies of the legal reform programme is the importance of the informal justice system. Over eight years after the Bonn Agreement, there is widespread and increasing disillusionment with the formal justice sector, documented most thoroughly by the Human Development Report for Afghanistan for 2007.<sup>49</sup> A principal recommendation of that report is to build on what exists – the informal justice system of the local *shura* and *jirga*, which rely on *sharia* and customary law – rather than focus on the pieces remaining from the ruins of the formal sector. The recommendation resonates with many experts, both in Afghanistan and outside. It has not been enthusiastically endorsed by either the government or some donors, which criticize the report for romanticizing a system that is often harsh on women and children and does not incorporate international standards of justice.

The Western coalition has many agendas in Afghanistan – strategic, economic and political – and not all are compatible with liberal reforms in Isaiah Berlin’s sense. Pressure from an insurgency that defines itself

in militant Islamic terms seems to have decreased rather than increased the space for a syncretic, liberal vision of justice. The militants are providing their own Taliban brand of justice by establishing ad hoc courts one day (or night) and moving on the next. The Western coalition, for its part, is trying harder to “win hearts and minds” with military force, development and the provision of justice in the Western legal tradition.

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### Notes

1. Amartya Sen, *Identity and Violence* (New York: Norton, 2006).
2. Joshua Cherniss and Henry Hardy, “Isaiah Berlin”, in *Stanford Encyclopedia of Philosophy (Spring 2008 Edition)*, ed. Edward N. Zalta, <<http://plato.stanford.edu/archives/spr2008/entries/berlin/>> (accessed 26 May 2009).
3. Center for Policy and Human Development, *Bridging Modernity and Tradition: Rule of Law and the Search for Justice*, Afghanistan Human Development Report 2007 (Kabul: Center for Policy and Human Development, 2008), pp. 30–31; Astri Suhrke, “When More Is Less: Aiding Statebuilding in Afghanistan”, FRIDE Working Paper 26, Fundación para las Relaciones Internacionales y el Diálogo Exterior (September 2006), <<http://www.fride.org/publication/47/when-more-is-less-aiding-statebuilding-in-afghanistan>> (accessed 26 May 2009).
4. Martin Lau, “Islamic Law and the Afghan Legal System”, paper prepared for the International Commission of Jurists, Geneva, <<http://unpan1.un.org/intradoc/groups/public/documents/APCITY/UNPAN018244.pdf>> (accessed 26 May 2009).
5. Telephone interview with an international aid official who was close to the process, 18 May 2007. An Italian consultant later commented: “The text of the interim criminal procedure code was prepared by Giuseppe Di Gennaro, an Italian anti-mafia magistrate and former executive director of UNDOC (UN Office for Drug Control and Crime Prevention) assisted by US consultants. The code has been the source of some controversy, arising out of the relatively limited input into or support for the initial draft from the Afghan justice institutions, which only adopted it under strong external political pressure.” Matteo Tondini, “Rebuilding the System of Justice in Afghanistan: A Preliminary Assessment”, *Journal of Intervention and Statebuilding*, vol. 1, no. 3 (2007), p. 343. The law was issued as an interim decree, pending parliamentary approval.

6. Cherif M. Bassiouni, et al., "An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan", paper prepared for the conference on The Rule of Law in Afghanistan, Rome, 2–3 July 2007, <<http://www.rolafghanistan.esteri.it/NR/rdonlyres/F16F08B8-5C24-48C6-B0F0-8D65B4003521/0/Assessmentjusticesectorandruleoflawreform.pdf>> (accessed 26 May 2009), p. 35.
7. See Astri Suhrke, "A Contradictory Mission? NATO from Stabilization to Combat in Afghanistan", *International Peacekeeping*, vol. 15, no. 2 (2008), pp. 214–236.
8. Bertrand Badie, *The Imported State* (Stanford, CA: Stanford University Press, 2000).
9. John Henry Merryman, David S. Clark and John O. Haley, *The Civil Law Tradition: Europe, Latin America and East Asia* (Charlottesville: Michie Co., 1994), pp. 3–4, cited in Bruce Etling, *Legal Authorities in the Afghan Legal System (1964–1979)*, Afghan Legal History Project, Islamic Legal Studies Program, Harvard Law School, p. 2, <<http://www.law.harvard.edu/programs/ilsp/research/alhp.php>> (accessed 26 May 2009).
10. The earliest attempt by Amir Shayr Ali (r. 1869–1879) was only partly successful because the *amir* could not control the *ulama* outside the urban centres. Amin Tarzi, "Historical Relationship between State and Non-State Judicial Sector in Afghanistan", Briefing Paper for Conference on the Relationship between State and Non-State Justice Systems in Afghanistan, Kabul, 10–14 December 2006 (Washington DC: United States Institute for Peace), p. 3.
11. Etling, *Legal Authorities in the Afghan Legal System (1964–1979)*.
12. Asta Olesen, *Islam and Politics in Afghanistan* (Richmond: Curzon, 1995), pp. 61–93.
13. Amin Tarzi claims the religious establishment welcomed the Amir's emphasis on the *sharia* because they expected that they, and not the state, would be the interpreters of the law (Tarzi, "Historical Relationship between State and Non-State Judicial Sector in Afghanistan", p. 10).
14. Amanullah was initially popular among mullahs and pirs for being pan-Islamic and anti-British (Olesen, *Islam and Politics in Afghanistan*) but subsequently lost their support. Senzil K. Navid (*Religious Response to Social Change in Afghanistan 1919–29: Kind Aman Allah and the Afghan Ulama*, Costa Mesa, CA: Mazda Publishers, 1999, cited in Tarzi, "Historical Relationship between State and Non-State Judicial Sector in Afghanistan") argues that high-ranking clergy in Kabul supported Amanullah and his policies, but lower-ranking clergy active in the tribal hinterland did not. See also Amin Saikal, *Modern Afghanistan* (London: I. B. Tauris, 2004), pp. 58–92.
15. Egyptian law was translated by, among others, a Minister of Pilgrimage and Religious Affairs in the Karzai government, Niamatullah Shahrani, who studied at Al-Azhar University in the 1960s.
16. Olesen, *Islam and Politics in Afghanistan*, p. 221. The 1964 constitution stipulated that Hanafi jurisprudence should be applied where no secular law existed. The 1977 constitution further limited the room for *sharia* application.
17. See Muhammed Hashim Kamali, *Law in Afghanistan: A Study of the Constitution, Matrimonial Law and the Judiciary* (Leiden: E. J. Brill, 1985).
18. Bassiouni et al., "An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan", p. 35, commenting on the repugnancy principle in the 2004 constitution.
19. Juan R. I. Cole, "The Taliban, Women, and the Hegelian Private Sphere", in Robert D. Crews and Amin Tarzi (eds), *The Taliban and the Crisis of Afghanistan* (Cambridge, MA: Harvard University Press, 2008), pp. 118–154.
20. *Ibid.*, p. 129.
21. *Madaris* is the plural of *madrasa*, an Islamic educational institution that normally offers secondary and higher levels of religious studies.
22. Kamali, *Law in Afghanistan*, p. 231.

23. Marvin Weinbaum, "Legal Elites in Afghanistan", *International Journal of Middle East Studies*, vol. 12, no. 2 (1980), pp. 39–57.
24. Center for Policy and Human Development, *Bridging Modernity and Tradition*, p. 9.
25. Bassiouni et al., "An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan". The plan itself soon faded from the scene. When asked about the status of the plan in 2006, an Afghan official in the Ministry of Justice dismissed it curtly: "Why do you want to talk about the 'Justice for All'? The paper is finished and we have moved on to a new strategy now." Interview, Kabul (November 2006).
26. Bassiouni et al., "An Assessment of Justice Sector and Rule of Law Reform in Afghanistan and the Need for a Comprehensive Plan", p. 16.
27. *Afghan Justice Sector Overview*, UNAMA, Rule of Law Unit, Kabul, September 2006.
28. *Ibid.*
29. Center for Policy and Human Development, *Bridging Modernity and Tradition*, pp. 69–70; Kamali, *Law in Afghanistan*, p. 231.
30. "Rome Conference on the Rule of Law in Afghanistan (July 2–3, 2007): Panel on Higher Legal Education and Professional Training. Discussion Paper", p. 6, <[http://www.idlo.int/DOCNews/AFG\\_ENGTraining.pdf](http://www.idlo.int/DOCNews/AFG_ENGTraining.pdf)> (accessed 26 May 2009).
31. Islamic Government of Afghanistan, Ministry of Justice, "Session 4 of the Joint Monitoring and Coordination Board (JCMB) – Berlin", 2 August 2008, <<http://www.moj.gov.af/?lang=en&p=events&nid=177>> (accessed 26 May 2009).
32. Scott Baldauf, "The West Pushes to Reform Traditionalist Afghan Courts", *Christian Science Monitor*, 21 February 2006, <<http://www.csmonitor.com/2006/0221/p01s04-wosc.htm>> (accessed 26 May 2009).
33. The state is "obliged" to create a society based on human rights and democracy (Art. 6) and "shall abide" by the UN Charter and the Universal Declaration of Human Rights.
34. Gilles Dorronsoro, *Revolution Unending: Afghanistan, 1979 to the Present* (New York: Columbia University Press, 2005).
35. Interviews, Kabul, November 2006.
36. Barnett Rubin at conference on Afghanistan, Four Years Later: Progress, Problems, and Prospects for the Future, Center for American Progress, Washington, DC, 5 October 2005, <<http://www.americanprogress.org/events/2005/10/b593305ct1464515.html>> (accessed 26 May 2009).
37. Barnett Rubin, "Saving Afghanistan", *Foreign Affairs*, vol. 86, no. 1 (2007), p. 74. The potential for gross misuse of such a programme is self-evident. The proposal recalls the infamous Phoenix programme in Vietnam, launched by the CIA in the late 1960s to "neutralize" the civilian, non-combatant infrastructure of the insurgents. Based on a network of informers recruited in the villages, the programme netted thousands of Viet Cong sympathizers, of whom at least 20,000 were killed.
38. See Mirwais Wardak, Idrees Zaman and Kanishka Nawabi, *The Role and Functions of Religious Civil Society in Afghanistan: Case Studies from Sayedabad and Kunduz* (Kabul: Cooperation for Peace and Unity, 2007), <[http://www.cpau.org.af/Research/Docs\\_our\\_publications/Religious%20Civil%20Society%20in%20Afghanistan.pdf](http://www.cpau.org.af/Research/Docs_our_publications/Religious%20Civil%20Society%20in%20Afghanistan.pdf)> (accessed 26 May 2009); and Kaja Borchgrevink, *Religious Actors and Civil Society in Post-2001 Afghanistan*, PRIO Paper (Oslo: International Peace Research Institute, Oslo (PRIO), 2007); <<http://www.prio.no/Research-and-Publications/Publication/?oid=23145939>> (accessed 26 May 2009).
39. Asaf A. A. Fyze, "The Reinterpretation of Islam", in John J. Donohue and John L. Esposito (eds), *Islam in Transition. Muslim Perspectives* (New York: Oxford University Press, 1982), p. 191. The author was a distinguished scholar of Islamic law at the University of Jammu and Kashmir.

40. Wardak et al., *The Role and Functions of Religious Civil Society in Afghanistan*; Borchgrevink, *Religious Actors and Civil Society in Post-2001 Afghanistan*.
41. The Pashtun, constituting approximately 40 per cent of the population in Afghanistan, are a tribal, traditional ruling class, where tradition, loyalty and morality are central values. The Pashtun formed the backbone of the Taliban movement and were therefore initially marginalized in the political process after 2001.
42. The majority (13 out of 20) attended private madaris, 2 attended both private and government schools and 5 received their education from government madaris and universities; 18 out of 20 report having completed 14th grade (4) or achieved a BA (13) or master's level (1) degree in religious studies.
43. Of the 20 mullahs, 11 had studied in Pakistan, and, of these, 5 had studied at Darul Uloom Haqqania, a religious seminary in North West Frontier Province linked to Jamiat Ulema-e-Islam in Pakistan – a *madrasa* instrumental in recruiting to the Taliban in the 1990s.
44. A parallel survey was undertaken in Kunduz province in the north, which has a different economic and social profile, and where mullahs interviewed came from the provincial capital. See Wardak et al., *The Role and Functions of Religious Civil Society in Afghanistan*, and Borchgrevink, *Religious Actors and Civil Society in Post-2001 Afghanistan*.
45. Based on field notes, Kabul, September–December 2006.
46. In formal surveys, however, people express more confidence in the courts; see Center for Policy and Human Development, *Bridging Modernity and Tradition*, pp. 73–74.
47. Wardak et al., *The Role and Functions of Religious Civil Society in Afghanistan*.
48. Donohue and Esposito (eds), *Islam in Transition. Muslim Perspectives*, pp. 200–208.
49. Center for Policy and Human Development, *Bridging Modernity and Tradition*.

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## Peacebuilding in Bosnia-Herzegovina: Reflections on the development–democracy link

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More than a decade after the violent conflict that tore the country apart, Bosnia-Herzegovina's recovery is well under way. The country is peaceful, its economy is growing and there are regular, orderly changes of government. Rapprochement with the European Union's community of developed and democratic countries marks a new era, different from that of war and destruction. Although progress has been halting, it is advancing. Nevertheless, the international actors that have stewarded Bosnia-Herzegovina along this path of recovery still consider it too risky to withdraw their presence fully, wary that the level of order and stability achieved might not be sustained. Compared with other conflict-affected countries, which are typically underdeveloped and often home to large groups of destitute people, Bosnia-Herzegovina, along with Kosovo, is something of an exception. When conflict erupted it was a medium developed industrial country whose population enjoyed living standards that were higher than those in most comparable East European ex-communist countries, some of which are now European Union members. Bosnia-Herzegovina's recovery from war has been aided by post-conflict international assistance on an unprecedented scale: in per capita terms, it is higher than in any other case. As such, the country has provided an extremely propitious environment for the "virtuous" dynamics of development and democracy underpinning the concept of liberal peace.

The problem, as this chapter suggests, lies in the way that the practice of liberal peacebuilding has operationalized the idea of the peace-inducing qualities of the development–democracy dynamic, while emphasizing

the role of development. The development of a market economy and democracy, the two main components of the liberal peace concept, has been pursued through a set of reforms centred around economic and political liberalization, which in most war-torn countries are embarked on simultaneously.<sup>1</sup> The understanding behind such an approach to post-conflict rehabilitation is that economic liberalization is essential for the development of a successful market economy, which, by improving general welfare and the economic well-being of the public, will encourage political moderation and contribute to democratic politics, thereby fostering peace. In other words, it is assumed that economic recovery will buttress the unfolding of democracy and its peacebuilding potential. This raises the crucial question of the type of development that is promoted by the standard set of neo-liberal policies pursued within the liberal peace project and its democracy-boosting potential.

The central point of this chapter is that the narrow understanding of development within the liberal peace concept – which puts a premium on stimulating economic growth anchored in fiscal and price stability and, by extension, the set of policies considered essential for it – is fundamentally ill suited to a post-conflict economic, political and institutional context. By facilitating the concentration of wealth and control over productive resources, it produces socially polarizing growth instead of creating the foundations for a broad-based, more equitable development that would benefit the population at large, and hence have a politically stabilizing effect. It feeds economic insecurity by limiting the availability of and access to legitimate and well-remunerated employment and an adequate and stable social welfare system. This in turn obstructs progress towards interest-based political participation (and away from divisive issues such as ethnicity) that would encourage more constructive, inclusive democratic politics. Furthermore, the implementation of economic policies aimed at post-conflict rehabilitation puts the key decision-making prerogatives in the hands of the executive, weakening the role of representative institutions as a condition for deepening democratic politics and broadening citizenship rights beyond electoral politics. These, I argue, are the reasons for the puzzling outcome of the liberal peacebuilding effort in Bosnia-Herzegovina: the combination of economic growth and political stagnation belies the expectation that economic development will have a positive impact on the democratic process, as suggested by the liberal peace idea.

The chapter is divided into four main sections. The first section develops a framework for the analysis of the link between economic reforms, democracy and peacebuilding by focusing on the growth–employment–poverty nexus, and in doing so departs from the standard criticisms of



neo-liberal economic policies in post-conflict contexts. The second section assesses the main challenges of post-war economic reconstruction in Bosnia-Herzegovina, highlighting the complexity and depth of the required structural transformation, and briefly reviews the main economic reforms and their outcomes. The focus is on the real economy and employment generation as two aspects that fall outside a narrow neo-liberal understanding of macroeconomic stability and yet are of paramount importance in the post-conflict context, especially its early stages. In the third section, I look at the empirical evidence on the main trends in Bosnia-Herzegovina's poverty, inequality and social exclusion in the context of post-war growth and analyse them in relation to the patterns in unemployment. The fourth section extends the analysis of poverty and social exclusion to the democratic process and peacebuilding. It argues that poverty and social exclusion have been a strong deterrent to citizens' participation in the democratic institutions created during the surge of political liberalization under the liberal peace agenda. Bosnia-Herzegovina has been prevented from making the political process relevant and beneficial to those social constituencies that have been most affected by the conflict and the nature of the peace achieved.

### Neo-liberal economic reforms, democratic consolidation and peacebuilding: Analysing the connection

Testing the link between development and the level of democracy is difficult, as longstanding research on this theme demonstrates. Although there is clear evidence of an affinity between the two, the direction of their causality remains unclear.<sup>2</sup> The common thread in the large body of literature on this theme is that poverty stands in the way of democracy. This opens an avenue to explore how the economic policies of liberalization are linked to democratic consolidation in the framework of liberal peacebuilding,<sup>3</sup> beyond general arguments about the social tensions they exert, at least in the short run, and their apparently self-explanatory impact on democratic consolidation (or a lack thereof). Poverty is also often associated with inequality and social exclusion, which affect the exercise of political equality – a key attribute of democracy. And it is this aspect of social exclusion that is intimately related to poverty and would seem to be decisive in problematizing the link between the consolidation of democracy, economic reforms and peacebuilding.<sup>4</sup> What matters, argues Sylvia Chan, is not the formal entitlement to civil, economic and political rights, but the ability to exercise these rights effectively. This, she contends, becomes difficult in conditions of poverty: “The meaning of

autonomy, choice, equality or any other of these fundamental concepts considered to be basic to liberal democracy under conditions of destitution is questionable indeed.”<sup>5</sup>

Thus, poverty is a formidable barrier to participation in the economic, political and cultural spheres. Democratic politics, as Burnell observed, requires that “all citizens are aware of their opportunity to participate; political inclusion, but also social and economic inclusion are key to participation”.<sup>6</sup> This implies that, ultimately, concern for an improvement in the economic and social conditions of ordinary citizens is essential for a successful peacebuilding outcome. This, in turn, underscores the vital importance of the transformative potential of the economic reforms pursued in the course of post-war reconstruction with regard to the broader social environment and the economic conditions of the population at large. Without tangible progress towards achieving secure and resilient livelihoods and social stability – important ingredients of a “peace dividend effect” – there is a danger of public loss of confidence in the peacebuilding process and diminished loyalty to the state and its institutions, which, in the final outcome, renders populations more susceptible to other agendas such as the divisive politics of the ethno-nationalist parties in Bosnia-Herzegovina, ultimately undermining the peacebuilding process itself.<sup>7</sup> This seems to be the aspect of liberal peacebuilding that is overshadowed by an overwhelming concern with macroeconomic performance – despite the inclusion of a poverty reduction agenda. And this puts the spotlight on the important role of employment as the mainstay of individuals’ economic security in the aftermath of conflict and as the key mechanism for reducing poverty.<sup>8</sup> Through its impact on income and income distribution, employment has a major influence on poverty.<sup>9</sup> Thus, only an economic policy that is able to generate substantial increases in employment and/or labour remuneration will have a meaningful impact on poverty reduction, which (despite recently being accorded an elevated status in the practice of peacebuilding) is yet to become more systematically addressed.

The second-order priority assigned to employment in the post-war reconstruction strategies informed by neo-liberal policies, which harken back to the neoclassical assumption of market clearing that precludes deliberate policy action on job creation, has been rightly criticized.<sup>10</sup> Despite these criticisms, there has been precious little offered in terms of analysing how individual policies within neo-liberal economic reform packages impact on employment creation and the important repercussions of the politics of reform in the post-conflict milieu. Much of this critique has been directed at the impact of macroeconomic policies, particularly fiscal and monetary policy, with microeconomic policies and institutional reforms receiving much less attention, despite their rele-

vance to employment creation. This is a critical oversight in the post-war context in that microeconomic and institutional reforms by their nature involve a long-term process and one that is inherently political. This means that the nature of the political process is inextricably linked to the process and outcome of those reforms. They involve the reallocation of a country's economic resources and the structural realignment of the economy, which makes these reforms vulnerable to the vagaries of local politics intent on taking advantage of the extraordinary post-war circumstances to secure a privileged position in this process at the expense of generating wealth to benefit the public at large. In a context where political consensus and a commitment to reforms, the *sine qua non* of the neo-liberal approach, are often declared, the politics of microeconomic and institutional reforms can further aggravate the constraints on employment generation inherent in macroeconomic stabilization policies through their demand depression effect, especially in the short to medium term.<sup>11</sup> It is, then, this complex set of issues that needs to be considered when discussing the impact of neo-liberal economic policies on employment as the key variable in analysing the link between neo-liberal economic policies, democratic consolidation and peacebuilding.

The other line of influence of neo-liberal economic policies that is relevant to the link between democracy and peacebuilding is their impact on social welfare. The important question here is the impact that these economic policies – advanced in the framework of post-war reconstruction and particularly macroeconomic stabilization – have on the material base for a social welfare programme. Although the issue of resources is critical, the commitment to policies aimed at providing social protection for the most vulnerable is equally relevant in creating a social welfare framework that would provide people with a sense of security and stability and motivate them to participate in the reconstruction process.<sup>12</sup> However, for reasons of space, this aspect is not covered in depth in this chapter.

### Bosnia-Herzegovina's post-war economic reconstruction challenges and policies

The economic devastation of Bosnia-Herzegovina that resulted from the 1992–1995 war is amply documented.<sup>13</sup> By the end of the war, more than half the workforce were unemployed and the majority of the population were enduring a precarious existence dependent on humanitarian assistance. Wages and pensions went unpaid, and the social safety-net disintegrated. Because of the nature of the conflict, there was mass population displacement, which resulted in an estimated half of the pre-war

population living as refugees abroad or displaced internally within Bosnia-Herzegovina. In parallel with the physical devastation and disruption, the war brought a total disintegration of the economic, social, political and institutional framework upon which Bosnia-Herzegovina's existence as one of former Yugoslavia's republics was founded. For almost a decade preceding the war that ripped Yugoslavia apart, the country was engulfed in deep economic crisis. Bosnia-Herzegovina, one of the least developed republics of former Yugoslavia, was particularly affected by its economic downfall. The profile of Bosnia-Herzegovina's economy, which was dominated by large industrial conglomerates with extensive links to production and commercial networks, made it particularly vulnerable to the deterioration in economic and political conditions that occurred throughout the 1980s.<sup>14</sup> The viability of Bosnia-Herzegovina's industrial core, which represented almost half of pre-war gross domestic product (GDP) and employment, hinged on deep restructuring and technological innovation, transformations that the command economies were ill equipped to perform. The legacy of a structurally distorted economy, and of the break-up of a country as a single economic space, and the consequent economic dislocation this provoked, compounded by the war, made the development context in which the post-war rehabilitation of Bosnia-Herzegovina was initiated particularly challenging.

The war also had profound political and institutional repercussions on the course and dynamics of economic recovery. Three separate politico-economic units were established within the territorial boundaries of Bosnia-Herzegovina, each with a clear ethnic majority as a result of "ethnic cleansing" and controlled by a hostile ethnic elite. The three mini-states adopted different currencies, restricted the movement of people and goods and engaged in no formal economic cooperation. What thrived was an informal and often illicit economy, which involved amorphous constellations of actors, including paramilitaries, high-ranking politicians, members of the state apparatus, criminals and also ordinary citizens trying to eke out a bare existence.<sup>15</sup> Not only had the war interrupted market reforms, there was an actual reversion towards statist policies, marked by the profound intrusion of politics in the economic sphere, two domains clearly delineated under the liberal tradition. These institutions provided inadequate foundations for the type of reforms that accompanied the post-war reconstruction spearheaded by the international financial institutions. This deficiency was exacerbated by the local elites' lack of political will to engage constructively in the process. The Dayton Peace Agreement, which attempted to reconstruct the state of Bosnia-Herzegovina, first and foremost in a legal sense, created a state that lacked economic sovereignty, because it entrusted the central state with the minimum of prerogatives in the domain of economic governance.

This reflected the compromise in the overall political settlement, which engendered an institutional framework unable to provide the degree of political stability that is required for modern economic development and inherent in the liberal peace concept.<sup>16</sup>

The overriding goal of the complex set of reforms that were set in train under the post-war recovery programme was macroeconomic stability as a precondition for economic recovery and the structural transformation of the economy. In this sense, these reforms mirrored the transition-style policies adopted in most former communist countries. The highest order of priority was the establishment of an appropriate fiscal and monetary regime in a country with a highly decentralized fiscal system and no common currency. On the fiscal side, this involved cuts in public spending, some expenditure realignment and tax reforms to strengthen the public revenue base. On the monetary side, the currency board regime was selected as a means of avoiding the political risks to monetary stability rather than taming inflation, which by that time was under control in most of the country.<sup>17</sup> The initial set of reforms included financial liberalization, trade liberalization and privatization. With the exception of privatization, the implementation of these reforms proceeded relatively quickly because of the fairly simple legislative procedure and, on the whole, rather successfully in terms of the key objectives. Fiscal accounts improved, monetary stability was achieved, and one of the most liberal trade regimes in South-East Europe was put in place. Financial sector reform facilitated the transfer of virtually the entire banking sector into foreign ownership, creating a competitive and substantially improved financial system. In contrast, privatization progressed slowly, at times stalling altogether, as a result of deficiencies in the institutional framework, too few attractive companies and above all – and especially in the Federation – political obstructions.<sup>18</sup>

To implement these reforms, Bosnia-Herzegovina needed a whole new institutional framework of economic governance, which, in the absence of local political consensus, had a major impact on the speed of the reforms and the ultimate outcome. The success of some of the reform policies, principally fiscal consolidation and monetary stability, can be attributed mostly to the fact that the international community took a decisive role, one of the examples being the appointment of foreigners to steer the Central Bank of Bosnia-Herzegovina and the Indirect Taxation Authority, for a period of time. But progress in microeconomic and institutional reforms, vital for addressing the deep-seated structural obstacles to the recovery of Bosnia-Herzegovina's productive potential, has been stunted throughout the period of post-war reconstruction, caught up in local political struggles. Reforms involving legislative harmonization or the transfer of responsibilities relevant to economic policymaking from

entity to state level encountered strong political obstacles, implying as they did a strengthening of the integrative elements of the Dayton Peace Agreement. For example, it took four years for the follow-up legislation to be adopted for the state-level foreign investment law, and still longer for a single, country-wide business register to be established as part of the reform designed to improve the business environment and stimulate private sector growth, the cornerstone of the neo-liberal concept. Reforms, such as land ownership, registration and bankruptcy and liquidation law, or restitution became highly charged political issues, directly undermining the role of private sector development.<sup>19</sup>

It is not the purpose of this chapter to make a detailed analysis of the complex politics and the outcome of these reforms. But the main trends are ambiguous at best, especially with regard to the country's longer-term economic sustainability and self-reliance. The key macroeconomic developments have been positive, with a record of strong initial output recovery translated into slower but nevertheless respectable growth, low inflation and improved fiscal balance. Overall living standards have recovered substantially and war-inflicted destitution is a thing of the past for large sections of the population. However, this positive macroeconomic picture belies some serious shortcomings of the post-war reconstruction policies, so that, 14 years after the end of the conflict and following the injection of billions of dollars in international assistance to a once fairly developed industrial country, pre-war levels of per capita output have not been achieved. In fact, in terms of the economic structure, there has been a reversion to a less advanced economic profile in that the share of agricultural employment in total employment has risen alongside profound deindustrialization coupled with industrial desophistication. Services, which by their nature are more susceptible to informal employment practice, have proliferated instead. From the perspective of the analysis in this chapter, the outcome has been a limited and distorted recovery of the country's productive base,<sup>20</sup> which has failed to generate well-paid, regular employment and thus create the conditions for enhanced economic security and poverty alleviation.

### The neo-liberal development experiment: Employment, poverty and social exclusion outcomes

Persistent large-scale unemployment has been one of the most controversial aspects of Bosnia-Herzegovina's post-war recovery grounded in neo-liberal-type reforms, in contrast to the more favourable developmental background against which they have been pursued and the availability of international assistance. Although the data are not uncontested,

an unemployment rate of some 30 per cent in 2007 is large by any measure and ranks second in South-East Europe.<sup>21</sup> Its key features are the prevalence of long-term unemployment, with as many as 51.1 per cent of unemployed seeking work for five or more years in 2008, and nearly 50 per cent youth unemployment. These are ominous signs of the problems in the intensity and profile of the country's economic growth, which has failed to absorb the available workforce.<sup>22</sup> Less than half of Bosnia-Herzegovina's working age population are economically active, and the remaining majority tend to stay outside the labour market and, therefore, suffer economic exclusion.<sup>23</sup> This is indicative of the profound economic insecurity that the unemployed encounter and that remains the daily experience of large sections of the population, including those who are underemployed and/or receiving low and often irregular wages. Certain categories with more pronounced war-induced vulnerabilities – such as war invalids, returning refugees, displaced people, demobilized soldiers and women – tend to suffer disproportionately from unemployment; indeed, enduring discrimination in employment has been one of the main obstacles to the return of refugees and displaced people.<sup>24</sup> In contrast to the stagnation in formal employment, the informal employment sector in Bosnia-Herzegovina is believed to be vibrant,<sup>25</sup> but apart from bringing some temporary relief this is an unrealistic way of escaping poverty for most of those engaged in this type of work, who tend to be at higher risk of inequality.

There is little existing research into the nature of poverty in Bosnia-Herzegovina that adds to our understanding of its causes, depth and duration. It is certainly true that on any of the standard measures the picture is more favourable than in many other post-conflict countries, especially those with a previous history of chronic poverty, which was of small magnitude in Bosnia-Herzegovina. This fact, rather perversely, may have been counterproductive to the peacebuilding process, in that people's experience and memory of the "good life" before the war have tended to influence their sense of well-being and attitude towards the government and the political process.<sup>26</sup> According to the Bosnia-Herzegovina *National Human Development Report 2007*, some 20 per cent of Bosnia-Herzegovina's population is considered poor based on 2005 data, and about half of the population live below the poverty threshold or are at risk of falling into poverty at any time.<sup>27</sup> The report highlights the fact that, despite the respectable growth enjoyed by the country, incomes have remained low for the majority of people; income poverty data indicate that deprivation is widespread and even entrenched.<sup>28</sup> The lack of significant improvement in poverty reduction despite sustained growth in output suggests an increase in inequality, thus limiting the impact on poverty reduction of the economic growth

achieved in the course of post-war reconstruction of Bosnia-Herzegovina, a fact acknowledged by a recent review of the results of the implementation of the Poverty Reduction Strategy.<sup>29</sup>

The highest incidence of poverty in Bosnia-Herzegovina tends to be among the unemployed, both conditions being closely related to social exclusion.<sup>30</sup> As noted in the *National Human Development Report 2007*: “A lack of employment both characterizes exclusion, leading to alienation and deprivation, and also limits opportunities for inclusion.”<sup>31</sup> Over half of Bosnia-Herzegovina’s population are socially excluded in some way; that is, they face obstacles in accessing basic processes and needs, including income generation opportunities, health care, education, and cultural and political activities.<sup>32</sup> Ethnic division appears to be one of the main causes and manifestations of social exclusion, which reinforces feelings of personal and social insecurity. Where people live and whether they are an ethnic majority or minority have implications for the patterns of social exclusion.<sup>33</sup> Bosnian Croats are at the lowest risk of poverty, have the highest average incomes and suffer the lowest levels of inequality. At the other end of the spectrum are the Bosnian Serbs, who tend to be the poorest of the three ethnic groups. This demonstrates a surprising and certainly unintended outcome of the peacebuilding process in Bosnia-Herzegovina: it seems to have facilitated the creation of de facto horizontal inequalities, that is, inequalities between groups in terms of access to economic, social and political resources, which did not exist before the conflict. Although horizontal inequalities are often one of the multitude of causes of conflict, they are a palpable source of tension in Bosnia-Herzegovina’s post-war era and, given the political context, are damaging progress towards stable peace.<sup>34</sup>

### Poverty, democracy and what kind of peace?

The attention so far has been on the link between economic reforms and social outcomes in Bosnia-Herzegovina, including poverty, through a focus on employment as the key transmission mechanism between growth and poverty. This section of the chapter examines how these outcomes relate to the democratic process and peacebuilding by highlighting their relevance for shaping the values, beliefs and attitudes of popular political culture.<sup>35</sup>

As suggested above, compared with the majority of post-conflict countries, poverty in Bosnia-Herzegovina is relatively less severe and, in that sense, intuitively should be less of an obstacle in the consolidation of democracy. However, in order to understand how poverty affects the pro-



gress of democratic consolidation and peacebuilding, it is important to keep in mind, first, that its scale and profile are both directly related to war and, secondly, that the legacy of an egalitarian society and “paternalistic” state bears on people’s values, beliefs and attitudes in a way that weakens the democratic process.

The groups most deprived – who also suffered disproportionately from war – have heightened expectations of the process of post-war reconstruction and are generally less tolerant towards other ethnic groups. This ultimately influences how they view and engage (or not) in the political process. The post-war poor in Bosnia-Herzegovina include parts of the urban middle class who have been impoverished through the confluence of war and economic transition, which, in all accounts of the linkages between development and democracy, is considered to be the moving force behind democratic change. The war contributed to a major redistribution of resources, which has been reinforced in the course of post-war reconstruction and economic transition, resulting in the concentration of wealth and the control of resources in the hands of the three ethnic elites and those closely affiliated to them. Privatization, which was at the core of the neo-liberal economic package aimed at transforming Bosnia-Herzegovina’s post-communist, post-conflict economy, was in effect one of the main channels of this redistribution of wealth, and it had long-term repercussions not only on growth prospects, social welfare and inequality but also on the legitimacy of institutions. The public perception of inequality as resulting from the type of growth, which has primarily benefited the elites, has reinforced the sense of disillusionment and also disengagement with the political process, including reducing participation in elections. At the same time, horizontal inequalities in Bosnia-Herzegovina’s context of politicized ethnicity have been damaging to the consolidation of peace by their rekindling of ethnic animosities to the point that there continue to be isolated incidents involving returning refugees and their property. Poverty on a scale not experienced in pre-war Bosnia-Herzegovina and the state’s lack of effective policies to reduce it have been important factors in diminishing public trust in state institutions. This, in turn, has weakened loyalty to the state and undermined its legitimacy. Public opinion polls regularly show the highest level of trust to be in the international institutions – such as the Office of the High Representative – or in those local institutions in which international involvement has been decisive, such as the Central Bank. The inadequacy of the state in responding to public demands and expectations is directly related to the limited scale and profile of economic recovery fuelled by large inflows of international assistance, which has failed to generate sufficiently rising revenues, given the vast and unique needs of a country recovering from war.

Despite overall economic progress, as manifested in growing GDP and real wages, public perception of economic welfare and economic prospects, which are key to the expected political moderation associated with improvements in material standards and well-being, has not improved markedly. A poll carried out in summer 2007 shows that just 25 per cent of those interviewed expected their economic situation to improve, and more than half expected the political situation in the country to deteriorate.<sup>36</sup> These results are related to the realities of widespread poverty and inequality that have accompanied post-war economic recovery, but are also an expression of “subjective poverty”, which is associated with pre-war experience of relatively high living standards and post-war high expectations. Social exclusion has reinforced social distance and inter-community mistrust in Bosnia-Herzegovina while at the same time leading to apathy and disengagement from political deliberations.<sup>37</sup> Ongoing growth in inequality and social differentiation is the most likely cause of society’s increasing lack of cohesion, which, as Marina Ottaway suggests, is a strong barrier to democratic consolidation and which the neo-liberal economic policies tend to neglect at their peril.<sup>38</sup> Social discontent, associated with the hardships facing the majority of ordinary people, is inimical to political moderation, not only at the level of the general public but also at the level of official politics, because it involves a struggle over the redistribution of resources.

A case in point is the tension between the Federation of Bosnia and Herzegovina and Republika Srpska over the distribution of the centrally collected tax revenue, as each entity tries to acquire more of the resources collected on the joint account. This at times has involved threats from Republika Srpska to reject the state-level taxation authority, whose establishment is considered one of the major achievements of peacebuilding, since it is an institution of paramount importance for sound fiscal policymaking – the main focus under the neo-liberal economic policy precepts. The timing of the poll on economic and political stability, which came on the heels of the tensions provoked by the International Court of Justice verdict on Bosnia-Herzegovina’s genocide suit against Serbia and by problems over negotiations on police reform, is indicative of the low threshold of instability, which belies Bosnia-Herzegovina’s peace, despite commendable economic growth and functioning electoral democracy. Indeed, the United Nations Development Programme (UNDP) claims that “chronic low-grade crisis has become the form of political life in Bosnia and Herzegovina”.<sup>39</sup> This is related to the failure of democratic politics. Social exclusion has been a strong deterrent to citizens’ participation. It has reinforced elite-driven politics, which has reduced the ideological content of political deliberation on ethnically sensitive issues such as the police and constitutional reforms, while undercutting

political alternatives that could offer more a broadly inclusive form of development. Thus, despite increased social tensions resulting from the policies of economic liberalization, there is little in the way of citizens' mobilization around issues concerning their daily lives that would strengthen democratic practice, improve government accountability and foster institutional legitimacy. Without these, stable peace remains under threat. Instead, the door is wide open for the instrumentalization of ethnic politics by the elites with vested interests in keeping the formal institutions of governance weak, because this allows them to benefit from the inequitable model of development that has been pursued through the neo-liberal economic policies of the liberal peace project.

## Conclusion

In the post-war context, the interrelated dynamics of economic and political liberalization as pursued in the contemporary practice of peacebuilding becomes a strong obstacle to the consolidation of peace. This is not because of the competition that each generates, which would imply that these policies are largely implemented. In Bosnia-Herzegovina, a functioning market economy has not prevailed, nor has the consolidation of democracy advanced (and competition is the key *modus operandi* for both aspects). Rather, the problem rests with the nature of the reforms themselves, which constrain the emergence of key mechanisms through which the development–democracy link is assumed to operate, that is, through increased welfare for the population, which gives the individual economic freedom, independence and equal (effective) access to the political process. In the post-conflict context, which is attempting to deal with the causes of the conflict and build the foundations for a durable peace, what matters is the strengthening of democratic politics. This requires going beyond an institutional understanding of democracy – connoted by “democratization” (and limited to electoral democracy) – to an understanding that enables access to participating institutions, a transition that can be undermined by economic outcomes.

Economic reconstruction in Bosnia-Herzegovina has focused on creating an economic context for the renewal of economic activity grounded in macroeconomic stabilization at the expense of affirmative action to reduce the immediate insecurities of the population. A return to normality is the main concern for ordinary citizens, and the criterion for successful peacebuilding. The role of employment is critical. A rigid implementation of the economic policies informed by the neo-liberal paradigm has produced inadequate growth in Bosnia-Herzegovina and has not benefited the population at large. The economic policies have been deficient

in providing opportunities for regular and appropriately remunerated employment and have been damaging to the consolidation of key social institutions, including health care, education, pensions and welfare. These institutions remain largely unreformed and provide an unsatisfactory and inadequate service. As a result of the type of growth that has been pursued in the framework of post-war reconstruction, poverty, inequality and social exclusion have increased, along with a reinforced sense of economic insecurity. This in turn has affected participation in the democratic process and obstructed progress in democratic consolidation in Bosnia-Herzegovina. Some policies, such as privatization, which have followed the lines of ethnic division, not only have failed to achieve the expected economic goals but have been counterproductive to peacebuilding by reinforcing social polarization.

Policies that elevated employment as one of the key goals around which to structure the post-war reconstruction effort could have a major effect on poverty and the attendant social exclusion and, by improving the well-being of the population, could boost interest and involvement in democratic deliberation. More effective policies aimed at poverty reduction carry the prospect of strengthening the legitimacy of the state and its beneficial role in the economy, which have been undermined by the policies of liberalization and deregulation. At the end of the war, the economy of Bosnia-Herzegovina was in need of deep structural transformation, but the transformative potential of neo-liberal development has been extremely problematic and, within the broader peacebuilding project, perhaps self-defeating. Not only has economic transformation been short of the requirements for sustained, broad-based development but, equally, peacebuilding has fallen short of creating democratic institutions for peaceful mediation and the management of conflict, without which the promise of a stable peace cannot be assured. The case of Bosnia-Herzegovina demonstrates how neo-liberal economic reforms and the shortcomings of formal democracy combine to create a kind of “perpetual transition” characterized by unstable, socially divisive developmental patterns and low-level democracy, which obstruct progress to meaningful “peace”.

## Notes

1. The problem of the possible adverse effects of pursuing simultaneously marketization, democratization and state-building within the framework of post-conflict peacebuilding, while extremely important, will not be explicitly considered in this chapter. Neil Robinson, for example, argues that pursuing the three processes simultaneously may indeed be at odds with the consolidation of peace. Aidan Hehir and Neil Robinson (eds), *State Building: Theory and Practice* (London: Routledge, 2008), p. 14.

2. Robin Luckham and Gordon White (eds), *Democratization in the South: The Jagged Wave* (Manchester: Manchester University Press, 1996).
3. Poverty is closely linked to conflict and often figures as one of its myriad underlying causes.
4. On the analysis of social exclusion as a concept that captures the social implications of economic disadvantage, see Naila Kebeer, "Social Exclusion, Poverty and Discrimination: Towards an Analytical Framework", *IDS Bulletin*, vol. 31, no. 4 (2000).
5. Sylvia Chan, *Liberalism, Democracy and Development* (Cambridge: Cambridge University Press, 2005), p. 46.
6. Peter Burnell, "The Coherence of Democratic Peacebuilding", WIDER Research Paper 147 (2006), p. 15. The liberal peace concept in fact fails to acknowledge the importance of economic and social rights as such.
7. Timothy Donais, *The Political Economy of Peacebuilding in Bosnia* (London: Routledge, 2005), p. 143. The political currency of those "other agendas" reflects a lack of democratic consolidation. According to Linz and Stepan, democracy is consolidated when democracy becomes "the only game in town". Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation* (Baltimore, MD: Johns Hopkins University Press, 1996), p. 5.
8. Studies by the United Nations Development Programme (UNDP) and the International Labour Office (ILO) show that, of several possible factors examined for a range of developing countries, rapid employment is a major instrument of poverty reduction. Azizur Rahman Khan, "Growth, Employment and Poverty: An Analysis of the Vital Nexus Based on Some Recent UNDP and ILO/SIDA Studies", paper prepared under the joint ILO-UNDP programme on Promoting Employment for Poverty Reduction, Issues in Employment and Poverty Discussion Paper 19 (2005).
9. The other relevant mechanism, which links up to the second aspect of the connection between neo-liberal policy and democracy (through the capacity of the state to perform its social welfare functions), is income transfers; but these are constrained in the framework of fiscal stringency promulgated by the reforms.
10. See, e.g., Michael Pugh, "Post-War Economies and the New York Dissensus", *Conflict, Security and Development*, vol. 6, no. 3 (2006); Ronnie D. Lipschutz, "Beyond the Neo-liberal Peace: From Conflict Resolution to Social Reconciliation", *Social Justice*, vol. 25, no. 4 (1998).
11. The lack of political consensus over policy priorities has been identified as one of the key reasons for the poor results of the 2004–2007 Poverty Reduction Strategy in Bosnia-Herzegovina, prompting a change in the World Bank's approach to assisting reforms under its new Country Partnership Strategy.
12. United Nations Development Programme's Bureau for Crisis Prevention and Recovery, "Sustaining Post-Conflict Economic Recovery", BCPR Occasional Paper 1 (October 2005).
13. World Bank, *Bosnia and Herzegovina: From Reconstruction to Sustainable Growth* (Washington DC, 1997).
14. E.g. Zenica steelworks produced 40 per cent of former Yugoslavia's steel output and, in providing some 40,000 jobs, was the main employer. There were at least 10 other "town companies", i.e. companies around which the livelihoods of entire communities were based. These companies provided jobs, childcare, health and holiday facilities and often scholarships for employees' children.
15. The failure of post-war reconstruction policies to deal effectively with the war economy is a subject in itself and has important implications for the analysis in this chapter.
16. Vesna Bojicic-Dzelilovic, Fikret Causevic and Rajko Tomas, *Understanding Reforms: Bosnia-Herzegovina* (Vienna: World Bank GDN-WIIV, 2004).

17. The choice of the currency board in its most conservative form demonstrates that macroeconomic stability was the key policy goal.
18. Privatization is a profoundly political process with far-reaching consequences for democratic development. As suggested by Neil Robinson, making “decisions about allocation of property alters the social balance of power; making decisions about the social basis of the state can deform democracy since it influences citizenship and rights to participation and may create exclusion rather than universal citizenship.” Hehir and Robinson, *State Building: Theory and Practice*, p. 14.
19. This is also true of social security reforms because the key beneficiaries include war invalids, war veterans and demobilized soldiers, who by and large represent the core electoral bodies of the ethnic-based parties.
20. The private sector accounts for under 50 per cent of GDP (EBRD, *Spotlight on South Eastern Europe*, London: EBRD, 2004).
21. Agency for Statistics of Bosnia and Herzegovina, *Labour Force Survey 2007*, <[http://www.fzs.ba/CPI/ARS\\_2007\\_bos.pdf](http://www.fzs.ba/CPI/ARS_2007_bos.pdf)> (accessed 21 May 2009). The rate of unemployment as reported by the Federation statistics agency is higher, at around 40 per cent; Republika Srpska does not publish unemployment data.
22. The data are from Agency for Statistics of Bosnia and Herzegovina, *Labour Force Survey 2008*, <<http://www.bhas.ba/ARHIVA/2008/TB/lfs/lfs-bh.pdf>> (accessed 3 June 2009).
23. The rate of participation in the labour market was 43.9 per cent in 2008 (*Labour Force Survey 2008*).
24. Amnesty International, *Bosnia-Herzegovina Behind Closed Gates: Ethnic Discrimination in Employment* (London, 2006).
25. Gorana Krstic and Peter Sanfey, “Mobility, Poverty and Well-being among the Informally Employed in Bosnia and Herzegovina”, Working Paper No. 101, EBRD, London (2006).
26. The latest research on poverty measurement proposes a shift to multidimensional measures, which would include concepts such as well-being. See Tony Addison et al., “Poverty Dynamics: Measurement and Understanding from an Interdisciplinary Perspective”, BWPI Working Paper 19, Manchester (2008). The phenomenon of “retroactive legitimization” of the communist regime and its social safety-net plays a role in the public’s perceptions of government efficiency and legitimacy.
27. United Nations Development Programme Bosnia and Herzegovina, *National Human Development Report 2007: Social Inclusion in Bosnia and Herzegovina* (New York: UNDP, 2007), <<http://www.undp.ba/index.aspx?PID=36&RID=63>> (accessed 22 May 2009).
28. In 2005, 55.8 per cent of households reported income below KM 500, which translates into KM 940 per capita; GDP per capita was KM 3,507 (UNDP Bosnia and Herzegovina, *Early Warning System Special Report: Jobs... and more Jobs*, Sarajevo, 2006, p. 23).
29. World Bank, *Bank Strategy Completion Report for 2005–2007*, <<http://siteresources.worldbank.org/BOSNIAHERZEXTN/Resources>>.
30. Erwin R. Tiongson and Ruslan Yemtsov, “Bosnia-Herzegovina: Enterprise Restructuring, Labor Market Transitions and Poverty”, Policy Research Paper No. 4479, World Bank, Washington DC (2008).
31. *National Human Development Report 2007*, p. 74. The General Social Exclusion Index for Bosnia-Herzegovina is based on seven proxy indices for living standards, health, education, participation in society and access to services.
32. *Ibid.*, p. 10.
33. The *National Human Development Report 2007* argues that in Bosnia-Herzegovina social exclusion is institutionally driven, generated by the political organization of the country (*ibid.*, p. 49).

34. Frances Stewart, "Policies towards Horizontal Inequalities in Post-Conflict Reconstruction", CRISE Working Paper 7, Oxford (2005).
35. On the importance of the popular political culture in the early phase of democratic consolidation; see Peter Burnell, "The Coherence of Democratic Peacebuilding".
36. UNDP Bosnia and Herzegovina, *Early Warning System – III Quarterly Report 2007*, <<http://www.undp.ba/index.aspx?PID=36&RID=68>> (accessed 22 May 2009).
37. Polls conducted for the UNDP Early Warning reports reveal that more people would emigrate than would seek work in an area of Bosnia-Herzegovina where they would constitute a minority.
38. Marina Ottoway, "Is Democracy the Answer?", in Chester A. Crocker, Fen Osler Hampson and Pamela Aali (eds), *Leashing the Dogs of War: Conflict Management in a Divided Society* (Washington DC: United States Institute of Peace Press, 2007), p. 603.
39. UNDP Bosnia and Herzegovina, *Early Warning System: Bi-Quarterly Report – January to June 2007*, <<http://www.undp.ba/index.aspx?PID=36&RID=65>> (accessed 22 May 2009), p. 5.

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## “We just take what they offer”: Community empowerment in post-war Timor-Leste

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*Caroline Hughes*

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Liberal peacebuilding after civil war is commonly understood as harnessing core liberal values of equality, tolerance and liberty to the cause of social reconciliation and economic reconstruction. As the opening chapters to this volume describe, the process of social reconciliation itself has been envisaged in terms that would have been very familiar to nineteenth-century contractarians. It is envisaged as a process that takes place between contracting individuals operating on a level playing field, under conditions of transparency and voluntarism. As such, although the liberal vision refrains from imposing upon individuals a particular conception of the good, it nevertheless posits a very specific vision of how a free society should be constructed and how its component parts should interrelate. This chapter documents the influence of this conception of peace in the context of post-conflict Timor-Leste and investigates the implications for interventionary policy.

As Oliver Richmond points out in his contribution to this volume, in Timor-Leste the ambitions of liberal interveners between 1999, when the war ended, and 2002, when independence was restored to a Timorese government, were met with resistance locally and with demands for “Timorization”. The foreign presence was seen as overbearing and heavy-handed; its expense and competence were both questioned locally, as well as its actual policies. Since 2006, however, when large-scale rioting broke out in the capital city of Dili (causing a degree of breakdown within the security forces, bringing about large-scale displacement of the urban population and prompting the resignation of the prime minister),



many commentators have suggested that the United Nations had departed the scene too early – that Timorization should have been resisted in favour of a longer period of socialization of Timorese elites and society to liberal norms, in the context of a continued international presence.

This chapter will suggest that this criticism of “Timorization” or early departure is based upon a flawed understanding of the causes of the 2006 violence. This violence has been understood within a widely deployed framework of understanding that routinely attributes dysfunctionality to post-conflict societies. This attribution of dysfunctionality allows problems in post-conflict development to be routinely ascribed to local frailties and failures, exculpating international policy or action from any share of the blame.

The pathologization of post-conflict societies in this way in part reflects the recognition that post-conflict societies are frequently organized along different lines from the liberal ideal. Liberal peacebuilders and classic liberal economists engaged in rebuilding state institutions after wars conceptualize society in contractarian terms, which entail quite radical methodological individualism in the modelling of society and the state–society relationship. The problem for liberal interveners attempting to convert this into practical policy in post-conflict contexts is that, on the ground, people quite frequently frame their political goals in terms of getting hold of resources that were previously denied to them; and frame their strategies in terms of collective action, determined by ideas of loyalty, fraternity, obligation, duty and respect, rather than in terms of individual self-interest.

For liberal interveners, suspicion of such forms of collective action is intense: collective action is frequently conflated with irrationality, inflamed passions and mob rule – equated, in fact, with the irrational responses of the uneducated masses to conflict entrepreneurship. Converting the brutalized masses in a post-conflict society into a manageable society of self-interested individuals thus becomes one of the first tasks of post-conflict reconstruction and peacebuilding alike.

This chapter will examine the ways in which this conceptual framework for policy was translated into the particular setting of post-war Timor-Leste. I argue that in Timor-Leste this model ran into trouble, partly because social institutions inherited from the war had a high level of local legitimacy as agents of national liberation. But the model also suffered from its own internal contradictions.

The model entailed that, even while engaged in building institutions of state, interveners also had to attend to the reconstruction of society, in an effort to elicit from the various communities and networks that constituted the Timorese nation a collection of individuals whose interactions could be regulated. This implied two strategic impulses underlying a

wide range of interventionary policies. The first of these was the retention of real power in the hands of those considered most liberal. This implied international interveners as a first choice; but, when pressure to “Timorize” became intense, the UN, under Special Representative Sergio Vieira de Mello, focused upon elevating the position of a Portuguese-speaking returnee elite. Although avowedly “economic nationalists”, members of this elite were seen as Europeanized through their long period of exile, which many had spent in Lisbon, and they won international approbation because, concerned about potentially declining aid and unable to win concessions from Australia in a dispute over oilfields, they largely toed the international line in terms of sharply restricting the decentralization of power and resources to wider sections of the population.

The second strategic impulse was to attempt to remake Timorese village society into a more liberal entity, as a prelude to future decentralization. This was achieved by various local governance projects, two of which form the main analytical focus of this chapter. However, concentrating power in the hands of the elite while remaking Timorese society added up to a reversal of fundamental liberal premises – that society should have the power to police the state. The efforts of international interveners to reshape political action, and the self-perceptions of communities themselves in post-conflict Timor, created a situation in which the constituencies that could have engaged productively and assertively with the newly emerging state institutions were much weakened.

As a result, the Timorese elite ended up out of touch with public opinion and the public felt abandoned by their newly elected leaders. Both state and society became increasingly dependent upon international direction and resources to do anything at all, as local authority structures were manipulated, marginalized and undermined and political elites were trapped in a web of donor-sponsored red tape. In a context where the Timorese economy was reeling from the departure of the economically interventionist Indonesians and rapid integration into an unwelcoming global economy, this had drastic implications for the ability of the state to perform any kind of welfare function, let alone fulfil the declared economic nationalist aspirations of its leaders.

In making this argument, it is not necessary to come to a normative judgement about whether the forms of state and society envisaged by liberal intervention are “better” or “worse” than the pre-existing reality on the ground. Rather, the analytical objective is to demonstrate two things: first, the extent to which policies aimed at producing an ideal liberal outcome can fundamentally subvert liberal norms along the way; and, second, that the amount of international power exerted in the interests of liberal peacebuilding itself has transformative effects, engendering new

forms of weakness and dependence that make the idealized objectives of intervention even less likely to be achieved. The demonstration of local weakness and the dependence of emergent social institutions on international power indicate that new social forms can appear alien, unfamiliar and even threatening to the people supposed to benefit from the changes. This suggests that international reconstruction of post-conflict societies weakens those societies in terms of their ability to mobilize collective action to defend their interests and in terms of their ability to forge an empowered relationship with the newly constructed state. This chapter, then, explores the ways in which international policy engendered a weakening of the state–society relationship in Timor-Leste and suggests that, although this outcome was perhaps inevitable given liberal peacebuilding concerns, it nevertheless calls into question the common criticism of untimely “Timorization” as the cause of the 2006 violence. Rather, this analysis puts the conduct of Timorization within the “thin” vision of state–society relations as dictated by liberal contractarian ideals in the frame for Timor’s post-conflict tribulations.

### The conflict in Timor-Leste

In 1999, the war in Timor-Leste ended, after 25 disastrous years, with a cataclysmic orgy of destruction on the part of withdrawing Indonesian armed forces and pro-Indonesian paramilitaries. Indonesia had annexed Timor after invading the half-island in 1975, following moves within the territory towards independence from Portugal. A brutal military occupation reduced the Timorese military resistance to a handful of guerrilla fighters in the mountains by 1989, supported by a “Clandestine Movement” in the towns and villages that supported the guerrillas with information and food. Towards the end of the 1980s, Indonesia introduced an “opening up” policy, which allowed limited access for international visitors and more education and travel opportunities for the Timorese themselves. This was met from the Timorese side by a series of protests and demonstrations aimed at gaining international attention for Timor’s plight. Throughout the period of occupation, a movement of Timorese exiles known as the External Delegation lobbied in Europe, at the United Nations and among lusophone countries in Africa for international support for Timorese independence. The three arms of the resistance – military, clandestine and external – kept the dream of independence for Timor-Leste alive in the face of extensive international collusion with the Indonesian occupation, both during the Cold War and after its end.

The war in Timor finally ended in 1999, largely as a result of the Asian financial crisis and the change of regime in Jakarta. Following the crisis,

demonstrations by pro-democracy activists across Indonesia led to the fall of General Suharto, who had ordered the invasion of Timor in 1975, and a weakening of the position of the military in Indonesian politics. Suharto's successor B. J. Habibie, under pressure from international donors to improve Indonesia's human rights record as well as its finances, floated the idea of holding a ballot in Timor-Leste, offering the people a choice between autonomous status within the Indonesian Republic or independence. The ballot was subsequently organized by the United Nations Assistance Mission in East Timor (UNAMET) and produced a 4:1 majority in favour of independence. However, the ballot was surrounded by intense violence perpetrated by the Indonesian military and paramilitary militias sponsored by them. Several massacres were committed and, following the announcement of the results, both military and militias embarked upon a campaign of destruction in the course of which 75 per cent of the population were displaced and 70 per cent of Timor-Leste's built infrastructure was burnt to the ground.<sup>1</sup>

Order was restored by an intervention force led by the Australian army and, in the face of armed opposition, the Indonesian military completed its withdrawal and the paramilitaries for the most part fled across the border to West Timor, which remained an uncontested part of Indonesia. An incoming Joint Assessment Mission (led by the World Bank), surveying the smouldering ruins of Dili, reported that "both the public and private sectors have suffered almost total collapse in the aftermath of the violence in East Timor".<sup>2</sup>

Subsequently a United Nations Transitional Administration in East Timor (UNTAET) was established to govern Timor-Leste during the transition to independence. Under Special Representative Sergio Vieira de Mello, UNTAET was given full powers to both govern the territory of Timor-Leste and build a Timorese state apparatus that could take over that task after independence. The next section examines UNTAET's policies towards the construction of a liberal state-society relationship from 2000 to 2002, and the way in which these were continued by the subsequent government of Prime Minister Mari Alkatiri (the Secretary-General of the Revolutionary Front for an Independent East Timor, FRETILIN), in a context of formal independence but heavy aid dependence, from 2002 to 2006.

### Central and local government under UNTAET: Regulating or weakening relationships?

The degree of power awarded to the UNTAET mission following the 1999 ballot has attracted much discussion internationally. UNTAET organized itself on the basis of two major assumptions. The first was that

Timor in 1999 represented a blank slate as far as governance was concerned. Sergio de Mello described the situation on UNTAET's arrival as "not just a ground-zero situation, but . . . sometimes even below that". He commented:

Humanitarian assistance was our top priority. But there was also no judiciary, no education system, no police, no defence force, no representative forms of government. Nothing, nothing, nothing.<sup>3</sup>

The second assumption was that, because of this purported absence of pre-existing structures, Timor represented almost laboratory conditions in which to experiment with state-building. De Mello commented at a donors' meeting in 2000 that "the international community has, in East Timor, the unique opportunity and the responsibility to get the development of a country right from the beginning".<sup>4</sup> The portrayal of Timor-Leste as "a tremendous opportunity for us all" led to a strong predisposition towards solutions delivered by international technocrats possessed of international expertise. And the ascription of both the opportunity *and* the responsibility for state-building specifically to international actors implied the disempowerment of ordinary Timorese, reduced to the position of passive beneficiaries of international action.

This was reflected in the manner in which UNTAET went about its business. As former UNTAET staff member Jarat Chopra and others have pointed out, in the villages of Timor-Leste it was simply not true that "nothing, nothing, nothing" existed of relevance to state-building. Members of the Clandestine Movement stepped forward immediately following the departure of the Indonesians to organize the reception and distribution of emergency relief supplies, village defence forces and other affairs. Even the Joint Assessment Mission, arriving during the worst of the disaster, made the comment that:

East Timorese organisations and communities have also mobilised quickly to reconstruct their territory. The Conselho Nacional da Resistencia Timorese (CNRT), the Catholic Church and local NGOs have been active in the distribution of humanitarian aid, and have organised or supported local reconstruction committees to clean up public buildings and residential neighbourhoods.<sup>5</sup>

Although these organizations associated with the Clandestine Movement that had resisted Indonesian rule did not represent anything like a proto-state, they did possess a high degree of local legitimacy and a great deal of enthusiasm.

UNTAET, however, refused to recognize these local structures, preferring to insist upon both the "blank slate" metaphor and an ideology of

perfectionism that underpinned international direction from the centre. Following sharp criticism of the exclusion of the Portuguese-speaking elite from decision-making, a few select representatives of this tiny group were formed into a National Council to advise UNTAET. However, this elite was itself far removed from rural life – many of its members were returnees from the diaspora who had been away from Timor for 25 years and had no experience of the occupation and the changes it had wrought. Structures linking the elite to the villages were far more poorly organized than the villages themselves. And, crucially, relations between members of this elite, many of whom had comprised the External Delegation of the war years, and locally based leaders of the Clandestine Movement turned out to be not only distant but mutually suspicious, reflecting different cultural identities and linguistic competencies as well as different experiences during the war.

Yet UNTAET moved to build a government from the top down, rather than from the bottom up, significantly privileging the returning lusophone elite at the expense of the Indonesian-educated clandestine activists. UNTAET organized national elections in 2001 that allowed the restoration of formal independence in 2002; but local elections were not held until 2005 and, until that time, individuals who had assumed de facto positions of responsibility within villages were not remunerated and their efforts were barely acknowledged. UNTAET produced a regulation allowing village councils to receive and distribute development assistance; but advisory councils established at the intermediary district level under UNTAET had little power and were criticized by Jarat Chopra, who resigned from UNTAET over the issue, as a “tokenistic” exercise.<sup>6</sup>

The failure of UNTAET to connect central state-building activities meaningfully with local organizations was problematic because the elite that took over at independence also lacked channels of communication with the villages that could be used either to mobilize legitimacy for the national government or to promote effectiveness in recognizing and dealing with village problems. One *chefe de suco*<sup>7</sup> interviewed in Liquiça District in 2005 commented:

The position I hold now is difficult – it is a really new nation and this is a volunteer job. It is a difficult life. There is no support from the government – nothing at all... I am not against the government, but the truth is – if they don't support the job we're doing in the base, it's not going to work.<sup>8</sup>

Villagers interviewed during a household survey in Liquiça District in the west of the country in 2005 expressed their disillusionment at the failure of the government to respond to issues such as flooding, hunger and the difficulty of keeping children in school. This was experienced by people

in villages as a betrayal of their support for an independent state during the resistance years:

During the guerrilla fight, we as a community offered a lot of support – small things, but with a big value. Now those people sit in the government but don't think about us.

We were the ones who worked hard to fight for independence – we pushed the Indonesians out, the unity of the population is the reason the Indonesians aren't here any more. But now the government doesn't care about us.

My husband did clandestine fighting against Indonesia. I tried to claim support from the government but no one responds... The government had the opportunity to get rich on the back of our suffering.<sup>9</sup>

Villagers repeatedly complained that they had tried to send representations to the government about various village issues but had been ignored, and that they felt excluded from a share of the international aid donations that they heard about on the radio. They also expressed disappointment in the performance of their village chiefs, and this was borne out by the comments of village chiefs themselves in Liquiça District. *Chefes* commented that, because of demoralization owing to a lack of funds and a sense of not being included in the state-building process, they were not able to perform many leadership activities and tended to focus on their private business instead.<sup>10</sup>

The concern of both UNTAET and the post-independence FRETILIN government (led by the returning External Delegation) to avoid empowering local leaders whose legitimacy was unclear was in part based upon well-founded concerns about the kind of leaders thrown up by war. But, on the part of the Timorese elite, it was also partly a function of political rivalries associated with contending identities and ideologies. It later also became evident that, whereas different organs of the Clandestine Movement existed across Timor-Leste, the roots of the returnee elite were primarily in the eastern regions, importing a regional cleavage into the equation. The effect of explicitly privileging the returnee elite in comparison with local-level leaders was to undermine not only the Clandestine Movement in the villages but also the newly emerging institutions of state and the sense of national identity that had been forged in opposition to Indonesian occupation during the war. Although it is important neither to romanticize the Clandestine Movement nor to overstate its effectiveness and cohesion – which were limited – it is also the case that there were few alternative structures that could link villages to the national level. The failure to use the *chefe* structure that emerged after 1999 to communicate effectively with the population prompted a considerable

loss of legitimacy for the government in places such as Liquiça District, which suffered a heavy toll both during the violence of 1999 and subsequently when the coffee industry collapsed.

For UNTAET and subsequent aid donors to Timor-Leste, however, ignoring the demands that were brewing in the districts allowed the dream of a technically perfect state-building exercise to be indulged. UNTAET and subsequent advisers envisaged a lean and efficient state that regulated, but did not impede, the smooth functioning of the market and the entrepreneurial income-generating activities of the Timorese people. This entailed tightly controlling flows of money in order to prevent corruption within the state and dependence within society. This was achieved by imposing considerable red tape on official procedures for disbursing money, such that the post-independence government repeatedly failed to spend its entire budget, even while people in rural districts suffered from desperate hardship. The returning elite at the head of the first post-independence government largely went along with this agenda, seeking to brand themselves internationally as an efficiently performing aid recipient, while staking their hopes for independence of action on negotiating a deal with Australia with respect to revenues from disputed offshore oilfields. Indeed, the World Bank commented in 2005 that “Timor-Leste performs well on fiduciary accountability, but this comes at a high cost to service delivery. Timor-Leste meets 12 out of 15 HPC tracking benchmarks. However, budget execution is very slow.” Among the reasons for slow budget execution, the World Bank cited heavy centralization of expenditure management and tight expenditure and procurement controls.<sup>11</sup>

Following an initial emergency period in which large quantities of relief aid poured in, the tide of resources flowing into villages was dramatically stemmed; indeed, international advisers pressed the government to act quickly to establish local sources of revenue that could render state services commercially viable, ready for privatization. Thus, for example, on the advice of the Asian Development Bank, the post-independence government moved to install pre-paid electricity meters in homes around Dili to generate revenue for electricity that had previously been available free. School fees were imposed, along with new rental regimes for destitute families that had taken over abandoned Indonesian housing. For villagers who had lost everything in the destruction of 1999, the rapid reimposition of a range of user fees, in the absence of much in the way of government assistance once the flood of emergency aid waned, was deeply resented.<sup>12</sup>

The Timorese elite did little to resist the imposition of these kinds of policies. In part this was because, as a government formed of returnees



from the diaspora, they concurred with a view of Timor's rural population as backward and in need of restructuring. They also concurred because doing so concentrated power in their hands, and because they were heavily dependent upon aid and consequently had little choice but to conform to international prescriptions. The unpopularity of these policies became evident to the Timorese elite before it registered internationally; Prime Minister Mari Alkatiri commented in one speech to donors in 2004 that:

[W]e are between these two great expectations – that of the rich world that aids us and wants us to be diligent and obedient boys, and that of our people, living in extreme poverty waiting for results from the government and to reap the benefits of Independence.<sup>13</sup>

Excessive central and international control over government budgets meant that when welfare assistance was distributed in villages it came almost exclusively from international agencies. The sole exception to this was in the health sector, where a well-organized ministry banished international NGOs at a relatively early stage and concentrated on upgrading Timorese expertise at the sub-district level to provide a low-tech but well-functioning and highly valued local service.

In this context, the failure to facilitate the efforts of internally organized village-level organizations and committees represented a squandering of the legitimacy of the resistance struggle at a time when few other resources for mobilizing public support were available. Clan networks represented the only alternative, and some analysts have argued that these were the primary means by which small amounts of money trickled down to the districts in the first few years after the war, mainly to the eastern districts, which represented the home districts of key leaders.<sup>14</sup> The post-independence government quickly found itself out of touch and struggling to sustain its legitimacy in the hinterland, particularly in the western districts of Timor. That this phenomenon was widespread in the west was clearly demonstrated by local election results in 2005 and by national election results in 2007.

### Liberal discourses of Timorese dysfunctionality

The heavily centralized approach of the UN in Timor-Leste represented an attempt to disempower potentially dysfunctional local-level groups in favour of a Portuguese-speaking elite that appeared to share the UN's concerns for (neo-)liberal state-building in Timor. Even before the

rioting that erupted in Dili in 2006 and caused Prime Minister Mari Alkatiri's resignation, critical observers argued that the actions of UNTAET in promoting a centralized approach to state-building were misconceived in Timor. Simon Chesterman has suggested that the distrust of Timorese society exhibited by UNTAET was in large part a result of the influence of recent experience in Kosovo. In Kosovo's ethnic conflict, leaders of the different armies and parties had between them constructed a politics of extremism that had both precipitated the bloodshed and hindered peace efforts. UNTAET staff, fresh from Kosovo, consequently distrusted Timor's leaders and attempted to promote liberal processes that could marginalize political structures that had been forged through the experience of conflict. Subsequently, in Afghanistan, he argues, the UN swung back towards a model of further empowering those already in power.<sup>15</sup>

However, this assessment underplays the ideological, and specifically liberal, nature of UNTAET's concerns. Chesterman suggests that the UN corrected its procedures by the time it arrived in Afghanistan in 2002; yet the same policies were continued in Timor well beyond independence. International worries about local governance arguably went far beyond concerns that local leaders would turn out to be warlords or ethnic extremists – they in fact represented a desire to remake Timor's people into self-centred, rationally choosing, utility-maximizing individuals, who could play the contractual roles required of them in radical versions of liberal choice theory. International agencies operating in Timor during the UNTAET era and the first post-independence government were preoccupied with reorienting a whole range of Timorese attitudes regarded as inadequate. The returnee government, which struggled to establish its control over, for example, former clandestine groups associated with the Church, was happy to concur with a diagnosis that both distinguished and elevated the status of the lusophone elite. For the Alkatiri government, composed of many who had spent the whole of the war in Lisbon, a liberal discourse of backwardness and post-conflict pathology was useful to boost its legitimacy, in relation not only to the rural population but also to an assertive Indonesian-educated middle class that had formed the backbone of the Clandestine Movement and now vied with the returning External Delegation for moral authority in the new state. The perception of dysfunctionality in Timorese society that both drove and excused the centralist orientations of UNTAET continued to operate as a fundamental assumption underpinning efforts at peacebuilding and development into the post-independence era, and was imported into the design of political processes that eventually were promoted in Timorese villages.

During a series of interviews in Timor-Leste in 2005, international aid workers expressed concerns about a variety of attitudes regarded as entrenched in Timorese society: an alleged mentality of dependence inherited from the Indonesian era;<sup>16</sup> an unwillingness to trust others, leading to inability to invest in social capital;<sup>17</sup> difficulty in thinking in a logical and linear fashion;<sup>18</sup> and an inadequate understanding of economics, resulting in an unwillingness to accept “competitive” wages.<sup>19</sup> Particular and widely voiced disquiet surrounded perceptions of an ingrained culture of gender inequality and a culture of masculinity, which was perceived to revolve around violence. Within the government, particular concerns surrounding the “backwardness” of local languages compared with Portuguese and the low quality of Indonesian-era qualifications compared with their own studies in Europe fitted in well with this perspective.

These kinds of assertions drew their power from a variety of sources. For example, one of the bases for these assertions was an anthropological study of traditional power structures in Timorese society conducted in Timor in 2001. The study pointed to the continued importance in rural Timor of hierarchical structures of top-down decision-making by dynastic leaders, and contrasted these with ideals of equality informing democratic approaches to governance. The authors also stated that traditional political concepts were “starting to be challenged by international influences and the introduction of modern ideas”, implicitly positing an opportunity and, indeed, a duty for international interveners and government elites to correct attitudes characterized as backward.<sup>20</sup> In fact, as other parts of the study made clear, “traditional” political concepts had been adapting to outside influences at least since the onset of Portuguese colonialism in the fifteenth century. The identification of traditions stretching back centuries, and excessive attention to the continuities in that tradition at the expense of its dynamism, represented a source of orientalizing myth that was subsequently deployed in a fairly unsophisticated manner in expatriate discourses in Dili.

Of course, not all of these concerns were either exclusively international in origin or without resonance with the local population. A focus group study conducted in 2004 for the United States Agency for International Development (USAID) by Columbia University and the Timorese NGO Fo Liman Ba Malu – Hakat Ba Oin, for example, found fairly widespread concern among Timorese communities about the apparently increasing prevalence of violent clashes between martial arts youth groups.<sup>21</sup> Many of these groups had emerged out of neighbourhood security associations formed by young men under the Indonesian occupation to protect themselves from the notorious ninja gangs (sponsored by the Indonesian army), which were used to spread terror among Timorese

youth. The extent to which these martial arts groups, in the aftermath of the conflict, really had begun to develop an unhealthy rivalry with each other is unclear, but this idea was supported by the Columbia study. This was reflected in a commonly stated belief amongst expatriate aid workers in Dili that the prevalence of martial arts groups was the expression of an unhealthy obsession with violence among Timorese youth, giving rise to a distorted sense of masculinity and inappropriate attitudes towards women. This then became the subject of much discussion in the wake of widespread rioting in Dili in 2006. One report categorized a wide range of youth groups as “gangs” that required active policy interventions to ensure they did not become a threat to stability.<sup>22</sup> A World Bank report on the 2006 riots, without citing any evidence whatsoever in support of its conclusions, attributed the tendency of Timorese youths to hang around in such “gangs” to poor parenting habits: “In Timor’s large families, parents often cannot devote enough time for the development of each child. If parents have authority, it is often because children fear them, not because they respect them.”<sup>23</sup>

The point, however, is not whether these kinds of beliefs about “the Timorese” were based upon evidence or not; nor is it the intention here to argue that liberal perspectives were inappropriate because they were somehow culturally inauthentic. Rather, the important point is that international actors and elite Timorese alike were accustomed to viewing various moral panics, orientalist myths and genuine public anxieties equally as different facets of profound and longstanding dysfunction in local societal relationships that needed to be dealt with as a precondition of economic development, rather than regarding them as symptoms of the contingent issue of the extreme disempowerment of Timorese society under colonial and then Indonesian domination. Social dysfunction was viewed as a barrier to freedom, rather than a symptom of repression. Consensus opinion held that international action was appropriate and necessary to correct these problems.

Concerns regarding the sociocultural inadequacies of post-conflict populations reflect a persistent and specifically liberal framing of conflict itself as irrational and brutalizing.<sup>24</sup> Both resistance to international policy in a post-conflict situation and problematic outcomes are attributed to cultural traits that may have caused the war in the first place or may have been produced as a result of the trauma of conflict, in a manner that elicits further international intervention. This deflects both possible criticism of international policy itself and any suggestion that the problems might indicate genuine and valid collective grievances either internally or internationally. Rather, it justifies more international intervention to correct “problematic” social relationships between individuals at the micro level.

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## Local government and the remaking of society: Representation without power

Because of such preoccupations, an overriding concern when dealing with local communities was not so much to empower them as a whole but to restructure political relations at the local level so as to empower particular individuals and groups. Because the spontaneous emergence after 1999 of local committees from the Clandestine Movement to run village affairs across Timor was regarded as potentially pathological, funds for local government were withheld until an internationally supervised process of local representation could be instituted. This occurred in 2005 and took the form of elections to select councils at *aldeia* (hamlet) and *suco* (village) level in which representatives of youth, elders and women were elected to an advisory council, alongside the position of *chefe*. These advisory councils had no powers or resources but could make recommendations and the representatives were expected to attend monthly meetings to discuss a variety of village issues.

A particular concern among international donors was to promote the status of women on these committees. This was conceived as a step towards improving the position of women more widely by giving them a voice on development issues and reorienting what was regarded as an entrenched culture of patriarchy. In Timor-Leste, women had taken a high-profile role in the resistance, through the women's movement and in student organizations associated with the Clandestine Movement; after 1999, former women's resistance groups lobbied hard to claim, for example, a quota of jobs with UNTAET for women. They were unsuccessful in this goal – only around 15 per cent of UNTAET's Timorese staff were women, an issue that, it is significant to note, did not give rise to many concerns internationally regarding UNTAET's dysfunctionality or to attempts to limit its power. After independence, however, women's groups joined forces with the United Nations Development Fund for Women (UNIFEM), in collaboration with the government's Office for the Promotion of Equality, to promote the position of women in politics. A major focus of this effort quickly became the matter of quotas for women in public office.<sup>25</sup>

The concern to promote the position of women in Timor is entirely laudable, and it is clear that gender inequality was prevalent in Timorese villages at independence. However, the implications of efforts to correct this problem in terms of international–local relations are worth considering in further detail. Just as youth violence in Dili in 2006 was attributed to poor Timorese parenting habits, so gender inequality was attributed to problematic relationships within families and villages that denied women a voice. Allotting seats for women on elected councils would give women

a voice, and by this means empower women vis-à-vis men in their communities, thus contributing to better standards of gender equality. The emphasis on village-level relations, however, allowed the response to focus on tinkering with village councils in isolation from wider issues of resource distribution to villages as a whole and the reorientation of villages to both economic collapse and free market relations of production.

Gender equality was to be achieved by intervening in legislation and processes of candidate nomination to ensure that villages were required to nominate a certain number of women to their councils; and then by providing training programmes to women councillors to help them to fill those positions.<sup>26</sup> As such the programme entailed promoting a particular conception of what a local councillor might actually do, and transmitting that conception to the women coming to be trained, and it represented far-reaching international intervention into local conceptions of government.

There is no doubt that many women profited from participation in such programmes, and that this was good. However, analysis of the impact of the programmes also requires a focus on restrictions on the scope of the programmes and the extent to which the activities undertaken masked opportunities forgone. In these programmes there was intense concentration on the restructuring of forums for representation and far less attention to expanding the content of what might be discussed as appropriate targets for local policy. The programmes were regarded as “empowering” women to have a voice in local government – yet, even once elected, the amount of resources and the sphere of jurisdiction awarded to local councils were still very limited. Women may have been to some extent empowered vis-à-vis the men in their village, but the councils to which they were elected were not significantly empowered in relation to either the central government or international donors. Even after the elections, the remuneration to elected *chefes* was barely enough to cover transport costs to periodic district meetings; and the budgets to fund the development plans that these councils were supposed to create were almost entirely dependent upon fitting in with internationally run projects.

The emphasis on voluntarism, on equal representation of groups identified as marginalized or vulnerable and on having a “voice”, rather than on decentralizing real power over resources to the local level, represented a distinctly liberal vision of politics and reflected the far-reaching influence of specifically liberal concerns about avoiding the twin liberal *bêtes noires* of corruption and dependence. The vision of Timorese villages as needing to be transformed into level playing fields upon which entrepreneurial individuals engaged voluntarily in the forging of rational social contracts was implicit in the way the councils were formulated, and

this emphasis upon individuals and/or marginalized sub-groups distracted from any interest in empowering communities as a whole to act assertively and collectively in their own interests.

There have as yet been no qualitative studies assessing the impact of gender representation on the situation of women in comparison with men in the villages of Timor-Leste. However, the programmes had the effect of focusing the attention of elites and aid workers on the internal restructuring of villages while retaining sharp inequalities between the powers and resources vested at village level and those vested at the level of the state. Above all, and viewed from the perspective of the village itself, such activities emphasize the power of international interveners to impose their preferred form of local government on a community while withholding from that community the resources that could award real power over local affairs. By disrupting local patterns of mobilization and authority, albeit for worthy motives, interveners contributed to their own continued ascendance in Timorese politics, in partnership with local constituencies that were kept relatively weak.

The same effect is discernible in community-oriented development programmes initiated by international organizations in Timor. The Community Empowerment Project (CEP), initiated by the World Bank under UNTAET in 2000, in fact went further in deliberately marginalizing from village decision-making both traditional leaders and the Clandestine Movement veterans who saw themselves as the heroes of national liberation.

This programme of “community-driven development” was specifically valued by interveners in terms of its ability to reorganize the “community” itself. Thus, Sarah Cliffe, former World Bank chief in Timor-Leste and subsequently head of the Low-Income Countries under Stress Unit at World Bank Headquarters, advanced the idea that “community-driven reconstruction” in post-conflict countries was helpful not only because it provided for the construction of replacement institutions lost in the war, but because it provided “the opportunity to re-define the social and institutional relationships that led to the conflict in the first place”.<sup>27</sup>

According to a World Bank evaluation report, the Community Empowerment Project envisaged the election of village-level development councils to conduct participatory planning processes for local-level development with the objective of “strengthen[ing] local-level social capital to build institutions that reduce poverty and support inclusive patterns of growth”.<sup>28</sup> The councils were also intended to form proto-local government structures that could be built on over the longer term: “the village development councils were expected to prepare and execute village development plans that would address local needs in various sectors,

produce village codes of conduct and resolve disputes, manage village funds, and relay priority development needs that could not be met through local efforts to sub-districts and districts”.<sup>29</sup>

Although the CEP has been portrayed as embracing a grassroots-driven approach that contrasted with UNTAET’s top-down orientation,<sup>30</sup> the differences should not be overstated. The CEP exhibited the same distrust of existing local government structures as UNTAET did. UNTAET failed to interact with local leaders, preferring to prioritize the building of national-level structures that could police the local level. The CEP operated at village level but neither village chiefs nor traditional leaders were permitted to sit on the development councils, a provision that was designed to avoid “elite capture”. The World Bank’s evaluation report commented that “[g]iven the role the village chief had previously had in the top-down, corruption ridden Indonesian administration the World Bank feared that allowing them to sit in the councils would be to replicate the bad practices of the past”.<sup>31</sup> The deliberate marginalization of pre-existing formal or informal structures of leadership in the CEP has subsequently been criticized by the World Bank itself as predetermining the failure of the project, since it led to villages identifying the councils with the World Bank rather than with either their own authority structures or those of the newly emerging state.<sup>32</sup> By the time the World Bank ordered the independent evaluation of the programme in 2006 it was clear that the committees established by the CEP had dissolved and the infrastructure they had built had in many cases been left to deteriorate. The NGO Lao Hamutuk, which published a critique of the CEP programme, points out further that the councils produced by the CEP did not have a place in the new state’s constitutional structure – they were not part of the state-building process envisaged by Timor’s elected constitutional assembly, and were therefore at odds with the democratic legitimacy of the emerging state.<sup>33</sup>

As in the subsequent local elections, the CEP mandated that women should have seats on the councils in order to promote the voice of women as an otherwise marginalized group. However, again it is unclear whether this attempt to put marginalized people in charge really had much effect, other than extending and expanding perceptions of international power. Hohe and Chopra comment that the failure to include local leaders in the programme downgraded its significance in the eyes of villagers. They suggest that it led to the programme being seen as simply a conduit for foreign money, and that the individuals elected to the programme tended to be young and better educated – selected not because of their familiarity with the development needs of the village or their ability to facilitate discussion of these, but because they were considered to be best placed to understand the demands of foreigners.<sup>34</sup> Such an orientation reflected a



perception on the part of the village that getting the money was about understanding the needs of donors, rather than understanding their own needs.

Frederic Rawski, who worked for UNTAET in Ainaro District, comments that in fact village leaders did retain control over the councils by selecting who was to sit on them; he also suggests that the participation of women on the councils was largely cosmetic rather than substantive.<sup>35</sup> In fact, it is very unlikely that these stipulations did much to alter power relations within the village; one NGO commentary on the programme criticized the World Bank and the CEP precisely for “trying to create rapid cultural change, mainly through the imposition of rules as opposed to systematic efforts aimed at consciousness raising and capacity building”.<sup>36</sup> This criticism is well made: it was indeed unlikely from the start that a single programme would really have significant effects on embedded authority systems. The important point, however, is not that the programme exerted insufficient power, but *how much power* it actually represented. By insisting that villages go through the motions of selecting new kinds of councils, even when such councils were regarded as unfamiliar and not particularly legitimate locally, such programmes underline, above all, not so much the disempowerment of women in comparison with men but the disempowerment of Timorese villages as a whole in relation to the World Bank.

This effect was compounded by the fact that the range of projects encompassed by the CEP was for the most part limited to relatively small-scale repair and replacement of infrastructure destroyed by the violence of 1999. In the first round, each sub-district was allocated US\$15,000 to be divided equally among villages and used to pay for the reconstruction of a predetermined list of priorities. Subsequently, village councils chose from a list of options provided to them, and sent their choices for consideration to the sub-district government. Rather strict limiting of the possibilities for development to a choice of goods such as community centres and markets reduced “empowerment” to the development equivalent of a letter to Father Christmas. A factor that further reduced the likelihood of the councils having a major impact in terms of local empowerment was that, at this time, the business of sub-district government was vested in UN Volunteers, who had the power to accept or reject community proposals.

As a result of these factors, the elected councils were not particularly highly prized by local villagers as expressions of their empowerment and the councils stopped functioning once the project ended. The major achievement of the CEP, as noted by the generally critical independent evaluators appointed by the World Bank, is that it provided a way of getting some money into Timorese villages – which would otherwise have

been impossible given donor fears that dispensing money would lead to corruption and dependency.<sup>37</sup>

From the World Bank's point of view, one of the worst-performing aspects of the CEP was the credit component, which consisted of grants for business groups to invest in new ventures or the replacement of lost assets. The Bank commented that the problem with this component was that it was not managed effectively and it became impossible to hold borrowers accountable for the repayment of their loans. A particular difficulty was that the Bank had called for the formation of groups to borrow money, but these had often turned out to be artificial and the money had in fact gone to individual households. In the context of an economy that had been deeply damaged not only by the destruction of 1999 but also by its forced separation from the Indonesian economy, with which it had been well integrated, and by the subsequent "UNTAET bubble", which burst after 2002, many of these loans could not be paid back and borrowers simply disappeared with what remained of their money.

This created a dilemma for international aid donors: whether to force local leaders to expend significant time, resources and legitimacy pursuing non-payers or to write off the losses and risk the consequent "negative impact on credit culture".<sup>38</sup> An evaluation of the credit component of the programme sharply criticized the lack of political will to pursue defaulters. Although it noted that offering credit to impoverished populations in a highly unstable post-conflict economic environment is, perhaps, asking for trouble, the report also recommended that repayment and non-repayment records should be used as a basis for a credit rating system that would penalize the unfortunate borrowers into the future.<sup>39</sup> Arguably this illustrates the extent to which the exercise of power facilitated by the empowerment programme was intended to be power for international interveners to monitor the construction of appropriate, market-oriented relationships and to penalize actions incompatible with these, rather than to give ordinary people real power over resources. Criticism in the evaluation report of the failure to pursue non-payers, even in a context of economic crisis, and to punish them through credit black-listing raises important questions as to the nature of the "empowerment" that was supposed to be achieved by the Community Empowerment Project.

Following the end of UNTAET's administration of Timor, such attitudes have persisted as money is routed from international organizations via national and district administrations with similar kinds of strings attached. The RESPECT programme for rural development, implemented by the United Nations Development Programme (UNDP) from 2003 to 2004, resembled the CEP in providing for the establishment of local

councils to bid for funds and implement small-scale development projects.<sup>40</sup> RESPECT, like the CEP, focused on walking villagers through the motions of idealized participatory decision-making procedures in the interests of obtaining outside cash. As such, it emphasized the power of the higher-level authorities that accepted or rejected the village plans and the international donors who designed the processes, rather than the power of the villages themselves.

The effect of this was expressed in interviews with participants in the RESPECT project interviewed in Laleia sub-district of Manatuto in 2005. One former group leader, asked to comment on the performance of the district in dividing money between villages and projects, responded:

We can't say if the District Administrator has done a good job or not. He has power. It's his job to get international aid to come here. We have no right to say whether he has done a good job or not: we just take what they offer.<sup>41</sup>

Although the community had worked hard to form the requisite committees demanded by various international programmes, this had not translated into a sense of control over development. Leaders of groups mobilized to submit proposals and implement projects for the RESPECT programme commented that they were happy with the outcome of their projects and hoped to have an opportunity to participate in this kind of development project again. But this participation was regarded as heavily dependent upon international intervention. Committees were formed when funding became available and dissolved when it ran out, with little sense of an ongoing impact on social organization. One group leader, asked if his group continued to work on development initiatives, said that they were waiting to see whether there would be a new funding scheme and, if so, whether there would be new criteria for the kinds of groups that might take part: "it depends on the situation – if we want to have a new group, we have to base it on the government's model."<sup>42</sup> This interviewee commented that the villagers had no input into the criteria for aid that flowed in: "We have no possibility to advise the top level of the UNDP programme. We are simple people in the village... I don't know about the future."<sup>43</sup> In household surveys in Liquiça District and in interviews with RESPECT participants in Manatuto in 2005, villagers uniformly claimed ignorance of any long-term, locally organized development planning. In the words of one interviewee, the role of citizens in the new Timor was reduced to "*hein deit*" – just waiting.

Accordingly, intervention in local-level governance in Timor focused upon reorienting relationships within villages – attempting to reduce the power of "hierarchical" traditional leaders and Indonesian-era chiefs presumed to be corrupt, while promoting the representation of women

and youth – but paid little attention to empowering villages as a whole. This orientation was entirely in line with liberal approaches to reorienting relationships as a means to foster entrepreneurship and a vision of civil society as composed of equal, consenting individuals, in place of community structures oriented around patriarchy and prestige. These efforts certainly created new opportunities for many people within Timor-Leste to grasp new political and economic opportunities and to behave in new ways. Yet they also entrenched a particular discursive construction of Timorese villages as backward, dysfunctional and in need of improvement, and of international interveners as modern, progressive and able to enforce compliance on pain of withholding funds. The paradoxical effect was to undermine the likelihood of villages taking on the challenge of locally led development planning or of making assertive demands of the central government in this respect, thus reinforcing the need for international intervention to compensate for the failure of any kind of local or national social contract to emerge.

## Conclusion

Liberal approaches to governance in Timor-Leste run into contradictions on a number of levels. The assumed dysfunctionality of society renders it the target of liberal interventions designed to produce the kind of civil society that can fulfil the liberal tasks of entering a social contract and policing the state. Yet this is a long-term task, if it is feasible at all, and the far-reaching intervention required to reconstitute society in such a way is profoundly disempowering to communities under reconstruction. The representative structures brought about by interventionary policy are weak, unfamiliar and alienating. They form an inadequate basis for democratic control of the state, further weakening community-based authority and consequently the state's representative function in relation to both international interveners and the incoming forces of capital. Furthermore, there is little comparative evidence internationally to suggest that, over the long term, this changes much.

The dilemma of liberal civil society promotion is that it disrupts familiar patterns of authority based upon different principles such as group allegiance, obedience to customary hierarchies and respect for particular forms of status. In so doing, particularly in contexts such as post-war Timor-Leste where these forms of authority were highly valorized but fragile in the aftermath of occupation, the attempt to reform traditional authority patterns towards a liberal ideal runs the risk of undermining the capacity for collective action at all. In Timor-Leste in 2008 the “frag-

mentation” of the Clandestine Movement had become an article of faith among international commentators on Timorese politics; yet in early 2000 this movement represented an active foundation for building a highly legitimate form of local structure. The influx of international aid and the new preferred forms of structure that were imposed by international donors ensured further weakening of indigenous organizations in the name of a liberal ideal of individual equality that, nearly a decade on, appears as distant as ever in Timor-Leste’s towns and villages.

To make this case is not to argue for non-intervention in some kind of “authentic” Timorese culture that is incapable of accommodating modern values. Rather, three criticisms are levelled at these kinds of programme. First, recalibrating relationships between villagers should not be allowed to distract from the empowerment of the village as a whole, via the devolution of significant discretionary budgets to local authorities as an indispensable precursor to democratic discussion about their disposal. Without this, any successful mobilization by women in pursuit of greater equality is in the end rather pointless – an equal share of nothing is still nothing. Space for political contestation needs to be supplemented by the possibility of exercising power, and in a context of post-disaster reconstruction the ability to distribute resources is a crucial aspect of power.

Second, concerns about the potential for elite capture and corruption should be tempered with awareness that members of local elites are not always bad; frequently they are effective leaders, and as such they are required to act as the intermediaries between state and society that make a social contract, and democratic legitimacy, imaginable. Such a contract, in liberal thought, forms the metaphorical and practical basis for responsiveness in the state apparatus, and without it effective government action on pressing problems of reconstruction is impossible.

Third, the need for society to police the state effectively *requires* village empowerment; otherwise, large-scale abuse of power and misappropriation of resources are actually far more likely. In post-conflict Timor-Leste, tinkering with relationships within villages occurred in the absence of any real efforts actually to get resources into the villages where they were needed, and villages consequently perceived themselves as dependent, out of touch and forgotten. However, given widespread concern amongst donors and aid workers that the policies of the Indonesians and the flood of assistance that arrived during the brief emergency era had inculcated bad habits of “dependence” among the Timorese population, the failure to shift meaningful discretionary budgets and resources into the villages was regarded internationally as unimportant. Indeed, it was probably rather a good thing, until the depth of discontent felt in the vil-

lages, as well as the instability it generated, was expressed in election results in 2005 and 2007 and in the spread of the Dili violence to places such as Ermera, in the west, in 2006.

Ignoring these issues entails compromising the liberal compact in favour of international supervision of states and societies that merely go through the motions of liberal politics but fail to realize their substance. This reflects a fundamental dilemma of liberal peacebuilding: in order for an organic liberal peace to emerge within a community, politics must be seen to be real rather than “virtual” and the option of alternative forms of peace must be available. This implies the need for tolerance, by powerful international organizations and donors, of a greater degree of local discretion and control and of a greater diversity of forms of statehood in the contemporary world. In liberal theory, a choice with neither substance nor alternatives is no choice at all.

## Notes

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3. Sergio de Mello, quoted in Fabien Curto Millet and Radhika Rathinasabapathy, “East Timor: The Building of a Nation. An Interview with Sergio Vieira de Mello”, *Europa Magazine* (November 2001), available at <<http://www.usp.br/svm/textos/t-timor-05.php>> (accessed 26 May 2009).
4. Statement by Sergio Vieira de Mello, Special Representative of the Secretary-General in East Timor, Lisbon Donors’ Meeting on East Timor, 22–23 June 2000, <<http://siteresources.worldbank.org/INTTIMORLESTE/Resources/Opening+Sergio.pdf>> (accessed 8 August 2008).
5. World Bank, “Report of the Joint Assessment Mission”, p. 1.
6. Jarat Chopra, “The UN’s Kingdom of East Timor”, *Survival*, vol. 42, no. 3 (2000), pp. 27–39.
7. Sub-national government in Timor is organized into a hierarchy of nested jurisdictions (from highest to lowest): district (*distreitu*), sub-district (*subdistreitu*), village (*suco*) and hamlet (*aldeia*). Until the local elections in 2005 neither the village head (*chefe de suco*) nor the hamlet head (*chefe aldeia*) were paid.
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## The making of Sri Lanka's post-conflict economic package and the failure of the 2001–2004 peace process

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*Rajesh Venugopal*

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This chapter explores the role of domestic actors and the international donor community in the evolution of Sri Lanka's post-conflict economic package of 2001–2004. It argues that the inappropriateness of this economic package was a critical element contributing to the overall failure of the peace process. Because of the strong influence of corporate interest groups and international donors, the peace agenda and the country's post-conflict Poverty Reduction Strategy Paper (PRSP) were in effect tethered to an aggressive programme of market reforms. Although the government felt that the market reform agenda would spur rapid economic growth and buy support for the peace process, it ended up doing the exact opposite. Consequently, the relatively narrow constituency of opposition to the peace process swelled in size and benefited from the support gained from those who opposed the government's economic policies.

The market-reform-laden economic agenda enjoyed very narrow social support and, indeed, generated considerable opposition and hostility. In addition, the government's simultaneous pursuit of fiscal austerity to secure desperately needed concessionary financing from the International Monetary Fund (IMF) meant not only that there was very little in the way of a peace dividend to distribute, but that there were instead cut-backs in subsidies and employment opportunities that disproportionately affected the rural Sinhalese poor. The inherent unpopularity of this economic agenda was compounded by the absence of broad consultation in

its formulation, despite the fact that this was required as part of the PRSP process.

Many elements of the case discussed in this chapter have clear resonance with the growing criticism of the liberal peacebuilding agenda, which argues that the accelerated imposition of liberal democratic political institutions and market reforms is counterproductive in fragile post-conflict countries.<sup>1</sup> Along somewhat modified lines, I argue here that there was an inherent contradiction between the political dimensions and the economic dimensions of the liberal agenda: the Sri Lankan government's attempt to balance a fragile and controversial peace process alongside an equally controversial agenda of market reforms ended up destabilizing the government and brought about the demise of both agendas.

But the more substantial difference that Sri Lanka bears from the classic case studies of liberal peacebuilding is the extent to which this particular policy package was internally driven, rather than being entirely imposed from the outside. Unlike contemporary cases of post-conflict peacebuilding in Kosovo, Timor-Leste or Cambodia, Sri Lanka did not experience the collapse or destruction of governance structures or the imposition of an absolutist UN-led state-building mission like the United Nations Mission in Kosovo, the United Nations Transitional Administration in East Timor or the United Nations Transitional Authority in Cambodia. Far from it – Sri Lanka has one of the oldest uninterrupted multi-party parliamentary democracies in Asia, with constitutional process and liberal democratic norms upheld (in form if not entirely in content) through three decades of civil war. Although this particular policy combination of peace with market reforms was advocated, encouraged and financed by the international community, and was to some extent implemented owing to direct pressure and conditionality from the aid donors, it actually came to be conceived and implemented as a result of ideopolitical and socioeconomic circumstances that were rooted in Sri Lanka itself, having evolved and come to political fruition largely as a result of internal circumstances. Thus, this chapter is largely a description of the formulation of this domestic liberal peacebuilding agenda and an overview of the circumstances in which it came to disrupt and, ultimately, to contribute towards the collapse of the peace process.

The chapter is based largely on fieldwork conducted over the period 2002–2007, which included interviews with a number of leading personalities from the then-government and ruling party structure, including the prime minister, the cabinet secretary, the ruling party chairman and the treasury secretary. It is also based on interviews and documents from leading corporate associations and aid donors, such as the Employers Federation, the Ceylon Chamber of Commerce, “business for peace”

non-governmental organizations (NGOs), the World Bank and the IMF. This material was combined, contrasted and triangulated against a review of the available English-language news media sources of that period, translated compilations of the vernacular media, financial statistics, secondary literature and interviews with a number of trade unionists, opposition political parties, journalists and civil society activists. Owing to limitations of space, this chapter necessarily contains only a small part of the overall research findings and output, such that many important definitional, theoretical and contextual issues are truncated and cannot be given full treatment.<sup>2</sup>

The rest of this chapter is organized as follows. The next section provides a brief background to the peace process and its failure. This is followed by a description of the electoral mandates that brought the peace agenda into being in December 2001, and later consigned it to a slow collapse after April 2004. I then describe the making of a domestic “business for peace” agenda in the late 1990s, and the way this influenced the content of the peace process of the United National Party (UNP) when it came to power in 2001. I follow this with an account of the role of the international community in the making of the liberal peace, and an exploration of the logic behind the government’s economic policy formulation in its first year in power. Finally, I recreate the way in which the government’s PRSP was drafted and explain how it clearly subverted the PRSP’s own inherent design features.

## Background

The Sri Lankan civil war, which started in 1983, is the product of an underlying political conflict that had developed since the 1950s between the island’s majority Sinhalese community and the minority Tamils.<sup>3</sup> By the mid-1970s the conflict had advanced to the stage of a secessionist demand by the Tamils for a separate state of Tamil Eelam, to be carved out of the north and east of the island, and a parallel rise in Tamil militant insurgency groups devoted to this goal. By the late 1980s one of these militant groups, the Liberation Tigers of Tamil Eelam (LTTE, or “Tamil Tigers”), emerged as the dominant force on the Tamil side, having physically eliminated rival groups, remaining militarily undefeated against the Sri Lankan and Indian armed forces, and having gained control of large parts of the north-east. The war itself carried on through several different phases between 1983 and 2001, during which period there were at least four significant attempts at peaceful resolution (in 1985, 1987, 1989–1990 and 1994–1995), all of which failed.

In this context of almost two decades of continuing war and failed peace, the ceasefire agreement of February 2002 between the government of Sri Lanka and the Tamil Tigers gave rise to the most promising possibility for a permanent resolution to date.<sup>4</sup> Amid a wave of public goodwill and with strong diplomatic and financial support from the international community, the government of Sri Lanka and the LTTE engaged in six rounds of direct negotiations and had reached substantial agreement on critical conceptual issues. By late 2002 a final settlement of the conflict was clearly and credibly within sight as the Norwegian mediators announced that both parties had reached a “paradigm shift” in their respective positions and had agreed on the broad outlines of a future settlement: “the parties have agreed to explore a political solution founded on the principle of internal self-determination in areas of historical habitation of the Tamil-speaking peoples, based on a federal structure within a united Sri Lanka.”<sup>5</sup> The LTTE’s chief negotiator, Anton Balasingham, announced that “both the parties have made an unprecedented historic decision to work out a political formula for the solution of the protracted ethnic conflict”.<sup>6</sup> The lead negotiator on the government side, Professor G. L. Peiris, was equally optimistic, announcing: “I think an interim solution can certainly be arrived at in a matter of months rather than years.”<sup>7</sup>

By then, the ceasefire had already held for an entire year, the longest such absence of hostilities since 1983. There remained numerous irritants on the ground as well as some clear provocations, but nothing on a scale that could disturb the clear momentum of the peace process. The benefits of peace appeared so overwhelming and self-evident that it seemed irrational that either side would ever want to return to war. There was a warm relationship and considerable goodwill between the LTTE and the government, epitomized by the bonhomie that developed between the two chief negotiators, Balasingham and Peiris. On the ground, the return to normality was characterized by widespread reconstruction, the return of refugees, the removal of military checkpoints, the de-mining of roads and farmland, and a general air of reconciliation.

Yet, within three years of the euphoric “Oslo Declaration”, the peace process had unravelled to the point of complete collapse and both sides were clearly preparing for a renewal of war. One of the key turning points in the peace process was the mid-term election of April 2004, when the UNP-led coalition government that had signed the ceasefire agreement and negotiated with the LTTE lost power. The government that subsequently came to power was far more guarded in its approach to negotiations and, even though the war did not start in earnest until mid-2006, there was in fact no further progress on the peace process after

April 2004.<sup>8</sup> Instead, there was a slow slide towards increased antagonism and an expansion of the number and scale of ceasefire violations.<sup>9</sup>

What happened? Why was the government that was voted in on an explicitly pro-peace mandate in December 2001 voted out of power just 27 months later? Why, given the extent of its public support, the rational benefits of peace and the unprecedented progress in the negotiations, did this “best and last” chance for peace fail? In seeking to address this issue and in making sense of this surprising electoral verdict, I also unpack the nature of the peace process as envisaged and implemented. Where and how did the peace agenda originate? Does an understanding of its social and ideo-political parentage and its mode of delivery provide any explanations for its rapid failure?

In exploring the sources of the collapse of the peace process, I deliberately focus only on the (largely Sinhalese) south, which was much less affected by the civil war. I do not explore the extent, impact or repercussions of the economic agenda in the north-east – which was largely concerned with rehabilitation and reconstruction – or the political/economic decision-making of the LTTE and its not-insignificant contribution to the overall collapse of the peace process. Instead I broadly aim at explaining the electoral verdict of the Sinhala-Buddhist majority community in the April 2004 elections.

The peace process came into being with the election of the UNP-led government in December 2001, which explicitly promised to end the war by arranging a ceasefire, holding talks with the LTTE and negotiating an interim power-sharing arrangement in the north-east. Conversely, the collapse of the peace process began when this government was defeated in a mid-term election in April 2004. If the parties in parliament can be divided for the purposes of the peace process into those that directly supported it and those that were hostile to it, then the extent of the vote swing that made and unmade the peace process becomes very clear. In 2001 the UNP share of the vote went up 5.4 per cent from the previous elections (from 40.2 per cent to 45.6 per cent), and it won an additional 20 parliamentary seats. Despite the fact that the UNP itself did not win an outright majority of seats in parliament, it nevertheless enjoyed the strong support of several minority parties (in the “other” category), and for the 27 months of its government enjoyed an unusual degree of internal stability. But by April 2004, in the first subsequent public opportunity to vote on the peace process, its vote share dropped sharply by 7.8 per cent to 37.8 per cent, significantly worse than its position in the October 2000 parliamentary elections.

In effect there was a strong swing towards the UNP in December 2001 and an even stronger swing away from it in April 2004, suggesting that

Table 12.1 Voter swing, 2000, 2001 and 2004 parliamentary elections

	2001 vs 2000			2004 vs 2001		
	Votes	Shares	Seats	Votes	Shares	Seats
Pro-peace parties	+608,256	+5.4%	+20	-581,826	-7.8%	-27
Anti-peace parties	-350,701	-5.7%	-25	+579,861	+4.7%	+21
All other parties	+50,646	+0.3%	+5	+308,828	+3.1%	+6
Overall change	+308,201	0.0%	0	+306,863	0.0%	0

*Source:* Sri Lanka Department of Elections.

the rise and fall of the UNP-led government and the subsequent rise and fall of the peace process reflected a broad shift in voter sympathy in both instances. Indeed, since the island's religious and ethnic minorities, amounting to one-third of the population, are widely thought to have voted for the UNP or UNP coalition allies in both elections, it is reasonable to infer that the national-level voter swing that generated the anti-incumbent election results in 2001 and 2004 came largely from the majority (Sinhala-Buddhist) community. What explains its significant shift in allegiance between these two elections? Conventional explanations of this phenomenon suggest that the majority community was deeply ambivalent about the peace process itself, and succumbed to the wave of chauvinist hysteria aroused by Sinhala extremist political parties. I argue instead that there was much more to this election verdict than chauvinism and opposition to the peace process, and that it also reflected a significant economic protest vote against the accelerated market reform agenda that had accompanied the peace process.

### The formulation of the domestic peace agenda

How and why did Sri Lanka's peace process of 2001–2004 come to be closely entwined with an aggressive market reform agenda? To some extent, the answer to this question lies deep within the political sociology of Sri Lanka's party system. The UNP, which brought the peace process into being, is a party historically created and dominated by the island's Westernized bourgeois elite, with a strong pro-business orientation. It was a party of "cosmopolitan capitalists" as it were, largely dominated by Sinhalese merchants, professionals and planters but in reality quite broad based in terms of the caste, religious and ethno-linguistic basis of its supporters, financiers and core constituency. Indeed, the island's ethnic and religious minorities (Tamils, Muslims and Sinhalese Catholics), who are also disproportionately represented among the urban commer-

cial and professional elites, have traditionally been strong supporters of the UNP.

During the 1950s–1970s the UNP struggled to shed its elitist, pro-minority and pro-business image in order to expand its electoral base to the Sinhala-Buddhist majority and to counteract the tide of leftist and nationalist populism that was directed largely against itself.<sup>10</sup> But, despite its most strenuous attempts to erect a façade of religious and native authenticity, the UNP never fully shed its core social identity as a party of the comprador bourgeoisie, i.e. of the wealthy, Westernized, urban social and business elites. And, certainly, it never changed its economic identity, which remained always distinctly in favour of business – and in particular the largest and most internationally connected segments of the business community.

In the years preceding its December 2001 election victory, the UNP underwent a considerable internal transformation in opposition that helped it reconnect to the changing material interests and corporate culture of the world of big business. Much of its internal transformation during the late 1990s was synchronous and occurred in close coordination with a parallel transformation in the attitudes and political agenda of the business community and its changing material relationship to the war. One of the most striking aspects of this relationship is that most of the productive physical assets of Sri Lanka's business community, in terms of factories, tea plantations and tourist hotels, have traditionally been located in the south and west of the island, areas that are dominated by the majority Sinhalese community and that have been relatively unaffected by the war.

Under market reforms introduced by the previous UNP government in the late 1970s, the economic structure of Sri Lanka changed considerably to a new economy of garment exports and tourism. Concentrated in the relatively unproblematic south-western part of the island, business experienced rapid growth, even amidst the destruction of years of ongoing civil war. At the same time, the economy of the disputed north-east (which had always been remote and economically unimportant) was rendered even more marginal, remote and gloomy owing to the concentration of the war in this region.

This geographical segregation of destruction and development began to change by the mid-1990s when the mounting costs of the war actually began to affect the economic prosperity of the south for the first time.<sup>11</sup> Corporate leaders and lobby groups began to voice concerns that the war – funded largely by taxing the private formal sector – was frightening away foreign investors, customers and tourists. But, more directly, the LTTE had in the late 1990s initiated a terrorist bombing campaign aimed at economic targets, causing unprecedented destruction to the economic

infrastructure in the south for the first time. In January 1996, the LTTE attacked the Central Bank building in Colombo, killing 91 people, injuring over 1,000 and destroying a large part of the financial district. In October 1997, it launched another powerful bomb blast in the Galadari Hotel, which again targeted the financial district in central Colombo. By 1999, the LTTE was clearly gaining the upper hand even in the conventional war in the north, and was quickly regaining large tracts of territory that the army had won at great expense over the previous three years.

Having earlier been mostly silent and tacitly supportive of the war, business groups were by the mid-1990s tending to view the war as an unwinnable, expensive indulgence, fought over a remote and economically peripheral province, for reasons that were now receding in importance if not entirely redundant. The increasing frustration of Sri Lanka's business community with the costs of the conflict dovetailed with its broader unease with the government of President Chandrika Kumaratunga. In contrast to the crisp, authoritarian efficiency of the pro-business UNP, which had been in power from 1977 to 1994, the inefficiency and lumbering, half-hearted pace of market reforms and private sector economic incentives that followed the 1994 victory of Kumaratunga's left-centre coalition frustrated and irritated corporate leaders.<sup>12</sup> Through influential business lobby groups, the corporate sector had by the late 1990s united to launch an increasingly public lobbying campaign behind a fairly simple two-point programme: (i) an end to the war; (ii) revitalizing the economy through private sector subsidies and fast-tracked market reforms.<sup>13</sup> Importantly, these two were increasingly being articulated not as separate items but as mutually complementary and synergistic components of a new national development strategy towards faster private-sector-led economic growth.

As the synergistic overlap of peace and unrealized economic opportunity became compelling and urgent to the business community through the LTTE's bombing campaign in 1996–1998, it was also being adopted by the reformed UNP in opposition, with which it continued to maintain close social, political, economic and family links. Between 1998 and 2000, the business lobby's stance on the war subtly changed from one of supporting bipartisan cooperation over devolution proposals in 1998, to one of direct talks with the LTTE. Simultaneously, the UNP leader Ranil Wickremasinghe had by December 1998 also begun to advocate direct talks with the LTTE.<sup>14</sup> In the December 1999 presidential elections, Wickremasinghe's position on the ethnic conflict was the most generous ever by a mainstream southern leader: an immediate ceasefire with the LTTE, followed by direct negotiations and the establishment of an interim power-sharing institution in the north-east.<sup>15</sup>



The period December 1999 to December 2001 was characterized by a deepening and interlocking economic, political and military crisis. The single most consequential event in this period was the LTTE's devastatingly successful suicide-commando attack in July 2001 on the Katunayake air force base – which is adjacent to and shares its runway with the country's only international airport. The attack had a devastating economic impact, particularly on tourism and sectors dependent on external trade, as a result of the imposition of crippling war-related insurance surcharges on air and sea freight. Sri Lanka subsequently suffered its first ever period of negative economic growth (–1.4 per cent) in 2001, and, in the weeks that followed, also suffered the suspension of an IMF bailout package negotiated earlier that year owing to missed targets.<sup>16</sup> Overall, between early 1997 and late 2001, the Colombo stock exchange lost over half its total value and the business community became increasingly despondent and desperate for change.

In the face of such a sudden and visible economic loss, the logic of re-suscitating the failing economy by ending the failing war effort suddenly became far more compelling and urgent. When Kumaratunga's fragile parliamentary coalition collapsed in the aftermath of the airport attack, this re-energized a new group of "business for peace" lobbyists who pooled their resources to launch a high-profile media campaign to get the pro-business, pro-peace UNP elected to power. Predictably, the "business for peace" agenda and the open lobbying for the UNP were led by those very sectors that were worst hit by the war: tourism, apparel and tea. More generally, the peace agenda was supported by the largest, most internationally connected segments of the business community, as characterized, for example, by the members of the blue-chip Ceylon Chamber of Commerce (CCC). Indeed, the CCC itself played a leading role in lobbying to bring the peace/market reform agenda into political reality.

The key players in the peace process that kicked off in December 2001 consisted of not just the UNP and big business, but a substantial external component as well. Most prominent was Norway, which had served as intermediary and neutral facilitator between the two sides and which organized a ceasefire monitoring mission on the ground, staffed and funded by the Nordic countries. There were also global and regional powers – the United States, India and China – whose interventions were coloured by the rapidly evolving geopolitical compulsions of the post-9/11 world and, to a lesser extent, by commercial imperatives. International donors and international organizations of various sizes and types – the World Bank, the Asian Development Bank, UN agencies and bilateral donors such as the United Kingdom, Japan, Canada and Germany – had a

diverse set of interests in infrastructure, agriculture, poverty, refugee relief, capacity-building and market reforms. There were international NGOs and relief agencies specializing in everything from land-mine clearance and peace education to human rights, child combatant rehabilitation and rural livelihoods.

The international community in all of these guises wholeheartedly embraced the Ranil Wickremasinghe government and its peace initiative. Not only was the government pursuing an unprecedented peace initiative, but it was pro-market, investor friendly and pro-West and displayed a managerial efficiency and entrepreneurial energy uncharacteristic of third world democracies. The extent of the donor community's unrestrained excitement at the programme of peace with market reforms comes across in this brief evaluation by the World Bank:

Today, Sri Lanka has a great window of opportunity. The United National Front (UNF) Government that came to power in December 2001 with a mandate to secure peace and accelerate economic growth has already embarked on a bold program of peace/reconciliation and a comprehensive set of economic policy/institutional reforms to promote private sector-led growth.<sup>17</sup>

The peace process was deliberately internationalized by the Ranil Wickremasinghe government, which was itself very donor friendly in the sense that a large number of its leading members, in terms of cabinet ministers, the kitchen cabinet and its key mandarins, were cosmopolitan, English speaking, Westernized and Western educated, and had cultivated close links abroad. The international community/donors thus had a variety of possible entry points to infiltrate, influence and participate at the highest levels of power. Indeed, the closeness of the match in the agenda and interests of the international community and the UNP government was such that the international community was in effect not just a very close ally but perhaps even an important element of the structure of power, worming its material, cultural and intellectual influence into various levels of the state and civil society.

In the late 1990s the aid donor community, and particularly the World Bank, was undergoing a transformation in its attitude and practices towards conflict-ridden countries, and in Sri Lanka this reflected the thinking of the UNP and the Sri Lankan business community. Like the business community, many donors felt that they could no longer work around the conflict and pretend it did not exist, but would have to address it more directly through their programmes, through policy dialogue with the government, and perhaps even through conditionality.<sup>18</sup> By the end of the 1990s, international development workers increasingly talked

of the need for “mainstreaming conflict sensitivity” into their practice. The World Bank’s 2001 internal evaluation audit on Sri Lanka remarked self-critically that the Bank’s activities needed to be far more directly conflict sensitive. In the same breath, however, the document asserts, without any apparent contradiction, the need for such conflict-sensitivity to go hand in hand with market reforms:

Completion of the structural reform agenda and a resolution of the conflict in the North and the East are the key missing elements for Sri Lanka to accelerate growth and achieve further poverty reduction. Bank assistance should help overcome both these constraints.<sup>19</sup>

Through documents such as this it becomes clear that the programmatic linkage of conflict resolution with market reforms at an international level owed much to the economic instrumentalization of the peace process in donor aid discourse.<sup>20</sup> The donor community’s increasing frustration with the Kumaratunga government over the 1999–2001 period was being articulated in very similar terms to that of the country’s own business community, which had similarly instrumentalized peace as a component of its own economic agenda. Through policy documents, speeches and the myriad lobbying mechanisms available to them, both these actors were by mid-2001 clearly promoting an identical two-item agenda: peace and market reform.

At about this time the cross-country literature on the economics of post-war reconstruction outside the World Bank was increasingly urging caution on the issue of market reform. Susan Woodward, for example, wrote: “Sequencing of policy reforms had to be sensitive to the fact that in the early transition from war to peace, governments are fragile and unstable, and can rarely push rapidly on economic reforms.”<sup>21</sup> But in Sri Lanka this is precisely what the donors were consciously and aggressively promoting. One World Bank document even suggested that the fragile situation in the immediate aftermath of Sri Lanka’s February 2002 cease-fire provided an ideal “window of opportunity” to implement “difficult market reforms” which had proved politically problematic in the past.<sup>22</sup>

The extent of donor dissatisfaction with the Kumaratunga government, and its own internal evolution and new-found willingness to address the conflict issue, were very clearly displayed at the annual aid forum in December 2000. After having supported the government with considerable foreign aid through its early years, the donors now refused to pledge new assistance, demanding instead that the government take concrete steps to end the war and speed up market reforms. The World Bank’s 2000 Development Policy Review noted:

Sri Lanka's future economic and social development will depend not merely on maintaining sound macroeconomic management and accelerating privatization, but more importantly on the country's ability to resolve the on-going conflict and move quickly into implementing key structural reforms to enhance economic growth and reduce poverty. The most difficult long-term challenge is *resolving the conflict*.<sup>23</sup>

In contrast, the donors that attended the next aid forum in June 2002 under the new UNP-led government were very impressed. The World Bank's South Asia Region chief Miekko Nishimizu was actually moved to poetic praise:

Once in a blue moon, in our development work, there comes a moment when one must put the past behind, look squarely into the future, dream what was thought impossible, and choose "a road less travelled by". Time, to suspend disbelief. Time, to change mindset. Time, to act – and act differently.

In my years at the World Bank, I have been blessed to witness a few such moments. This, ladies and gentlemen, is such a moment, for the sovereign people of Sri Lanka. It is also such a moment for us, Sri Lanka's development partners.

She went on to close her speech with a full recitation of Robert Frost's poem "The Road Not Taken".<sup>24</sup> A year later, the donors pledged a record US\$4.5 billion to Sri Lanka in post-conflict aid at the Tokyo donor conference.

### Crisis overhang

The UNP-led coalition front won a clear victory in the elections of December 2001 and, despite the fact that it was weakened by the hostility of the incumbent executive president, the government that it formed under Ranil Wickremasinghe as prime minister quickly began work on an ambitious two-point programme of peace and market reform. Indeed, given the way in which the two were rationalized as contingent upon one another, it could be argued that there was in reality a one-point programme of rapid private-sector-led economic growth, of which peace in the north and market reform in the south were simply interdependent and mutually reinforcing components.<sup>25</sup>

Since war was constraining economic growth in key sectors, peace was seen as the key to economic stability, foreign aid, growth and prosperity. In turn, the benefits of the peace dividend and economic growth would

generate prosperity in the north and south, increase living standards and create rational economic reasons to remain peaceful and prevent a return to war. The intimate linkage between the two key elements in the government's agenda became evident in the way that the main cabinet ministers in charge of the peace process, such as G. L. Peiris and Milinda Moragoda, actually headed ministries in charge of economic reform.

Within three months of taking power, the new government had negotiated a detailed ceasefire agreement with the rebel LTTE, opening the door for further normalization and direct negotiations. At the same time, it also began drafting a comprehensive medium-term economic growth strategy to be presented to the aid donors. The new government's first task was to resuscitate a Stand-By Arrangement (SBA) with the IMF, which had been suspended under the previous government.<sup>26</sup> It also inherited a serious economic crisis from the 2000–2001 period, and had to contend with the fiscal hangover from the previous government's pre-election splurge in late 2001.

As a result, the government's economic policy agenda, which remained at a largely conceptual level, took shape and emerged in the course of tackling the pressing economic problems that it inherited and in negotiating the donor funding that it desperately needed. The government's immediate target was not only to revive the SBA but to secure quick approval of the IMF's highly concessional Poverty Reduction and Growth Facility (PRGF). The PRGF also acts as a gatekeeper to further official aid and private capital flows; as the governor of the Central Bank of Sri Lanka explained, it was "like a character certificate indicating that the country's economic policies were sound and would give confidence to investors".<sup>27</sup>

The pursuit of the SBA and the PRGF dominated the course of the government's economic policy agenda during its first year in government. The immediate compulsion of restoring macroeconomic stability together with the conditionalities required by the IMF to revive the SBA tranche led to a strong focus on fiscal austerity measures and expenditure control. Susan Woodward observes that "the economic approach and decisions of the IFIs [international financial institutions], particularly the IMF, and the political tasks of implementing a peace mission, are often directly in conflict".<sup>28</sup> Indeed, there are grounds to suggest that the implementation of IMF conditionalities had a directly negative effect on the sustainability of the peace process – although the blame should not be placed entirely on the IMF, for the government was not entirely a reluctant partner in this task.

One of the problems faced by the government in meeting the IMF conditionalities was that the peace dividend was slow in coming. Despite the sharp reduction in security concerns following the ceasefire, there was in

reality very little reduction in defence expenditures, of which around 85 per cent consisted of recurrent expenditures and 71 per cent of wages and salaries alone. Furthermore, the capital expenditure component also remained high from the deferred payments due on military hardware orders made before the ceasefire. Since defence expenditure reduction was minimal, the fiscal compression required by the IMF had to come from cutting other areas such as infrastructure and fertilizer subsidies, which had a direct impact on farmers. As Kelegama argues:

Fiscal tightening through expenditure restraint therefore occurred at precisely the time when the public finances should have been orientated to building peace. . . . Over-obsession with fiscal targets therefore proved to be counter-productive in terms of delivering the immediate economic dividend that could have helped the peace progress.<sup>29</sup>

Furthermore, the actual aid disbursements to promote the peace at an early stage were very small. With strict ex post conditionality (aid was conditional on progress in market reforms and the peace process), the government faced a tight situation in 2002–2003. Finally, the uncertainty of the political situation and the peace process restrained large investments by the private sector and did not create the increase in employment that could have benefited poor Sinhalese households.

One of the most critical and consequential of the IMF-required fiscal measures taken in 2002 was a hiring freeze, which cancelled all existing vacancies in the public service, provincial public service, local authorities, public corporations and statutory bodies.<sup>30</sup> It immediately affected not only the thousands of aspirants for whom government employment was the traditional route out of rural poverty, but the government's own patronage distribution system. Ministers protested vigorously that they were no longer able to reward loyalists and constituents.<sup>31</sup> As the UNP's party chairman explained: "We had very strict policies, even people associated with the party were not given jobs."<sup>32</sup> During the UNP government's brief period in power, the public sector workforce shrank by 10.5 per cent, partly because of the vigorous implementation of the hiring freeze, but also because of a voluntary retirement scheme and the removal of thousands of temporary workers hired in the public sector as a pre-election giveaway by the previous government.<sup>33</sup>

In anticipation of the final review of the SBA, which required that the government achieve set targets and demonstrate a certain "pace of reform" ahead of the PRGF discussions in October, the government had by July 2002 decided that it would fast-track 36 items of legislation through parliament in the month of August.<sup>34</sup> As the subsequent IMF review noted with satisfaction:

VAT was introduced on August 1, the privatization and banking reform benchmarks were completed by mid August, the Welfare Benefit Law was submitted to parliament and approved on August 26; Cabinet approved the draft Electricity Reform Act which was gazetted on August 16, Cabinet approved amendments and special provisions bills on the Industrial Disputes and the Termination of Employment of Workmen's Acts on August 28. Although the electricity and labour market bills have not been presented to parliament, the PM has instructed that they be tabled in Parliament by September 6.<sup>35</sup>

As direct political negotiations with the LTTE opened in late 2002, a wave of public unease had come into being as a consequence of the government's breakneck pace of reform, the domestic effects of the fiscal compression and spreading concerns that the government was about to announce a wave of privatizations. Over the course of the government's second year in power there was a mounting wave of trade union action in opposition to the reform agenda and a parallel series of mass campaigns against the peace process. By mid-2003 these two campaigns increasingly began to merge as Sinhala nationalist opponents to the peace process successfully co-opted the economic agenda within their overall campaign to paralyse and dislodge the government. Many of the trade union leaders I interviewed were actually supportive of the peace process but on balance opposed the Ranil Wickremasinghe government because of their deep opposition to the reform agenda and because of the stealth and speed with which it was being formulated and implemented.<sup>36</sup>

### “Regaining Sri Lanka”

Many of the government's critics pointed to the formulation of its economic master-plan as emblematic of this approach. By the time negotiations with the LTTE began in September 2002, the government was holding parallel negotiations with the IMF for the PRGF. Following further progress on the peace negotiations with the LTTE in December 2002, the IMF approved a US\$567 million PRGF and Extended Fund Facility credit in April 2003 and the World Bank simultaneously approved a US\$125 million Poverty Reduction Support Credit (PRSC).<sup>37</sup> Both were based on financing a programme of accelerated reforms, of which the key highlights were reforms to labour market regulation, strengthening property rights in land markets, privatizing the power and banking sectors and rationalizing the civil service. Approval of concessional finance from the IMF/World Bank then opened the gates for the monumental US\$4.5 billion in further donor aid pledged at the Tokyo donor conference of June 2003.

Application for a PRGF loan from the IMF requires recipient countries to prepare and submit a detailed Poverty Reduction Strategy Paper (PRSP). Under the PRGF/PRSP framework, concessional lending to the poorest countries was refocused on poverty alleviation, with the economic framework to be authored by the recipient countries themselves and based on widespread internal consultations, “promoting broad based participation of civil society”.<sup>38</sup> With this stated aim in mind, the reality of the PRSP formulation process in Sri Lanka is instructive, not just to understand how it contributed to destabilizing the peace agenda, but also as a case study of how its key design features on process and content were so transparently circumvented and undermined.

Between March and December 2002, the UNP-led government commissioned the drafting of a comprehensive economic master-plan called “Regaining Sri Lanka” (RSL).<sup>39</sup> As with the contents of the ceasefire agreement or the progress with the peace process, very little information about this document was divulged to the public, to parliament or even to many members of the government. This document was ultimately submitted in modified form to the IMF and the World Bank in December 2002 as the PRSP.

When the RSL document was eventually released in the domestic realm, which occurred only after it was sent to the World Bank and the IMF, it quickly became very controversial. Through the rest of the life of the government, and even after that, opposition politicians, trade unionists and civil society activists singled out the RSL as a doctrinaire manual of market reformist excess. It was viewed as emblematic of the secretive and non-inclusive nature of the government’s policy formulation process and of its complete subservience to the agenda of the private sector and the donors. The joint Bank/Fund review of the PRGF and PRSP enthusiastically described the RSL as “a strong and aggressive proposal to remove the existing policy-induced and structural constraints that inhibit private sector activity in the way of changing the role of the State”.<sup>40</sup>

The RSL laid out a comprehensive medium-term framework of infrastructure construction, privatization, land and labour market reforms, and a private-sector-led growth strategy. For the most part the RSL was authored by a small team of economic experts, with sectoral inputs drawn from the private sector. The chairman of the Ceylon Chamber of Commerce claimed that “large parts of the RSL document were plucked straight out of our recommendations”.<sup>41</sup> The final document submitted to the donors in December 2002 was in effect an exclusively private-sector and donor-influenced growth and reform strategy that was thinly disguised as a poverty reduction strategy based on widespread consultation. Indeed, the lead author of the RSL confided that he found the



PRSP exercise a “bureaucratic, wasteful process” and that “one of the problems with the PRSP process is the consultative requirement”.<sup>42</sup>

But the government was not alone in this act of transparent subterfuge, for the World Bank and IMF staff appear to have wilfully cooperated and exaggerated the extent of consultation to the point of complete misrepresentation. Their joint review of the PRSP at the approval phase in March 2003 surprisingly found:

The extent of consultation that is embodied in Sri Lanka’s PRSP “Regaining Sri Lanka” is commendable and is in fact one of the strengths of the document. A large number of stakeholders, including the government, academia, research organizations, non-government and community organizations, the private sector, trade unions, and donors were consulted at various stages of the document’s preparation.<sup>43</sup>

Similarly, the World Bank’s 2003 Country Assistance Strategy for Sri Lanka, written in the immediate aftermath of the PRGF approval, makes several quite unwarranted references to the “broad”, “widespread” and “island-wide” nature of the “stakeholder consultations”:

During the past four years, the administration has engaged in broad stakeholder consultations to reach consensus on a medium- to long-term strategy for faster and sustained economic development and poverty reduction. . . . The island-wide consultative process also mobilized views of key stakeholders.<sup>44</sup>

The real reasons behind this very misleading evaluation are unlikely ever to emerge, and one can only speculate as to how and at what level it might have been encouraged and tolerated. It was only two years later, in the World Bank’s first review of the PRSC (written after the substantial collapse of the reform agenda), that a more considered evaluation of this issue emerges. In a remarkable *volte face* that makes no mention of its past assessment of “broad stakeholder consultations”, the 2005 review found that there was indeed *inadequate* consultation, to the extent that that this might have been a critical cause of its failure:

In general, program implementation could have benefited from wider and deeper consultations with stakeholders, especially civil society and within government.<sup>45</sup>

Given that the World Bank sponsored the drafting of virtually the entire PRSP, including the RSL and the previous poverty analytics exercise, and that World Bank representatives were present for most of the supposed consultative exercises, they cannot have been unaware of the

reality. Furthermore, on the eve of the PRGF approval in February 2003, a coalition of 72 trade unions and civil society groups (the Alliance for the Protection of National Resources and Human Rights) addressed a letter to the IMF, the World Bank, the Asian Development Bank and the United Nations Development Programme, charging:

We categorically state that the Government of Sri Lanka has failed to carry out even this minimal consultation with the people, and that the proposals have been worked out in total isolation. . . . We, acting on behalf of the people, totally reject the proposals contained in the PRSP.<sup>46</sup>

This organization subsequently had several exchanges with the IMF and the World Bank in 2002 and 2003, specifically on the issue of consultation, and was even provided with a list of the NGOs purported to have been consulted. Leaving aside the issue of the representative character of these NGOs, it emerged upon subsequent investigation that their participation in these sessions was quite perfunctory, limited to commenting on a finalized draft to which no further changes could be made.

But beyond the issue of subterfuge and the ethical questions it raises over the actions of World Bank and IMF staff, the content and formulation of the RSL document were highly problematic. By drafting such a putatively technocratic document, insulated from populist pressures or even from contact and feedback from ruling party members and government ministers, the document came to reflect a very narrowly held economic vision. By seeking to depoliticize economic policy, it in effect lacked the political buy-in or ownership of any domestic political constituency except the corporate sector. As the general secretary of one of the largest trade union federations described it: "There were no consultations with the trade unions. The UNP was more disciplined, but it was not transparent. There was no dialogue with stakeholders, so everyone was suspicious."<sup>47</sup>

The secrecy behind its formulation left the document exposed to criticism from a wide number of social and political constituencies, with very few people left able, or inclined, to defend it. As Saman Kelegama describes:

Under the grand reform programme there was no effective strategy to buy-off opposition to reforms other than the assumption that foreign aid inflows will cushion the adjustment costs. With the mighty hurry to implement reform, the government basically played into the hands of the opponents of reforms. Thus electricity, railway, health reforms, all backfired without any achievements.<sup>48</sup>

A few members of the UNP government and party apparatus (when interviewed in 2006, two years after they lost power) grudgingly admitted

that they should perhaps have “done something for the poor” for instrumental reasons – in order to preserve the sustainability of the reforms. But most, including the former prime minister Ranil Wickremasinghe, were unwilling to concede that the peace process and economic reforms were mutually incompatible agendas. The two processes were seen as synergistic and mutually dependent on each other for success.<sup>49</sup>

The World Bank actually went further, to assert – without any justification and in the face of evidence to the contrary in other countries – that the fragile post-conflict scenario actually presented a unique window of opportunity to implement “difficult” market reforms: “There are good prospects for addressing key economic and social reforms in such a situation, even those that have proven difficult in the past”.<sup>50</sup> But just two years later, the World Bank’s post hoc review of the PRSC came close to reversing this position. Without any hint of self-criticism or reference to its previous position, it suggested instead that difficult reforms should perhaps have been implemented more gradually and sequenced better:

The past experience also suggests that more attention needs to be given to the sequencing of reforms. The PRSC program was perhaps too overloaded with “politically-sensitive” reforms, i.e., public sector, welfare, labor and land reforms, and a more phased approach may have been more manageable.<sup>51</sup>

This unusual and unjustified optimism that difficult market reforms would succeed in the midst of an equally difficult peace process was eventually tempered only by the considerably different reality that transpired – an election defeat for the UNP and a failed reform agenda that dragged the peace process down with it. Owing to the steady campaign of public demonstrations, strikes and marches launched by a growing coalition of Sinhala nationalist forces, President Chandrika Kumaratunga was encouraged to launch a constitutional coup d’état, dismissing the Ranil Wickremasinghe government and calling for fresh elections in February 2004.

The election campaign of March–April 2004 focused to a great extent on the issue of peace and the outcome is frequently interpreted as a resounding verdict by the Sinhala-Buddhist majority against the peace process. But the sparse evidence that is available suggests otherwise. Sinhala-Buddhist rural voters were well aware of the fact that a defeat for the UNP would inevitably be a setback for the peace process, a situation to which they were not indifferent – particularly because armed forces personnel are overwhelmingly recruited from the rural Sinhala-Buddhist poor, and a return to war would once again have put their sons’ lives at risk.

Reporters sent to cover voter sentiment in rural districts frequently found that the public sector hiring freeze and the removal of the fertilizer subsidy were the two most important issues raised. “No one has got jobs in the past two years”, said one respondent from Ratnapura district.<sup>52</sup> At the same time, rural voters were not unappreciative of the peace process and, given that many had close relatives in the armed forces, they reported that they were “happy to be alive”. Residents of the southern districts of Hambantota, Matara and Galle, who voted overwhelmingly against the UNP, similarly complained that “the government has done little recruiting in the past two years” and that, in a difficult agricultural year, the cost of fertilizers had more than doubled.<sup>53</sup> Emblematic of the dilemma facing the majority community was this plea from a village voter in a border district of Anuradhapura prone to attack by the LTTE: “We don’t want another war. But we also want our economic problems solved.”<sup>54</sup>

In other words, there was widespread relief and appreciation of the benefits of the peace process, and these voters did not lightly choose to bring war back upon themselves. But the UNP’s own agenda of linking peace with reforms forced many who were supportive of peace to vote against it. This is not to deny the existence of a considerable protest vote against the UNP’s handling of the peace process and the presence of a radical Sinhala nationalist constituency that opposed the peace process on principle and voted against it from the very beginning. But this constituency is actually quite small and has sustained political momentum and electoral strength only when fortified by and conjoined to a populist economic protest agenda. In the April 2004 elections, the UNP provided exactly such an agenda. Having fused peace to market reforms, the relatively small opposition to the peace process was magnified and made electorally viable by a new and growing opposition to the market reform agenda.

## Conclusions

In this chapter I have argued that Sri Lanka’s peace agenda in the 2001–2004 period had its origins in a new coalition between domestic corporate lobby groups and international aid donors. Both of these influential actors had separately ideologized the necessity of pursuing an agenda of peace with market reforms. The embeddedness of the peace process within this economic rationale and the social constituency of its inspiration and sponsorship had important consequences for its sustainability.

The government's heavily market-reform-laden economic agenda enjoyed a very narrow social constituency of support, and indeed generated considerable opposition and hostility. In addition, the government's simultaneous pursuit of fiscal austerity to secure desperately needed concessionary financing from the IMF meant not only that there was very little in the way of a peace dividend to distribute, but that there were instead cutbacks in subsidies and employment opportunities that disproportionately affected the rural Sinhalese poor. The inherent unpopularity of this economic agenda was compounded by the complete absence of consultation, much less participation, in its formulation, beyond foreign donor agency functionaries and local corporate executives. Not surprisingly, the government was faced with an increasingly vigorous opposition to the reforms from a variety of different social constituencies.

The peace agenda was transparently sponsored by Sri Lanka's wealthiest business groups, was packaged together with donor-funded market reforms that were advocated by and would directly benefit those very groups, was shepherded through under extensive foreign prodding and funding, and was wrapped within the globalized liberal discourse of peace, human rights and good governance.

The opposition that emerged to challenge the peace process was similarly multifaceted, and cannot be reduced to one of reflexive ethnic hatred or militarist revanchism. Instead, it drew upon a broad-based and multifaceted mobilization that appealed not just to naked chauvinism and war-mongering (indeed, only rarely so), but also to those who felt deeply threatened by the market reforms and the heightened influence of global powers and international agencies that came with it. Nationalist ideologues were able to convincingly present the peace process as a neo-colonialist, neo-liberal enterprise to divide, conquer and privatize the country, launched by foreign powers with vested interests and aided by the UNP, the traditional party of the Westernized comprador bourgeoisie.

It is of course impossible to decipher the precise individual voter calculus that led to the UNP's election defeat in April 2004. But the evidence presented in this chapter suggests that the majority community did not blithely vote for war and that a considerable component of the anti-UNP vote was economic. As one veteran trade unionist described it:

[on the peace process] even the left was praising [then Prime Minister] Ranil. But his dealings with the West [on the Iraq war], the market economy, the absence of any social component to the reforms brought him down. Ranil lost the people because of the reforms.<sup>55</sup>

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## 13

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## Beware of liberal peacebuilders bearing gifts: The deviancy of liberal peace in Palestine and Israel

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*Jason Franks*

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Liberal peacebuilding – the Western-centric panacea for the ills of conflict – has played a controversial role in the Middle East peace process between the Palestinians and the Israelis.<sup>1</sup> Since 1948 there have been 12 United Nations Security Council Resolutions, 3 General Assembly Resolutions, the Oslo peace settlement (1992), various ongoing peace initiatives and the continuous work of local and international actors and non-governmental organizations (NGOs) at the grassroots level. Nevertheless, according to PASSIA, a Palestinian academic NGO, the peace process in the Palestinian–Israeli conflict is currently “the worst it has ever been”,<sup>2</sup> and according to the “End of Mission Report” by Alvaro de Soto – the United Nations Special Coordinator for the Middle East Peace Process – the prognosis is bleak.<sup>3</sup>

The problems currently experienced in Palestine and Israel are not unique and are similar to those in other liberal state-building processes. In many of these cases, the “state” created out of the liberal peacebuilding process is a virtual liberal state – one that is held together in the precarious circumstances of negative peace through the tradition of realist power politics and conflict management techniques consisting of socio-political exclusion, divisions and security. Furthermore, where the divisions existing in this virtual liberal state have become entrenched (often by the security discourse) and further development is obstructed, the region stagnates in the “too hard to solve” category, existing in some form of international limbo marked “future status uncertain”.

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I am not necessarily suggesting that liberal peacebuilding is deliberately a subversive realist agenda for creating the security dilemma and negative peace. I am arguing instead that, despite the lofty ambitions of liberal peacebuilding to create an emancipated Kantian liberal state, the liberal peacebuilding process unwittingly or otherwise often results in illiberal division and separation.<sup>4</sup> This paradoxically contravenes the actual principles of liberal peacebuilding. The reasons for this lie not just with the peace process itself but also with the liberal model employed to achieve sustainable peace. Contentious as this argument may seem, it is based on observation of other liberal peacebuilding processes such as those in Cambodia, Kosovo, Timor-Leste and Bosnia,<sup>5</sup> where the “end” result is often division, partition and separation. These are examples of United Nations Peace Support Operations and I would suggest that the problem is even more acute in the example of the Palestinian and Israeli peace process, which is not under close UN guidance.

In this chapter, I shall examine the nature of the liberal peacebuilding process in Palestine/Israel by offering a critique of the liberal peace model. This case study, which perhaps does not sit easily in the liberal peace debate, is an important example of the problems inherent in the application of liberal peace. Although there is not a UN mission, I would contend that liberal peacebuilding has been under way in Palestine/Israel since the Oslo Accords in 1993. Despite this process, achieving lasting peace has always seemed a distant reality and it can be argued that this is owing to the shortcomings of the liberal peace model. I shall make a case in this chapter that liberal peace is not necessarily failing in Palestine. Instead, I suggest that the current problems with the ongoing peace process are actually the natural effects of the progress and implementation of the liberal peace model, which is flawed. In other words, the liberal peacebuilding process *is* on track to achieve the aim of the liberal peace model – a virtual liberal state. This is state-building for (re)inclusion of the “new” state – in whatever form that might take – into the international state system, providing an acceptable form of order and security for those who control the liberal peacebuilding process.

## Conceptual framework

The conceptual framework for the argument in this chapter is based on the liberal peace thesis but also, more importantly (as Richmond has identified), on the idea that there are different conceptualizations and graduations of the liberal peace.<sup>6</sup> My central argument is that the liberal peace model is subverting the liberal peace process in the Middle East

because, despite the promises of orthodox or even emancipatory peace, it remains at best a conservative version.<sup>7</sup> This potential outcome of conservative peace benefits not only the existing political elites – the Israeli government and the Palestinian ruling elites – but also the regional actors and the international community, who are able to impose coercive top-down approaches to peacebuilding and development, which bear more relation to state-building than to liberal peacebuilding.

The liberal peacebuilding process needs to be problematized because it is often assumed to be on a linear track, at the end of which is a form of emancipatory peace focusing on local ownership, social movements, actors and issues.<sup>8</sup> However, the existence of emancipatory peace is particularly problematic, and in many cases illusory, because the end result of a liberal peace process is often an emaciated and stagnant virtual liberal state; for example, Kosovo, Timor-Leste and Bosnia. Although the arguments for these examples are explained in detail in other publications,<sup>9</sup> the main reasons relate to:

- the inappropriateness of Western-centric approaches to state-building, which have limited engagement – and in some cases no engagement – with the cultural, political and socioeconomic structures of a region;
- a lack of local ownership of the peace process, particularly at the grass-roots level, because conservative peace naturally supports the already established local elites who are often part of the problem in the first place; and, lastly,
- the frequent inability of the international peacebuilding community to implement the difficult tasks of liberal peacebuilding, as they instead opt to take the path of least resistance, through state-building, to achieve some form of stabilization and regional security. This is often termed “the art of the possible”.

The liberal peace model becomes by default a camouflaged version of the victors’ peace, where the primary objective is security, state-building and the maintenance of the international status quo, to the clear detriment of principles of liberal peace. How compliant liberal peacebuilding actors are in this process remains to be seen but, needless to say, creative alternatives to notions of sovereignty, territory, legitimacy and so forth that could help complex protracted conflicts find lasting or positive peace are not entertained in this framework. Instead the liberal peace model is focused on state-building, state creation, international recognition, division, borders, territory, population and other familiar components in the mantra of realist international order and security. The tragedy of this situation is that it promises so much to the actors in the process – especially at the human level – in the form of democracy, human rights, rule of law and liberal economics, but often fails to deliver. This is particularly apparent in the Palestinian–Israeli conflict, where the dispossessed,

marginalized and oppressed believe that state creation is the only way to achieve these results.

This chapter argues not only that a distinction needs to be made between state-building and liberal peacebuilding, but also that the conservative form of liberal peace needs to be recognized as the end-point for a liberal peace process rather than a mid-point. Conservative liberal peace – in place of the promises of universal democracy, human rights, rule of law and economic liberalization – actually delivers exclusive forms of these concepts that are designed for the dominant majority or politically acceptable groups who can deliver a state for potential inclusion into the state system. Liberal states are by definition exclusive, because they build states only for the perceived liberals and thus exclude, or often simply ignore, others. The current exclusion of Hamas – the democratically elected government in Gaza – from the peace process illustrates this situation. This is to the clear disadvantage of politically weaker minorities and socioeconomically deprived individuals. However, disaffected groups are not always minorities and, like the Palestinians, sometimes encompass an entire population or nation. It is these individuals who are neglected and suffer as the by-product of the deviancy of liberal peace – remaining betrayed and politically and socioeconomically marginalized.

The liberal peace model is hijacked by the concept of state-building. Instead of an ideology for individual rights and freedoms that promises emancipation and universal rights *for all*, it becomes a dogma for state creation, security and the maintenance of the international status quo. The liberal peace process in Palestine and Israel – as in many other places – can thus be regarded as a Trojan horse that is concealing the ideologically powerful hegemonic Western state security discourse. The vast array of actors labouring on liberal peacebuilding endeavours is unwittingly, or otherwise, doing the bidding of this ideology.

A further problem with the liberal peace model is that the principal actors in the process, in particular the Palestinians, have bought into liberal peace and look forward to emancipation and the benefits that come with international state recognition. However, the limits of the liberal peace model, coupled with the “art of the possible”, imply that the liberal peace model, for all the promises, is not actually capable of providing this emancipatory outcome. This is something that the Israeli government and other interested parties in a future Palestine, at the local, regional and international level, are perhaps aware of. It seems that the only likely outcome of this process, if the examples of Cambodia, Kosovo, Timor-Leste, Bosnia and possibly Iraq and Afghanistan are anything to judge by, is division and a non-state purgatory. This is a place where the territory suffers internal division along ethnic or cultural lines, which

is often coupled with the emergence of autonomous ethnic regions that exist within an emaciated, ineffective and internationally unrecognizable state. This “non-state” is destined to hang in international limbo with an uncertain future, and is unable to function either economically (as a state) or socially by satisfying the social contract and affording protection to its people. Instead, it is dominated by the established elites, often with extremist nationalist agendas and who actively subvert the process of democracy. They are undeterred (or even encouraged) by the international peacebuilding community, because they provide a political class that will stabilize the newly created region and offer a manageable security situation for the international community to quietly ignore.

This deviancy in liberal peace is certainly evident in Cambodia, Kosovo, Bosnia and Timor-Leste, and is also on track in Palestine. This is particularly apparent given that there is a distinct lack of engagement by the peace process with the galvanized set of core or “final status” issues that define the Palestinian–Israeli conflict at the human level. The final status issues relate principally to the future borders of the Palestinian state (including Israeli settlements) and the right of return of Palestinian refugees. The situation is in cold storage, which clearly does little to alleviate the socioeconomic misery of the Palestinian people.

To illustrate my argument I will begin by examining the Oslo peace process, which, I argue, was the first attempt to introduce the liberal peace framework into the region. I then unpack and critically assess the development of the liberal peace model and examine some of its components – particularly democracy, human rights and the rule of law – in order to argue that, although these notions could provide lasting solutions to the conflict in the region, they are instead applied in a manner that results in the deviancy of the liberal peace model. This deviancy creates an illiberal and virtual state held together in a condition of negative peace, whose implications could prove as detrimental for the security of the Israeli state as for the dream of Palestinian emancipation.

### Oslo – the success of failure

The Palestinian–Israeli peace process has a history as long as the conflict in this region. The date of issue of UN General Assembly Resolution 181 (the UN Plan of Partition with Economic Union) – 1947 – is a suitable starting point for the contemporary peace process. The UN plan, created by the international community, established the basis for the creation of both a Jewish and an Arab state in Palestine.<sup>10</sup> Since this date there has been a continuous stream of UN Resolutions and international peace initiatives relating to the Palestinian–Israeli conflict.<sup>11</sup> The efforts at

peace were based primarily on first-generation conflict management approaches, and perhaps for these reasons have been singularly unsuccessful.<sup>12</sup> However, the Oslo Accords of 1993 represented a departure from this approach and the first concerted investment in the recognizable liberal peace model by the international community. The majority of subsequent international peace initiatives, such as the Wye River Memorandum (1998), the Camp David Summit (2000), the Road Map (2002), the Sharm el-Sheikh Summit (2005) and, most recently, the Annapolis Summit (2007), can be seen as attempts to further shore up the liberal peace model by getting the peace process “back on track”.

The Oslo peace process – or, officially, the Declaration of Principles on Interim Self-Government Arrangements (DoP) famously signed on the White House lawn in September 1993 – grew out of the Madrid peace conference in 1991 and months of secret discussions hosted by the Norwegian government. What distinguished it from all previous attempts at making peace was the decision to hold face-to-face talks between the Palestine Liberation Organization (PLO) and Israel. It was the first time in recent history that the Palestinians, in the form of Yasser Arafat and the PLO, were able to directly represent themselves as an independent party. This development conceivably laid the foundations for the future Palestinian state.<sup>13</sup> For this reason, as much as the actual Declaration of Principles, Oslo represented a major turning point in the Palestinian–Israeli peace process. Prior to official negotiations, groundbreaking progress was also made through mutual recognition. For this prerequisite to talks, Arafat renounced terrorism and violence, accepted UN Security Council Resolutions 242 and 338 as a basis for negotiation and, most significantly, recognized the existence of the State of Israel. In return, Yitzhak Rabin, the Israeli prime minister, officially recognized the PLO as the representative of the Palestinian people and expressed a willingness to negotiate within the framework of the peace process.<sup>14</sup>

The considered political aim of the Oslo talks was to establish a limited National Authority for Palestinian self-rule; this can be regarded as liberal state-building. Although the Accords involved particularly complicated negotiations and resulted in a complex initial agreement,<sup>15</sup> the clear intention was to create Palestinian autonomy, or at least a limited form of it. It appears that all the parties acknowledged the consequences of this, as Article I of the DoP suggests:

The aim of the Israeli-Palestinian negotiations . . . is, among other things, to establish a Palestinian Interim Self-Governing Authority . . . for the Palestinian people in the West Bank and the Gaza Strip . . . for a transitional period . . . leading to a permanent settlement based on Security Council Resolution 242 and 338.<sup>16</sup>

This was to be achieved in three stages. Oslo I (1993) consisted of the initial diplomacy to establish principles and strategies and a timetable for implementation. Oslo II, or the Interim Agreement (1995),<sup>17</sup> was to lay the foundations for the Palestinian National Authority (PNA) and the establishment of self-rule though functioning institutional and territorial power. Finally, Oslo III was intended as the final stage of conflict termination and was designed to deal with the “real issues”, such as the permanent status of the Occupied Territories, Jerusalem and refugees. Needless to say, Oslo III – which had much more in common with an emancipatory form of peace for the Palestinians and was due to begin in May 1996 – did not happen. Despite the historic and groundbreaking negotiations and the establishment of the PNA and a form of limited self-rule in areas of the West Bank and Gaza, the promises of the Oslo Accords and the Declaration of Principles failed to come to fruition – to the delight of some and the distress of others.

It is important to point out that the peace process in Palestine, supported by UN Resolutions 242 and 338, was quite different from more direct “hands-on” UN peace support operations. The traditional mechanisms for peace in this region have characteristically been mediated peace agreements, Track II negotiations, and indirect institutional engagement through international financial institutions, international donors and international organizations such as the United Nations and the European Union. In the period following the Oslo Accords, however, multilevel and multidimensional peacebuilding approaches undertaken by international organizations, state actors and NGOs were much more in evidence. This also signifies the beginning of the liberal peace process.

There is a great deal of commentary on the failure of the Oslo peace process, most of which deals with the historical events and naturally places the breakdown of the process in the familiar political and historical context of the ongoing cycle of conflict. For example, it is commonly argued that the continuing violence, in the form of terror attacks and targeted killings and incursions, continued on both sides, as did settlement building. As the political situation shifted,<sup>18</sup> a second Intifada erupted in 2001. This armed insurrection led to the dissolution of the PNA and the destruction of Arafat’s PNA compound, which in effect signalled the end of the Oslo peace accords.<sup>19</sup> Other arguments suggest a number of policy reasons associated with the implementation of the agreement to account for its failure.<sup>20</sup>

The importance of the Oslo process as a representation of the liberal peace model seems to be that both the Palestinian and Israeli leaderships recognized for the first time – in public at least – the necessity to work together to find a mutual solution. This was contrary to both Israeli and Palestinian claims to the land, which in the depths of their historical

narratives were mutually exclusive and comprised the core conflict issue. For this reason, Oslo represented a dual policy shift from political independence to the recognition of mutual political dependence. The main issue became no longer whether power should be shared but rather how and on what terms.<sup>21</sup>

However, it is the asymmetric nature of the relationship that is often regarded as the reason for the failure of the process. The Oslo Accords heralded the construction of a Palestinian “state” that was so fractured and divided into areas of varying Israeli control that Palestinian autonomy was a fallacy and day-to-day operation would have been virtually impossible without direct Israeli involvement. Moreover, it seems that the asymmetric construction of the Oslo Interim Agreement itself was designed to reflect the strength and existing structure of the Israeli state. As a result it could be manipulated and ultimately destroyed by Israel as a compromise agreement (to the obvious detriment of the Palestinians). Lustick suggests that Israeli opponents of the Oslo process were able to treat it not as a political framework for compromise but as a rigid legal codex. Oslo ultimately failed because Israeli opponents of the process made it “an array of legalistic and definitive limits for the opposing side versus an array of loopholes and opportunities for the aggressive, adversarial exploitation of opportunities for one’s own side”.<sup>22</sup>

The Oslo Accords also seemed to fail to deal with deeper socioeconomic issues among the Palestinians, which had been developing in the 50 years of the conflict. Previous peace processes had been generally unsuccessful for just this reason because the regional Arab states had been negotiating largely for their own agenda, not for the concerns of the Palestinian people. However, since the first Intifada and the withdrawal of Jordan from representing the Palestinians,<sup>23</sup> the concerns of the Palestinians had become the main issue and now Palestinian politicians were supposed to be negotiating for them. Clearly, the core issues of sovereignty, territory, refugees and Jerusalem were still important, but what the Intifada brought to the surface were the contemporary, structural reasons for the conflict, such as the dire socioeconomic conditions in which the Palestinians lived. The first Intifada represented a Palestinian grassroots human rights rebellion against the Israeli occupation – considered the root cause of the socioeconomic problems. Nevertheless, the Oslo Accords were no exception to the trend of top-down political solutions that neglect the people, even if this was one negotiated by Palestinian national politicians. Oslo has been referred to as “a solution to strategic problems and dilemmas” and it is uncertain “[w]hether the leaders understood and represented the fundamental interests and rights of their people”.<sup>24</sup> Certainly Palestinian feeling on the Oslo Accords is not particularly positive. It was suggested to me that Oslo could never be



taken seriously because it was primarily a political settlement when what was needed was a socioeconomic one.<sup>25</sup> The ultimate Palestinian grassroots response to Oslo was the second (al-Aqsa) Intifada – a damning condemnation of the failure of Palestinian politicians to alleviate the suffering of their own people.

Despite these problems, the Oslo Accords should be regarded as an early attempt to introduce the liberal peace model because it laid the foundations for the foreseeable creation of a Palestinian state. The Accords were borne on the wave of post-Cold War optimism and the (re)creation of a new world order that was being applied to other world conflicts.<sup>26</sup> Oslo, in the mould of *An Agenda for Peace*,<sup>27</sup> encompassed a new vision for dealing with the conflict (now regarded as the liberal peace model), which by 1992 was also under way in other conflict regions such as Namibia, Nicaragua, Angola, Cambodia and El Salvador. The influx of international donors and actors, and particularly NGOs, into Palestine following the signing of the Oslo Accords is a clear example of this new consciousness of multilevel and multidimensional liberal peacebuilding.<sup>28</sup> The West Bank and Gaza received major investment packages through peacebuilding institutions such as the United Nations, the European Union, the World Bank and other major state-building donors. Indeed, donated funds were estimated to be on a huge scale. A 1993 World Bank report, *Developing the Occupied Territories: An Investment in Peace*, recommended that the donor community provide technical assistance to public sector economic investments in the West Bank and Gaza. This included transport, power, education and health and was estimated at US\$1,350 million for the medium term and US\$1,600 million for the long term.<sup>29</sup> This is consistent with the Kantian and Wilsonian notions for building liberal peace by creating peace and stability through state formation and developing the strength of the state through socioeconomic investment.

A closer examination of the DoP reveals further elements of the liberal peace model. Although most of the Articles are concerned with the nature of the interim self-government arrangements, there is clearly language familiar to liberal peacebuilding missions. Article III states:

In order that the Palestinian people in the West Bank and Gaza Strip may govern themselves according to democratic principles, direct, free and general political elections will be held . . . under . . . international observation.<sup>30</sup>

It is also emphasized in this Article that this development is a “preparatory step toward the realization of the legitimate rights of the Palestinian people and their just requirements”.<sup>31</sup> This certainly promotes democratization and human rights. In regard to the rule of law – another pillar of

liberal peace theory – Article VIII requires the creation of a strong police force and empowers the interim council with legislative powers.<sup>32</sup>

Article VI calls for “promoting economic development” and Palestinian control of “education and culture, health, social welfare, direct taxation, and tourism” and Article VII calls for the promotion of economic growth through the establishment of a Palestinian sea port, development bank, and water and electricity authorities.<sup>33</sup> Furthermore, Article XI suggests “Israeli-Palestinian cooperation in economic fields” by “recognizing the mutual benefit of cooperation” for development.<sup>34</sup> Interestingly, the Annexes to the Accords place a great deal of emphasis on the necessity for Israeli–Palestinian cooperation, particularly in the regions of economics and development, and regional growth programmes, including social rehabilitation, business development and infrastructure.<sup>35</sup> This certainly reads like the UN mandates for liberal state-building in Cambodia, Kosovo or Timor-Leste, with the only major difference being the absence of an international authority to implement it.

The Oslo Accords clearly reflect the liberal peace model for post-conflict state-building. Presented as a political solution and promising peace between Israel and the current Palestinian leadership (it would certainly guarantee continued PLO and Fatah domination in the short term by the creation of a Palestinian National Authority), the Accords also heralded a new era of political, economic and social accountability for the Palestinian and Israeli leaderships. The liberal peace model introduced criteria by which the state-building project could be judged. However, as the political conditions of the Accords seem to have failed in the short term, Oslo set new parameters by introducing a “default” state-building mechanism to the Middle East peace process, which could in many respects be continued irrespective of the criteria of liberal peace. The implications of this development for the security of Israel and the form of a future Palestinian state are uncertain, but what seems clear is that the liberal peace model that arrived in the Middle East with the peace process laid the foundations for the creation of a Palestinian state. What form this state is likely to take remains unclear.

## The liberal peace model in Palestine and Israel

In this section, I examine how the liberal peace model exists in Israel and Palestine both as a political concept and as a supposed tool for creating self-sustaining peace. I shall argue that, contrary to pessimistic views of the peace process, the liberal peace framework is actively being engaged at the political level by all actors as a way out of the conflict, particularly since the so-called “two-state” solution has gained in ascendancy and the

acceptance of a Palestinian state seems almost inevitable. However, given the limitations of the liberal peace model – its propensity for not creating what it promises and for not satisfying its own stringent criteria – the form that the future Palestinian state might take certainly raises a number of concerns.

The first concern is the actual peace process itself. Like many other processes it is monopolized by the political elites, who of course have much to gain (and lose) from a settlement. Their agendas often clearly neglect the people whom any future settlement is supposed to benefit. For the Palestinians, who suffer dire socioeconomic conditions, this is very serious. Solutions to the Palestinian–Israeli conflict are persistently focused at the political level because the most prominent actors in the official peace process are the “established” political elites – who are courted by the international peacebuilding community. Approaches to peace directed at the individual level and engaging with political or socioeconomic rights, although tackled in some degree by NGOs at the grassroots level, are not necessarily engaged at the elite level. Instead they are assumed to be solvable at the state level through the “final status issues”. However, progress in these vital areas – via development loans and investment – is dependent on a final status solution and requires state creation. This is perhaps a familiar criticism of the inherently inconsistent and contradictory nature of the liberal peace framework, where references to the individual are often subsumed by the importance of the state-building process and the creation of a state with which to defend these rights. The obvious difficulty is how to protect these rights when there is no state entity and the likelihood of state creation is low. Such a situation is a strong possibility in Palestine.

Secondly, in both Israel and Palestine – but particularly in Israel – there are a number of peace NGOs and “independent” think tanks whose remit is to support the peace process. Although their agendas (and staff) employ the language of liberal peace, they seem to adopt an overtly political top-down approach to peace and advocate political solutions based on familiar state-centric notions, such as national and personal security.<sup>36</sup> Once again, this process could be acceptable if state creation were a real possibility or end-point, but when the consequences of liberal peacebuilding are divided states, such as Bosnia and Kosovo, the liberal peace model is clearly promising far more than it can deliver. Consequently, the position of the Palestinian people – stuck in a political no man’s land with no real protection of rights – is one of political betrayal and socioeconomic misery, and little or no chance of change.

More worryingly, other independent peacebuilding NGOs expressed a lack of confidence in the ability of Track II approaches to create incentives for peace, thus effectively undermining the grassroots process

altogether.<sup>37</sup> Similarly, at the governmental level there seems to be a relatively unsophisticated view of the peace process. It seems focused only on Track I conflict management— which is curious, given the extent of the literature on the development of peace processes and the experience of missions, such as those in Bosnia, Timor-Leste and Kosovo.<sup>38</sup> However, from the perspective of the Israeli government, this is perhaps understandable, given the natural propensity of the state government to want to preserve its political position and closely defended state sovereignty. The passionately negative response to questions about the need for a UN mission in Israel–Palestine certainly confirms this suspicion.<sup>39</sup> This situation raises the question of how, without a formal UN peace-building mission, agency can be given to NGO actors when the political process is monopolized by power-seeking elites. Surprisingly, even the respected human rights organization B'Tselem adopts a particularly Israeli government view of human rights in the Palestinian regions.<sup>40</sup>

These concerns confirm my suspicions that the trajectory of the liberal peace model launched at Oslo is aiming at some form of state creation. However, the clear neglect of grassroots political and socioeconomic issues – liberal peace criteria – would suggest that the path is to state-building not necessarily to peacebuilding, particularly given the continued pursuit of the original political and zero-sum goals by the political elites. These elites, it seems, are desperate to hold on to power at all costs – even if it means dividing the Palestinian nation or the destruction of Israel. The form of (Palestinian) state that will ultimately emerge from this morass is not clear. However, I suspect that the Palestinians will become, or continue to be, a forgotten other – lost without international status and as a politically divided and weak territory that will be reduced and contained (by Israel) as a marginal security risk.

I shall test this theory by examining some of the individual components of the liberal peace model (democracy, human rights and the rule of law) in order to argue that the liberal criteria of the peace process become deviant, and in many cases are actually ignored, in order to move the process forward to the creation of a stable security situation. This is particularly apparent because the considered aim of liberal peace is the creation of a Palestinian state but, given the reality of the situation on the ground with regard to settlements in the West Bank and the course of the security wall, the so-called “two-state solution” – two independent states side by side in the region – is clearly a fallacy.

### *Israeli democracy and governance*

“Israel is a liberal democracy” is a statement that is frequently used to describe the political system in the country – particularly in response to

questions about liberal peace.<sup>41</sup> Certainly, the Israeli state functions in a similar manner to many liberal democracies: it has a democratically elected government and prime minister, a parliament (Knesset) with all-party representation and a separation of powers between this institution and the President and the Supreme Court. However, the two unique (although clearly related) difficulties that Israel has to contend with in relation to democracy are how to separate religion from the state and the issue of the Palestinians (both inside Israel and within the Occupied Territories).

Israel has no written constitution, although a number of fundamental laws exist, owing to the close relationship between Judaism and the state. Israel in this respect refers to itself as “Jewish and democratic”. This is certainly the foundation of the Israeli state, but is it possible to combine these two concepts given that by its very nature – the prerequisite of faith – religion is exclusive? Does this statement suggest that democracy is possible in Israel only if the people are all Jewish? It certainly casts doubt on the status of non-Jewish ethnic groups, particularly Israeli Arabs, who make up approximately one-fifth of Israel’s population. This is often referred to as the “Jewish question” and has been the source of debate over how the Jews, as an ancient religious people, should fit into a modern political order such as that provided by liberal democracy. Critics of the Jewish question suggest that national self-determination for Jews in a state of their own can no longer be part of a morally acceptable answer.<sup>42</sup>

Tied in to this debate is the question of the Palestinians. Although this creates another problem for democracy, it also has a serious existential dimension for Israel. Commonly termed the “demographic question”,<sup>43</sup> this situation refers to the absorption of the Occupied Territories along with approximately 3.5 million Palestinian people. For Israel, with a population of approximately 7 million that already includes about 1.4 million Arabs, this is a serious issue.<sup>44</sup> Although the continued occupation of the West Bank and control of Gaza’s borders could become politically untenable for Israel, more concerning for the Jewish nation is that long-term occupation might eventually undermine the desired homogeneity of the Israeli state. In order to maintain its Jewish identity, Israel might need either to sacrifice democracy or to face destruction as the Jewish homeland. In an unprecedented statement, the Israeli prime minister voiced this growing concern by suggesting that, unless a two-state solution was achieved, Israel would “face a South African-style struggle for equal voting rights, and as soon as that happens, the state of Israel is finished”.<sup>45</sup>

It is a difficult task to interpret and identify the stimulus for Israeli political activity. The Jewish state, which often appears homogeneous and unified, is a particularly complex, diverse and fractured political community. Indeed, it might be only the conflict with the Palestinians and the

wider perceived threat from the Arab world that are keeping the political society together.<sup>46</sup> Similarly, it is difficult to assess the impact of liberal peacebuilding on a state where liberal democracy and international law are continually challenged by the national security situation. However, with the apparent move towards a two-state solution by the Israeli government, are we witnessing an acceptance of the ideology of the liberal peace model and the relinquishment of Zionism? It certainly appears that the Israeli leadership might be abandoning the Zionist goal of a greater Israel (which includes the Palestinian areas as the promised land) and is concentrating on securing the territory within Israel. This is being achieved, not just rhetorically but in actuality, through the construction of the “security fence”.<sup>47</sup> This is also perhaps consistent with the disengagement plan and the unilateral withdrawal from Gaza, which Sharon oversaw in September 2005.

In *The Iron Wall*, revisionist historian Avi Shlaim argues that the Israeli Zionist policy towards the Palestinians has been based on the understanding that the Arabs would never voluntarily give up land they saw as their own. He suggests that the Zionists always intended to employ forcible settlement to construct a metaphorical iron wall that the Palestinians would be powerless to break down.<sup>48</sup> With the construction of the “security fence”, this now appears to be becoming a reality, because an actual iron wall will now exist between the communities. Predictably there is a great deal of debate about the purpose of the security fence. The official Israeli government explanation relates to security and the prevention of terrorism. However, the course of the wall does not follow the 1967 Green Line and it annexes a great deal of Palestinian land (and Palestinians), not to mention the Old City of Jerusalem. The wall debate raises a familiar theme in Israeli policy toward the Palestinians in regard to security and land. The wall of course conveniently provides both security and land for Israel, while it effectively emasculates the Palestinian territory to such an extent that it will probably be unable to exist as a functioning state. This outcome of partition is perhaps a clear illustration of the limits of the liberal peace model, where the employed framework is unable to reconcile different ethnic communities through democracy, human rights and rule of law. Instead, the territory is divided into emaciated and internally divided separate states or states in waiting.

Israel is undoubtedly unique, because its claims to liberal democracy are without doubt overshadowed and certainly corroded by the Jewish and Palestinian questions, which include – from the Palestinian perspective of course – the continued military occupation of Palestinian lands (pre- or post-1967). Emphasis on democratic reform is also persistently focused on the Palestinian leadership, particularly by Israel and the

United States, often as a precondition for negotiation in the peace process. However, questions relating to democracy and governance in the liberal peacebuilding process should also be asked of Israel, whose claims to democracy seem, in the current circumstances, somewhat debatable. Nevertheless, it certainly might seem that Israel is using the discourse of liberal peace as a realistic replacement for “greater Israel” (Eretz Yisrael) and to ensure the survival of the Jewish state. A walled division would clearly satisfy the democratic, demographic and Palestinian problems in Israel. Once again though, it remains to be seen in what condition this de facto division would leave Palestine. However, the example of Gaza after the Israeli disengagement is a precedent, and the prognosis is thus not good.

### *Palestinian selective democracy*

Democratic governance in the Palestinian Territories is dictated by two main factors – the role of Israel as the occupying power in the region and the political and cultural system of the Palestinian Arabs – both of which seem to result in a form of “selective democracy”.<sup>49</sup> The role of Israel should certainly not be underestimated. By employing its disproportionate strength, the Israeli government is able to dominate and control socioeconomic conditions in the West Bank and Gaza; this, of course, greatly influences the political situation. This has been particularly apparent following the success of Hamas in the Palestinian Legislative Council elections in January 2006. Since then, the Israelis have led an international boycott of the Hamas government, withheld tens of millions of dollars in vital tax revenues<sup>50</sup> and closed the border to trade and commerce. Unsurprisingly, this has greatly exacerbated the already dire socioeconomic situation of the Palestinian people in Gaza and arguably triggered the sociopolitical implosion and civil war between Hamas and Fatah, which led to Hamas taking complete control of Gaza.

Israel is also able to use its immense military strength (in comparison with the Palestinians) to kill those whom it regards as unacceptable Palestinian group leaders, politicians and individuals<sup>51</sup> and also to – quite literally – demolish the Palestinian government. This it did in September 2002 by destroying almost the entire infrastructure of the fledgling Palestinian National Authority, including Arafat’s compound. This asymmetry affects Palestinian domestic political affairs and is not unnoticed by the international community. It certainly affects the sustainability of liberal peace, as the *Palestine Human Development Report 2004* suggested: “each time the Palestinians come close to achieving any level of institutional empowerment and democratic governance, it is expected that the

Israeli occupation forces will redouble their efforts to destabilize Palestinian society.”<sup>52</sup>

It is particularly vexing therefore that, despite recognition of this problem, there is a distinct lack of support from the international community. For example, following the parliamentary elections that resulted in Hamas winning 76 of the 132 seats in the chamber (the ruling Fatah party won only 43 seats), the response of the international peacebuilding community was quite the reverse of what it perhaps should have been for the democratic process, particularly when an election with 77 per cent electoral participation unseated the established ruling elites. Instead of upholding the result, the international community (particularly the United States and Europe) condemned the election results as a disaster for the region. The paradoxical nature of the situation was clearly illustrated by the British prime minister, Tony Blair, who stated: “I think it is important for Hamas to understand that there comes a point and the point is now...where they have to decide between a path of democracy or a path of violence.”<sup>53</sup>

What signal does this type of event send to this region (and others), where the international peacebuilding community places so much emphasis on the democratic process yet fails to support it when the outcome is not to its liking? Or perhaps this is just indicative of the deviancy of liberal peace, which operates by supporting only “liberal” others. Perhaps we should not be surprised by such contradictions, given that the phenomenon of allowing the local people to elect the “wrong” leadership has actually been termed “illiberal democracy”.<sup>54</sup>

Yet Palestinian democratic governance to date has not been free of criticism, owing perhaps to the existing political, cultural and religious system. According to the *Palestine Human Development Report 2004*, the current political system in Palestine is a barrier to the development of democracy, which in turn influences the social and economic situation. It suggests the need for “[d]emocratization of all aspects of political life within a pluralistic system that includes rotation of power and leadership...separation of powers, conducting periodic elections that prevent monopoly over power, revamping of political institutions and structures”.<sup>55</sup>

This is illustrated by the incumbent Palestinian (Fatah) elites, whose claim to the political leadership of the Palestinian people is without a democratic mandate. This runs counter to the principle in the provisional constitution (March 2003) that the leadership will engage with the notions of the liberal peace model. Article 8 states:

The Palestinian political system shall be a parliamentary representative democracy based on political pluralism. The rights and liberties of all citizens



shall be respected, including the right to form political parties and engage in political activity without discrimination on the basis of political opinions, sex, or religion.<sup>56</sup>

It is difficult to judge how far this constitution is co-opting the international peacebuilding community's peacebuilding programme<sup>57</sup> in order to placate both the radicalized Palestinian public and the liberal democratic international peacebuilding community and to consolidate power for Fatah. But the *Palestine Human Development Report 2004* suggested, somewhat contrary to the requirements of the 2003 constitution, that the traditional structure of the Palestinian political system "is based on an alliance of political elites, security apparatuses and traditional social structures and on a network of relations of loyalty and personal and interest-oriented connections with people in power at all levels".<sup>58</sup>

Although these criticisms are clearly not culturally sensitive and obviously insinuate endemic and widespread corruption, they exhibit the classic liberal peace framework approach to state-building – a complete failure to engage with the local cultural-political systems and instead looking to replace them from above with Western patterns of liberal democracy. Needless to say, the democratic elections in Gaza that were supposed to enact Western democracy returned a Hamas government. Not only was this a shock to the sensibilities of the international liberal peacebuilders but it demonstrated clearly that democracy was replicating, not replacing, the already existing form of political system and predictably led to a zero-sum power struggle. This is an all too common occurrence when democracy is applied to a traditionally autocratic system of governance based on patronage and clientelism, such as in Cambodia or Timor-Leste.<sup>59</sup>

It would seem that the international peacebuilders are struggling to reform the Palestinian political system to fit the democratic model. Perhaps it is a misguided assumption that concern for the rights of the individual (in the liberal peace framework) is shared by the incumbent Palestinian political elite, because it seems they have no desire to relinquish, share or, indeed, devolve political power. A revealing interview with a former Fatah Legislative Council member suggests that democracy is a difficult concept to apply to the Palestinian National Council; instead he suggests that a form of "interior democracy" exists.<sup>60</sup> The attempt to introduce democratic reform is not helped by the absence of a UN mission or Office of the High Representative that could institute constitutional change. But even when the United Nations has had direct involvement in the local political system, as seen in Cambodia or Timor-Leste, a similar situation of "democracy" replicating the existing power structure has occurred.<sup>61</sup> As the *Palestine Human Development Report 2004* depressingly points

out, “[t]he incentive to create institutions designed to empower society remain [*sic*] weak and efforts to modernize Palestinian life are symbolic and/or superficial”.<sup>62</sup>

There is little doubt that liberal democratic recommendations for democracy and representative government are applicable to the Palestinian political system and are voiced not just by the international community but by many Palestinians themselves, who see their national leadership as corrupt, undemocratic and unrepresentative. Indeed, the second (al-Aqsa) Intifada, which effectively ended the Oslo peace process and led to the physical destruction by Israeli forces of the PNA, can be regarded as a reaction not just against Israel and the failings of the peace process but also against the perceived corruption and ineffectiveness of Arafat and the Fatah leadership – at both national and local level – in dealing with the socioeconomic conditions in the Occupied Territories. Furthermore, the success of Hamas as a grassroots sociopolitical movement is also indicative of the weariness of the Palestinian public with the corrupt and ineffective old guard Fatah regime. How far the leadership of Hamas will replicate this oppressive and autocratic regime remains to be seen, but if the Fanonian maxim of the oppressed becoming the oppressor<sup>63</sup> is to be believed, then the results so far in government in Gaza do not look encouraging for the Palestinian people.

However, the serious division between the West Bank and Gaza and the apparent failings of the liberal peace framework could be part of the deviancy of the liberal peace model. The promise of a “state” built with Israeli acquiescence and international assistance is obviously attractive to Mahmoud Abbas and Fatah, which controls the West Bank and claims to represent the Palestinians. Yet this is a state without Gaza. It is nevertheless an option that Fatah, which is supported by all the actors in the peace process, is now considering and this serves only to further weaken both the Palestinians as a political entity and increasingly the chances of a workable state. Fatah is attractive both to the international peacebuilding community as representing “liberal Palestinians” because it employs the language of the liberal peace model, and to the Israelis, who can further divide and weaken the Palestinians by supporting Fatah. Fatah in turn is probably subverting the liberal peace framework to reinforce its own position of control over the emerging Palestinian state – the reluctance to engage in dialogue with Hamas is perhaps indicative of this. Conversely, Hamas in Gaza is the “unacceptable other” in the liberal peace model. It is an example of a politically legitimate group that is electorally mandated to represent its people but, owing to its political orientation, is not recognized by the liberal peace model, or indeed the international peacebuilding community, and is therefore sidelined and ignored. Ironically, Hamas is a grassroots Palestinian organization with

deep socioeconomic roots that has widespread support owing to its attempts to engage with social and welfare issues – an area neglected by the elite-level Fatah and indeed by many of the international peacebuilders. Further neglect, marginalization and economic persecution of the Palestinian people in Gaza is not only mystifying on the part of Fatah, but also misguided on the part of the Israelis and the international peacebuilding community because it can only serve to further deepen support for Hamas. Once again, the liberal peace model in Palestine, as in Bosnia and Kosovo, has mutated into deviancy. This deviant strain of the liberal peace model not only fails to heal divisions among people but also paradoxically reinforces them.

### *Human rights and the rule of law*

Unsurprisingly, Israel does not fare very well against the liberal peace criteria of human rights, primarily owing to the conflict with the Palestinians. A report in 2006 by the UN Special Rapporteur on the situation of human rights in the Palestinian territories was particularly scathing about Israeli violations of human rights and international humanitarian law and found a litany of abuses. These included military incursions, the destruction of civilian infrastructure, the levelling of agricultural land and high civilian deaths. The report also focused on the economic sanctions in Gaza, which have led to 70 per cent unemployment and to over 80 per cent of the population living below the official poverty line.<sup>64</sup> Indeed, the siege of Gaza is considered a form of collective punishment in violation of the Fourth Geneva Convention of 12 August 1949, and the indiscriminate use of military power against civilians and civilian targets amounts to serious war crimes.<sup>65</sup> The report also highlights the continued construction of settlements in the West Bank and East Jerusalem, Palestinian prisoners in Israeli jails, targeted assassinations and the daily discrimination and injustice against Palestinian civilians. More recently, there has arisen the possibility of an international indictment against Israel for war crimes against civilians following the Israeli invasion of Gaza in January 2009.

It is apparent that, despite the human rights criteria contained in the liberal peace framework and the support for these from the international community, they are clearly impossible to enforce and moreover are subservient to state interests and perhaps international politics. The continued appeasement of Israel by the international community, and in particular by the United States, is seriously undermining the credibility of the liberal peace framework as a universal model for peace and is instead causing it to deviate into a form of Western ideological control. This clear inconsistency between the theory of liberal peace and the

deviancy caused by its practical application, particularly when revealing a dark ideological component, has serious implications for peacebuilding, as the Special Rapporteur on the situation of human rights in the Palestinian territories points out:

The Occupied Palestinian Territory is the only instance of a developing country that is denied the right of self-determination and oppressed by a Western-affiliated State. The apparent failure of Western States to take steps to bring such a situation to an end places the future of the international protection of human rights in jeopardy as developing nations begin to question the commitment of Western States to human rights.<sup>66</sup>

Because of the unique ethnic nature of the Israeli state, it has internal human rights issues relating to the representation of ethnic groups. Although ethnic minorities, particularly Arab-Israelis, are certainly represented in the Knesset, human rights questions arise in reference to the exclusive nature of Zionism and Jewish nationalism, and indeed the function of the Israeli state as a national homeland for Jewish people. Certainly, the symbols of state such as the Israeli flag, emblem, anthem and coinage seem to allow little space for any other minorities to be included – ethnic, religious or otherwise. Furthermore, if individuals of another nationality wish to become Israeli citizens (and receive full citizenship rights) they are required to relinquish their former nationality. This is perhaps not an unusual requirement in many democracies, but what are the implications for those who are not Jewish? Needless to say, for this reason, many Arab-Israelis choose to reject citizenship and remain Palestinian by nationality; this affords them few rights in Israel and gives them the status of a refugee. As a result, many are treated as second-class citizens.<sup>67</sup>

As I have argued, the deviant liberal peace model is compliant with this outcome because it is a state discourse and naturally supports recognized and established international states and in particular the dominant human rights model, in this case the Western version. However, alternative forms, such as the Palestinian process of human rights and rule of law in the West Bank and Gaza, do not fit the Western liberal peace model either, as the *Palestine Human Development Report 2004* suggests:

The system of personal alliances is accompanied by a host of illegal practices, such as bribes, corruption and various means of bypassing or disregarding the rule of law. In spite of a nominal level of pluralism in this system, features of authoritarianism are still present.<sup>68</sup>

Furthermore, the historical and cultural legacy of Jewish human rights is particularly sensitive, and was perhaps the reason for the creation of

the state of Israel in 1948. Nevertheless, the point remains that the deviancy of the liberal peace model, as a Western state discourse, is clearly inconsistent in relation to minorities or non-Western cultures. Conversely, when employed in support of a Western dominant version, it serves to reinforce the status quo (despite the obvious contradictions) by marginalizing alternative voices, minorities and “others”, an outcome that the liberal peace discourse is probably designed to have.

## Conclusion

Paradoxically, the liberal peace model is working well in the Palestinian–Israeli conflict. It is supporting Israel as a liberal democratic state while attempting to create a liberal democratic state in Palestine. This, however, is the irony of the liberal peace model; it is used to create a deviant liberal peace. Clearly, as I have argued above, democracy, human rights and the rule of law are far from universally apparent. Israel is not an inclusive democratic state and the Palestinian National Authority can hardly function as a political entity. Furthermore, the application of human rights and the rule of law is at best inconsistent and at worst ineffective. The current process of division, particularly by means of the security fence, is the best that can be achieved through the liberal peace model because the model is continually (ab)used to create a conservative liberal peace through the rhetoric of state-building. This will ensure the security of Israel and the creation of some form of (inadequate and emaciated) Palestinian state, which might also be divided between the West Bank and Gaza – which further suits Israeli security requirements. The only peace that this model can be used to achieve in the short term in Palestine and Israel is a negative peace, one that is held in place by security, division and hard power.

Although I suggest that this conclusion is particular to this conflict, it does not necessarily exclude its relevance to other peace processes that have employed the liberal peace model. Nevertheless, in the Palestinian–Israeli conflict, given the asymmetry of the relationship between Israel and Palestine and Israel’s obvious advantage as an advanced Western “liberal” state, supported, in particular, by the United States, it is little wonder that the possibility of a Palestinian state is becoming even more remote. The likelihood of a two-state solution, even though distant, could be a positive development for the region, but it has to be accepted that on the current trajectory this will be no more than a virtual state, one that will hardly meet the criteria of the liberal peace model. This would, of course, be a security advantage for Israel, but it would be of

little benefit to the Palestinian people. This situation clearly demonstrates the deviancy of liberal peace – negative peace through division and exclusivity.

The reality of these limits of liberal peace, coupled with the immense difficulty of this particular conflict and the “art of the possible”, means that this framework is repeatedly employed to support existing states and state-building. It is often unable, and perhaps unwilling, to deal with the problematical features of true liberal peace because this would mean sorting out difficult core conflict issues as well as socioeconomic problems. It would also mean engaging with alternatives to the hard state system discourses of sovereignty and legitimacy. Instead, it is easier to support Western-centric solutions that uphold the status quo and build walls to isolate perceived security issues. In these circumstances, the projected future for a functioning Palestinian state is gloomy. The most likely outcome, particularly since the Palestinians are potentially divided between the West Bank and Gaza, is a weak and divided territory that is controlled by Israel but is “on track” to statehood. The reality is that this territory will remain indefinitely in international limbo as “talks progress”, because the international community, and indeed local and regional actors, are unable (and unwilling) to grant state accession, particularly given the conditionality of the liberal peace model. The likely result is continued conflict and further suffering for the Palestinians and Israelis.

### Beyond liberal peace

The liberal peace thesis is frequently hijacked by Western state-builders, not simply because it is a flawed and unrealistic process for achieving sustainable positive peace but also because it is a convenient discourse for supporting the state-building of preferred “liberal” actors. It is an opportune theory that provides liberal criteria that can be used to exclude the “illiberal” other. So what is the future for the liberal peace in Palestine and Israel? The distant hope is for a peace process that brings a model more suited to dealing with the political, social, economic and cultural idiosyncrasies of this region – one that moves away from Western, realist and security assumptions about the international system and might, for example, entertain notions of joint or shared sovereignty over the Holy Land.

But what is the future for the liberal peace thesis? Certainly the liberal peace thesis is very attractive for rebuilding post-conflict societies and, as I have suggested, can be easily hijacked by state-builders. As an academic process put into practice it certainly needs to be problematized

because the notion of emancipatory peace, focusing on local ownership, social movements, actors and issues, which the conflict actors – the Palestinians in particular – expect, is clearly illusory. How far the true principles of liberal peace can be applied to non-Western conflict zones is also problematic, particularly because they are so often forsaken for the quick-fix solution of state-building and ultimately conservative liberal peace. Whether there is a future for the liberal peace thesis remains to be seen, but, given the number of attempts to introduce the process that have ended with malformed virtual states, and judging by the trajectory of the Middle East process, the search for alternative models for creating sustainable peace surely needs to get under way.

## Notes

1. The arguments in this chapter have been further developed in Oliver Richmond and Jason Franks, *Liberal Peace Transitions: Between Statebuilding and Peacebuilding* (Edinburgh: Edinburgh University Press, 2009).
2. PASSIA, personal interview, Jerusalem, 28 June 2007.
3. Alvaro de Soto, “End of Mission Report” (May 2007), available at <http://image.guardian.co.uk/sys-files/Guardian/documents/2007/06/12/DeSotoReport.pdf> (accessed 28 May 2009).
4. Michael Doyle, “Three Pillars of the Liberal Peace”, *American Political Science Review*, vol. 99, no. 3 (2005), pp. 463–466.
5. Although these are post-conflict situations, they can also be seen in actuality as forms of imperfect “virtual liberal peace”; see Oliver Richmond and Jason Franks, “Liberal Hubris: Virtual Peace in Cambodia”, *Security Dialogue*, vol. 38, no. 1 (2007); “Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo”, *Cooperation and Conflict*, vol. 43, no. 1 (2008); “The Emperors’ New Clothes? Liberal Peace in East Timor”, *International Peacekeeping*, vol. 15, no. 2 (2008).
6. See Oliver Richmond, *The Transformation of Peace* (London: Palgrave, 2005).
7. *Ibid.*, pp. 214–222.
8. *Ibid.*, p. 217.
9. For further arguments on “virtual liberal peace”, see Richmond and Franks, “Liberal Hubris: Virtual Peace in Cambodia”; “Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo”; “The Emperors’ New Clothes? Liberal Peace in East Timor”.
10. UN General Assembly Resolution 181(II), “Future Government of Palestine”, UN Doc. A/RES/181(II), 29 November 1947, available at <http://www.un.org/documents/ga/res/2/ares2.htm> (accessed 28 May 2009).
11. See the website of the Office of the United Nations Special Coordinator for the Middle East Peace Process (UNSCO), <http://www.unsco.org/Default.asp> (accessed 28 May 2009).
12. In this chapter I have chosen not to focus on the bilateral agreements between Israel and Arab states such as Egypt and Jordan, which of course have successfully created a lasting peace.
13. Benny Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–2001* (New York: Vintage, 2001), p. 613.
14. *Ibid.*, p. 612.

15. For a detailed explanation of the agreement, see Morris, *Righteous Victims*, p. 627.
16. "Declaration of Principles on Interim Self-Government Arrangements", Washington DC, 13 September 1993, available at <http://www.jmcc.org/research/series/dop.html> (accessed 14 May 2009); see also Nils Butenschon, "The Oslo Agreement: From the White House to Jabal Abu Ghneim", in George Giacaman and Dag Jrund Lonning (eds), *After Oslo: New Realities, Old Problems* (London: Pluto Press, 1998), p. 19.
17. This also included the Wye Summit (1998).
18. In May 1996 the minority Labor government of Shimon Peres was defeated by the right-wing Likud party (Netanyahu became prime minister).
19. See Avi Shlaim, *The Iron Wall: Israel and the Arab World* (London: Penguin, 2000), pp. 512–604; and Morris, *Righteous Victims*, pp. 612–669.
20. Gershon Baskin, "Why Oslo Failed", *Jerusalem Post*, 13 and 20 August 2007.
21. Butenschon, "The Oslo Agreement", p. 23.
22. Ian Lustick, "The Oslo Agreement as an Obstacle to Peace", *Journal of Palestinian Studies*, vol. 27, no. 1 (1997), pp. 61–66.
23. The Jordanians concluded their own bilateral peace treaty with Israel in 1994.
24. Butenschon, "The Oslo Agreement", p. 17.
25. Mahadi Abdul Hadi, director of PASSIA, personal interview, Jerusalem, 28 June 2007.
26. Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).
27. Boutros Boutros-Ghali, *Agenda for Peace: Preventative Diplomacy, Peacemaking and Peacekeeping* (New York: United Nations, 1992).
28. By which I mean a third-generation multidimensional approach that seeks also to build peace from the bottom up by tackling the socioeconomic conditions. See Oliver Richmond, *Maintaining Order, Making Peace* (London: Palgrave, 2002).
29. World Bank, *Developing the Occupied Territories: An Investment in Peace. Volume 1: Overview* (Washington DC: World Bank, September 1993), <http://www-wds.worldbank.org> (accessed 14 May 2009).
30. "Declaration of Principles on Interim Self-Government Arrangements".
31. Ibid.
32. Ibid.
33. Ibid.
34. Ibid.
35. Ibid.
36. Ron Pundak, director of the Peres Center for Peace, personal interview, Tel Aviv, 27 June 2007.
37. Shimshom Zelniker, director of the Van Leer Institute for Peace, personal interview, Jerusalem, 27 June 2007.
38. Abu Vilan, member of the Knesset (M'oretz), personal interview, Tel Aviv, 1 July 2007; Kadura Fares, Fatah leader, personal interview, Ramallah, 30 June 2007.
39. Alon Dumaris, Israel Defense Forces, personal interview, Tel Aviv, 1 July 2007.
40. "The Palestinians have human rights, the Israelis have security" (Jessica Montell, Director, B'Tselem, personal interview, Jerusalem, 26 June 2007).
41. Abu Vilan, personal interview.
42. Gadi Taub, "Liberalism, Democracy, and the Jewish State", *Chronicle of Higher Education*, 10 August 2007.
43. See B. Morris, *The Birth of the Palestinian Refugee Problem 1947–1949* (Cambridge: Cambridge University Press, 1988).
44. Although not as serious as first thought, following a recount of the 1997 census, in which the number of Palestinians and Israeli Arabs was thought to match the Israeli population. Now it seems there is a gap of 1.5–2 million.



45. *Guardian*, 30 November 2007.
46. Jason Franks, *Rethinking the Roots of Terrorism* (Palgrave: London, 2006), p. 7.
47. The security fence is in reality a network of fences – with vehicle-barrier trenches surrounded by an exclusion area of on average 60 metres and concrete walls up to 8 metres high – that carve their way through the territory.
48. Shlaim, *The Iron Wall*.
49. Gershon Baskin, director of the Israel/Palestine Center for Research and Information, personal interview, Jerusalem, 29 June 2007.
50. Israel began releasing these funds in July 2007 – although to the Palestinian President and Fatah in the West Bank and not to Hamas in Gaza.
51. These are euphemistically termed “targeted assassinations”.
52. *Palestine Human Development Report 2004* (Birzeit University, Development Studies Programme, in association with the Ministry of Planning and with support from the UNDP, 2005), p. 67, <<http://www.papp.undp.org/en/newsroom/publications/pdf/other/phdr2004.pdf>> (accessed 28 May 2009).
53. “ Hamas Sweeps to Election Victory”, *Guardian*, 26 January 2007.
54. Fareed Zakaria, *The Future of Freedom* (New York: W. W. Norton, 2003), p. 17.
55. *Palestine Human Development Report 2004*, p. 68.
56. “Constitution of the State of Palestine”, Third Draft, 7 March 2003, revised 25 March 2003, <<http://www.jmcc.org/documents/palestineconstitution-eng.pdf>> (accessed 28 May 2009).
57. See Richmond and Franks, “Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo”.
58. *Palestine Human Development Report 2004*, p. 69.
59. See Richmond and Franks, “Liberal Hubris: Virtual Peace in Cambodia”; “Liberal Peace in East Timor: The Emperors’ New Clothes?”.
60. Kadura Fares, personal interview.
61. See Richmond and Franks, “Liberal Hubris: Virtual Peace in Cambodia”; “Liberal Peace in East Timor: The Emperors’ New Clothes?”.
62. *Palestine Human Development Report 2004*, p. 69.
63. Franz Fanon, *The Wretched of the Earth*, 5th edn (London: Penguin, 2001).
64. United Nations Human Rights Council, “Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967”, UN Doc. A/HRC/4/17, 29 January 2007, p. 2, <<http://daccessdds.un.org/doc/UNDOC/GEN/G07/105/44/PDF/G0710544.pdf?OpenElement>> (accessed 28 May 2009).
65. *Ibid.*, p. 3.
66. *Ibid.*, p. 3.
67. See Franks, *Rethinking the Roots of Terrorism*.
68. *Palestine Human Development Report 2004*, p. 70.

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## Liberal interventions, illiberal outcomes: The United Nations, Western powers and Lebanon

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*Marie-Joëlle Zahar*

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At the turn of the twenty-first century Lebanon seemed, in many respects, to have beaten the odds. In spite of unresolved internal and regional tensions, the country was experiencing a renaissance. Economically, the World Bank moved it out of the category of post-conflict assistance recipients. Politically, the summer of 2000 witnessed heated and open political debate of the sort usually associated with deepening liberalization. All of this happened as Israel withdrew from the southern “security belt” that it had occupied since the early 1980s in spite of United Nations Security Council (UNSC) Resolution 425.<sup>1</sup>

A decade later, all had changed. After the assassination of former prime minister Rafic Hariri on 14 February 2005, and in spite of the withdrawal of Syrian troops from Lebanon in April of that same year, the country was in the throes of the most serious political crisis since independence, and the spectre of political destabilization continued to loom over it. The Israel–Hezbollah war in the summer of 2006 all but erased the economic progress achieved in the 15 years since the Taif Accord, which ended the civil war.

What explains this seemingly stark reversal of fortunes and what role have foreign (mostly Western) liberal interventions played in this state of affairs? This chapter argues that liberal interventions are partly responsible for a number of illiberal outcomes that observers of Lebanese politics now deplore. I begin by situating liberal interventions – notably French and US foreign policy towards Lebanon and UN Security Council Resolutions – in the broader context of Western involvement in

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the post-conflict reconstruction of the country. Next, I elucidate the reasons behind heightened French and US interest in Lebanese politics in the early 2000s and discuss the nature of what I call liberal interventions. I document the impacts, intended and unintended, of these interventions on Lebanese politics. I show that, on the whole, they have resulted in a reversal of the limited liberal progress witnessed around the turn of the century. In conclusion, I reflect on the current state of affairs in Lebanon and draw tentative lessons about the parameters under which liberal interventions are likely to have illiberal outcomes.

### Post-Taif Lebanon: Prioritizing stability at the expense of democracy

Since the early 1990s countries coming out of civil wars have been the theatre of liberal peacebuilding and post-conflict reconstruction missions. Unlike traditional peacekeeping missions, these are operations where “the presence of foreign military troops [is] used by outsiders to control political outcomes”.<sup>2</sup> The objectives are certainly laudable: “to create stable, tolerant, more liberal and democratic regimes out of the wreckage of war-torn societies”.<sup>3</sup> In this, Lebanon’s experience clearly stands out. The signing of peace in Taif, Saudi Arabia, although it ended the Lebanese civil war, did not usher in a peacebuilding operation. Instead, Syria was granted custodianship of the Lebanese peace process, which had both positive and negative consequences for the development of post-war politics in Lebanon. It also provided a different set of opportunities and constraints for Western powers seeking to pursue a liberal agenda in the country.

#### *Putting the accent on stability: Syria’s custodianship of post-war Lebanon*

Syria’s presence in Lebanon, as with the presence of UN peacebuilding and post-conflict reconstruction missions in various places around the world, was a means for Damascus to control political outcomes. However, unlike most UN operations, the objective was not to nurture a liberal democratic regime. The Syrian military presence in Lebanon, which dates back to 1976, has always aimed to prevent Lebanese instability from undermining Syrian domestic and regional politics. “An unstable Lebanon poses two kinds of threats to Syria. It can harbor political movements hostile to the Asad regime. It can also become a security liability in the conflict with Israel.”<sup>4</sup> Syria’s priorities have profoundly shaped the Lebanese political field. Its decision to treat the Taif Accord

as a menu for choice<sup>5</sup> gave tremendous elasticity to the notion of “rules of the game”. Syria’s paramount interest in stability translated into the willingness to use coercion, when necessary, to achieve specific outcomes.

From 1991 until 2005, the behaviour of Syria and its Lebanese political allies was not bound by the rules of the game negotiated at Taif. Instead, these rules were twisted and discarded in the name of political expediency. There is a plethora of analyses documenting and bemoaning this behaviour.<sup>6</sup> Rather than launch into yet another examination of the record of implementation of the Taif Accord (or lack thereof), I illustrate this contention by drawing upon the most egregious example of rule-twisting and adaptation: the saga of Lebanon’s post-war electoral law.

The Taif Accord set out two objectives for post-war parliamentary elections: to ensure mutual peaceful coexistence between the different confessional groups in the country (*al-’aysh al-mushtarak*) and to guarantee that each group be properly represented politically (*sihhat al-tamthil al-siyasi*).<sup>7</sup> Rather than design and adopt a law to this effect, each post-war electoral contest held under Syria’s custodianship – 1992, 1996 and 2000 – was organized according to a new permutation of the electoral law. The law was designed and redesigned with an eye on “constraining, and at times eliminating, the political opportunities and choices of the Christian communities [the main opponents to Syria’s custodianship of the Taif Accord]”.<sup>8</sup> The tinkering involved gerrymandering of electoral districts as well as the careful geographical allocation of new seats (in the 1992 version) to areas with strong Syrian influence and support.<sup>9</sup> The birth of the 2000 electoral law speaks volumes about Syria’s involvement in this state of affairs. Prime Minister Salim al Huss had been lobbying his fellow cabinet members to introduce a mixed-member proportional system when a ready-made law was presented to cabinet for endorsement. “It was common knowledge”, Huss wrote, “that Brigadier Jamil el-Sayyid . . . played a role in producing this draft law in coordination with the Syrian authorities at ‘Anjar’.”<sup>10</sup>

The electoral law is a particularly telling illustration of a more general trend. In its attempt to achieve stability, Syria employed a classic divide and rule strategy. Syria’s Lebanese allies took advantage of Damascus’s priorities to settle accounts, eliminate rivals and attempt to secure a monopoly of representation within their communities. This has hindered the institutionalization of democratic practices and procedures. Instead, it deepened the sectarianization and personalization of the political system.

Not only did Syria change the rules of the game to its advantage, it did not hesitate to use heavy-handed tactics in its attempt to impose a certain kind of stability on post-war Lebanon. The implementation of the Taif Accord under Syrian auspices resulted in a sustained and historically un-

paralleled expansion in the role of the armed forces and the courts in quelling expressions of political dissent in Lebanon. The brief and brutal military operation that ousted General Michel 'Awn – then interim prime minister and a major opponent of the Taif Accord – from power in October 1990 illustrates Syria's willingness to use force in its search for stability.<sup>11</sup> "Between 1991 and 1994, hundreds of pro-'Awn activists were detained and interrogated, often incurring in the process severe exactions including instances of physical torture."<sup>12</sup> In 1994, the other major political force critical of Syria's implementation of the Taif Accord, the Christian Lebanese Forces, experienced a similar fate. The party was banned, its assets were seized and its leader, Samir Ja'ja', stood trial for "crimes against external state security". From 1994 to 2005, restrictions on the expression of political dissent included bans on demonstrations, the harassment and detention of hundreds of student and other activists loyal to either 'Awn or Ja'ja', and the increasing muzzling of the press.

Increasingly the Lebanese judiciary was embroiled in politics. Military courts frequently tried political opponents of the regime amidst concerns about repeated violations of the Lebanese Code of Criminal Procedures and the provisions of the International Covenant on Civil and Political Rights.<sup>13</sup> The Justice Council, Lebanon's highest criminal court, tried a number of high-profile cases involving prominent members of the Lebanese Forces. The Council's "proceedings have come under severe criticisms, especially as relates to torture and ill treatment during pre-trial interrogations, access of defendants to lawyers, and nature of the evidence mustered in support of the prosecution's case".<sup>14</sup> Shortly after retiring in 2002, the Head of the Higher Council of the Magistrature, Chief Justice Nasri Lahoud, stated that "the independence of the judiciary in Lebanon is a mere illusion since the latter is no more than another administration open to the interference of politicians".<sup>15</sup> This followed a parliamentary session during which ministers, including the prime minister, admitted that interference with the work of the judiciary was commonplace. Minister Walid Jumblatt went as far as to say: "Most judges have their intelligence patrons, Lebanon or non-Lebanese. Intelligence officers intervene, a telephone call . . . this is justice."<sup>16</sup>

Writing in 1997, Volker Perthes summarized the situation as follows:

[T]he government is no longer an empty shell. . . . It is, rather, a tough regime. . . . This regime does not allow opposition to the current distribution of power nor to Syria's involvement in Lebanon. The authoritarian tendencies of the present regime are apparent. The constitution was manipulated to allow an extension of President Hrawi's term, the electoral law of 1996 was tailored to ensure political "stability" and the military has been put in charge of maintaining public order. Public demonstrations have been banned since 1994 and

numerous people suspected of connections to opposition groups have been arrested... All of these actions have been understood as attempts to intimidate potential and real political opposition.<sup>17</sup>

Syria did ensure stability in post-war Lebanon but this came at a price. Instead of establishing “rules of the game” and allowing these rules to shape political life, Syria and its allies tailored and twisted rules to fit their particular political agendas. They did not hesitate to use coercion in the process.

### *When too much custodianship backfires*

Although Syria sought and managed to harass and muzzle the opposition, it did not seek systematically to exclude foreign players from the Lebanese political scene. In fact, its economic interests in Lebanon, the second-most important driver of Syria’s presence in-country, required the participation of other external actors in the reconstruction process.

Syria had a clear interest in maintaining and fostering the reconstruction of Lebanon’s liberal economy because this provided Damascus with convenient access to resources not available in its own socialist system. Syrian labourers have generated somewhere between US\$1 million and US\$3 million in revenues through access to the Lebanese job market.<sup>18</sup> The Syrian army also benefited from control of the major smuggling operations that most observers agree to have been ongoing on Syria’s military watch. The personal enrichment of soldiers and officers allowed Syria to neutralize dissent within the army, a potential source of threat to the regime. All in all, it is estimated that Syria’s presence in Lebanon provided net gains to the regime.<sup>19</sup>

This Syrian interest in Lebanon’s reconstruction is part and parcel of the explanation for the longevity of Rafic Hariri’s tenure as Lebanon’s post-war prime minister.<sup>20</sup> Hariri’s involvement in Lebanese politics has been documented at length.<sup>21</sup> His liberal vision for Lebanon’s economic recovery privileged the reconstruction of the country’s devastated infrastructure and its restoration to its former status as a regional economic hub. Given the extent of the war-related devastation, massive investments were required for this vision to come about.<sup>22</sup> More than 20 bilateral and multilateral donors contributed to the reconstruction and economic development of post-war Lebanon, of whom “seven external financiers together represent three-quarters of the total”.<sup>23</sup> Reconstruction thus provided an opportunity for countries and international financial institutions with a different agenda than Damascus to gain a foothold in Lebanon.

In comparative perspective, Lebanon's post-conflict reconstruction was something of an "economic miracle". Between 1990 and 1995, GDP quadrupled from US\$2.84 billion to US\$11.0 billion, and it reached US\$16.0 billion in 2003.<sup>24</sup> However, the process was marred by corruption, which "irreparably damaged the political, administrative and economic institutions in the absence of the rule of law and of a civil society capable of facing up to a self-interested political elite".<sup>25</sup> It also overwhelmed Lebanon with serious international debt.

By 2000, Lebanon had made important strides in its reconstruction efforts and in restoring basic services. However, the overall fiscal deficit had deteriorated sharply (to 24 per cent of GDP) and interest payments on public debt increased substantially (to 17 per cent of GDP in 2000); Lebanon's public debt continued to increase, snowballing to 175 per cent of GDP by end-2005.<sup>26</sup>

Concerns about corruption, bureaucratic inefficiency and the debt issue became the main channels through which foreign donors expressed unease at the politics of Lebanon and their impact on the reconstruction process. Following the Paris I (February 2001) and Paris II (November 2002) international donor conferences, Lebanon's main (Western) creditors demanded that the country implement economic reforms to reverse the macroeconomic and financial imbalances that plagued the Lebanese economy. The liberal-minded exigencies of the donors – privatization, structural reform of the administration and improvement of the investment climate – contributed to putting the Lebanese government on a collision course with Damascus because some of the reforms threatened profitable though shady business deals tying the interests of Syria's elites. This happened at a time when local, regional and international developments put Syria on its own collision course with the West. The convergence of increased donor interest in the politics of Lebanon and Western interest in the politics of Syria would set the stage for the liberal intervention.

#### *Winds of change: Lebanon, Syria and the West, 2000–2004*

The economic developments outlined above might have resulted in the implementation of a structural adjustment programme of the sort adopted in developing countries afflicted by a large public debt and pressed by their creditors to clean up their finances. Instead, they paved the way to a liberal intervention ushered in by the United States and France and backed by the United Nations. In this section, I establish the role played by local, regional and international developments in magnifying

and linking two collision courses: that between Lebanon and Syria and that between Syria and the West. In particular, I highlight developments prompted by Israel's withdrawal from Lebanon in 2000, by the death of Hafiz al-Assad in Syria in the same year, and by the consequences for Syria's standing in Lebanon and relations with the West of the events of 11 September 2001.

In April 2000, Israel unexpectedly announced its decision to withdraw its troops from southern Lebanon, 22 years after its first military incursion into Lebanese territory. The Israeli withdrawal ended on 24 May. Two weeks later, on 10 June, Syria's leader, Hafiz al-Assad, passed away. The conjunction of these two events provided Lebanese opponents of Syria's presence in the country with a golden opportunity to press for Syria's withdrawal from Lebanon. Demands to this effect were voiced by traditional opponents of Syria's custodianship but equally by Syrian allies.<sup>27</sup> In September, a meeting of Maronite bishops demanded the redeployment of Syrian forces as a prelude to their withdrawal from Lebanon, without which, they claimed, the country was heading towards "dismemberment and [in danger of] withering away".<sup>28</sup> In parliament, Progressive Socialist Party leader Walid Jumblatt, a long-time Syrian ally, openly criticized the intrusion of the state's intelligence services into political life and demanded the institutionalization of Syrian-Lebanese security cooperation. "Since the assassination of Kamal Jumblatt on March 16th, 1977, this was the first time that a Muslim politician dared take a stance on the issue of Syria's military presence and demand the redeployment of Syrian forces."<sup>29</sup> Instead, the new Syrian president, Bashar al-Assad, strengthened his alliance with the cadres of Lebanon's security and military apparatuses.<sup>30</sup> In February 2001, Assad affirmed that Syria had no plans to withdraw from Lebanon before regional peace was achieved. For the next two years, and although the opposition achieved electoral gains, its supporters repeatedly clashed with internal security forces.

Another collision course was simultaneously shaping up between Syria and the West, principally the United States. Since the 11 September 2001 terrorist attacks, relations between Damascus and Washington had grown increasingly tense. Though Syria's custodianship of Lebanon was but one of the flashpoints in the relationship, it would become the focus of US efforts to contain the Syrian regime. In its *Patterns of Global Terrorism 2002* report, the US Department of State listed Syria as one of seven states supporting terrorism.<sup>31</sup> In keeping with the report's recommendation to isolate and apply pressure on states that sponsor terrorism, the US Congress voted the Syria Accountability Act on 15 October 2003, paving the way for economic and diplomatic sanctions. In May 2004, President Bush signed an Executive Order implementing the Syria Ac-



countability Act. Simultaneously, the United States urged its European Union allies to make an EU–Syria partnership agreement conditional on a Syrian commitment to abandon its weapons of mass destruction programmes.

Christian opposition leaders must be credited for helping link the two collision paths. During a visit to the United States in March 2001, Maronite Patriarch Nasrallah Sfeir denounced Syria's hegemony in Lebanon at a meeting with Senators and Congressmen. In September 2003, then-exiled General Michel 'Awn testified in front of a sub-committee of Congress entrusted with discussing the Syria Accountability Act. Pro-Syrian Lebanese politicians also provided inadvertent help. President Emile Lahoud's staunch and unwavering support for Hezbollah when the party found itself on the US list of terrorist groups following the events of 9/11 created further occasions for conflict. In November 2001, Prime Minister Rafic Hariri publicly rescinded the decision of the governor of the Lebanese Central Bank, who refused to freeze the assets of Hezbollah in Lebanon. This also focused international attention on Lebanon. In October 2002, one month ahead of the Paris II international donor conference in support of Lebanon, the US Congress froze US\$10 million of aid to signal its disapproval of the government's position on Hezbollah.

When, in summer 2004, Syria forced the reinstatement of President Lahoud for another term in office against the wishes of many Lebanese and in violation of the Lebanese constitution (handily amended to this effect), domestic and international opposition to Syria converged, providing the perfect entry point for what I describe below as a liberal intervention in Lebanon.

### A liberal intervention, illiberal outcomes? The UN, the West and Lebanon, 2004–2008

The liberal intervention in Lebanese politics stands out because it does not fit the standard definition of a peacebuilding mission, where the presence of foreign military troops is used by outsiders to influence political outcomes. The main protagonists – the United Nations, the United States and France – did not dispatch troops to the country, although they used the presence in Lebanon of Syrian troops as a justification for their political and economic intervention, whose objective was indeed to control political outcomes. In what follows, I sketch the contours of the liberal intervention and justify my use of the term to describe Western policies in Lebanon since 2004. I then identify and discuss several outcomes of this intervention. Because liberal interventions aim to create “stable, tolerant, more liberal and democratic regimes”, I assess the outcomes of the

Western intervention in Lebanon accordingly. I ask whether this liberal meddling in Lebanese politics has stabilized the country or destabilized it further, whether it has increased or decreased tolerance at the societal level, and whether it has fostered the liberal and democratic functioning of politics.

*Beyond Resolution 1559: The logics and objectives of Western intervention in Lebanon*

On 2 September 2004, a joint US–French effort led to the adoption of Security Council Resolution 1559 at the United Nations. The resolution called for “the strict respect of Lebanon’s sovereignty, territorial integrity, unity, and political independence under the sole and exclusive authority of the Government of Lebanon throughout the country”. The Security Council also demanded “the disbanding and disarmament of all Lebanese and non-Lebanese militias. It also called upon all parties concerned to cooperate fully and urgently with the Council for the full implementation of all its resolutions concerning the restoration in Lebanon of territorial integrity, full sovereignty and political independence.”<sup>32</sup> This Security Council Resolution constitutes the starting point of what I call a liberal intervention in internal Lebanese politics.

The stated positions and concerns of Security Council representatives support the interpretation of this move as a liberal intervention aimed at controlling political outcomes. They indicate the Council’s intention of taking peace implementation in Lebanon away from Syria’s custodianship. The US representative asserted that the Syrian actions

had made a “crude mockery” of the principle of a free and fair presidential electoral process, [and that] the Syrian Government had imposed its political will on Lebanon and had compelled the Cabinet and Lebanese National Assembly to amend its constitution and abort the electoral process by extending the term of the current President by three years. Clearly, the Lebanese Parliament had been pressured, and even threatened, by Syria and its agents to make them comply.<sup>33</sup>

The French representative expressed concern that the extent of Syrian interference in the political life of Lebanon might “cause it to retreat from the objectives that had been reaffirmed constantly by the international community”. Rapid and decisive action had thus been deemed necessary because, in his opinion, “[b]y refraining to act, the Council would have sanctioned interference in the internal affairs of another State. By acting in a robust manner, it was showing its confidence in Lebanon’s future, which must include its full restoration of sovereignty, and

not the intensification of interference.”<sup>34</sup> Council members who abstained from voting in favour of UNSC 1559 interpreted the text of the Resolution as an intervention in the domestic affairs of a sovereign state in the absence of a clear and present danger that might justify such intervention. According to an Arab diplomat, there is an undeniable connection between the G8 declaration on the Greater Middle East, issued at the end of the Sea Island meeting in June 2004, and UNSC Resolution 1559. The French initiative that resulted in joint US–French sponsorship of the Resolution clearly fitted with the idea that countries could be re-engineered to become more democratic and serve as a departure point for democratic “contagion” on a regional scale.

The assassination of Rafic Hariri on 14 February 2005 intensified the nature and pace of the liberal intervention. It also clearly illustrated the fact that this intervention was as much prompted by the internal situation in Lebanon as it was prompted by concerns about the broader role that Syria (and to a lesser extent, initially, Iran) played on the regional scene. Western powers were quick to implicate Syria in the assassination. The US ambassador to Damascus was immediately recalled home for “consultations”. In Lebanon for Hariri’s funeral, the Assistant Secretary of State for the Middle East, William Burns, declared that Hariri’s death “must give renewed impetus to achieving a free, independent and sovereign Lebanon”.<sup>35</sup> Burns also called for the immediate and complete implementation of Resolution 1559, specifically the complete and immediate withdrawal by Syria of all of its forces from Lebanon. President Chirac of France is reported to have argued in a meeting with his US counterpart on 22 February that the West could not claim to be in favour of democracy and allow it to be smothered in the only country of the Middle East where it was implanted.<sup>36</sup>

Although this is not the place to document the historical record of the liberal intervention in Lebanese politics, three aspects deserve to be highlighted because they clearly illustrate the elements usually associated with a liberal intervention: holding perpetrators to account, fostering democratic politics and dealing forcefully with illiberal forces and spoilers. These are, respectively: the UN decision in April 2005 to create an Independent Investigative Commission (UNIIC) into the death of Rafic Hariri and the subsequent decisions to negotiate and set up a Special Tribunal for Lebanon (STL) under Chapter VII of the United Nations Charter;<sup>37</sup> the dispatching of a European Union Election Observation Mission to observe the 2005 summer elections; and Western positions on the summer 2006 conflict between Israel and Hezbollah.

The UNIIC and the subsequent STL wove together an “odd couple” of domestic crimes and international responsibility. This raised a few eyebrows among jurists concerned about the establishment of the first

international criminal court that “will try persons who are accused solely of violating domestic, not international criminal law”.<sup>38</sup> This coupling does however serve to highlight the interventionist character of Western policies in Lebanon and the decision to prosecute perpetrators, further justifying the decision to label these policies a liberal intervention, despite the absence of Western troops on the ground in support of their implementation. Likewise, the decision to dispatch a European Union Election Observation Mission to observe the 2005 summer elections – the first Lebanese parliamentary elections held after the Syrian withdrawal, at a time when the rift between supporters and detractors of Syria’s role in the country had been worsening – was also highly political. The EU Commissioner for External Relations and European Neighbourhood Policy, Benita Ferrero-Waldner, clearly framed the Observation Mission as an instrument of liberal intervention: “Supporting moves towards democracy is one of my priorities in the region. I am delighted that there is now a chance for the Lebanese people to freely elect a Parliament that represents their aspirations.”<sup>39</sup> Last, Washington’s unconditional backing of Israel in the summer 2006 conflict reflects liberal beliefs that illiberal spoilers must be dealt with forcefully. Although no serious observer can claim that the conflict was part and parcel of the Western liberal intervention, sufficient overlap between the objectives of Israel and the United States warrants its inclusion in our analysis. Indeed, Washington provided full and unconditional backing to Israel’s interpretation of the conflict as an act of legitimate self-defence against terrorists. The US government even approved the means used by Israel to this end, even as Western observers criticized the Israeli reaction as disproportionate.<sup>40</sup> Militarily, US support translated into speedy delivery of weapons to Israel. Diplomatically, Washington refused to exert vigorous efforts to reach a ceasefire. Former US ambassador to the United Nations John Bolton would later admit that his government blocked such efforts in order to provide Israel with sufficient time to eliminate the military capabilities of Hezbollah.<sup>41</sup> For his part, President Bush held Syria and Iran responsible for the conflict. He said that the terrorist group that attacked Israel and the states that support it must be confronted.<sup>42</sup> Both the Israel–Hezbollah war and the internal Lebanese political crisis between pro- and anti-Syrian forces were perceived through the dual lenses of the war against terrorism and the US plan for a Greater Middle East. In both instances, illiberal forces had to be vanquished.

*The road to hell is paved with good intentions: Liberal intervention, illiberal outcomes*

Lebanon has been in crisis ever since the summer of 2004. Although this crisis cannot be solely blamed on the liberal intervention spearheaded by

the United Nations, the United States and France, there can be no doubt that it made things worse. In the following assessment, I evaluate the impact of Western intervention on internal stability, societal concord and tolerance, and the democratic quality of political practice. In so doing, I compare the impact of Western intervention with that of Syrian custodianship. I conclude that Syria stabilized Lebanon but harmed the institutionalization of democratic rules and practices in the country. Western actors seem to have equally contributed to twisting rules for political expediency. Moreover, their presence has harmed Lebanon's internal stability. Neither intervention has sought to strengthen national harmony or to help the Lebanese build a sense of common belonging and identity.

*Back to the brink: (In)stability in Lebanon, 2004–2008*

If stability is a yardstick of success, then Western intervention in Lebanese politics is clearly a failure. Following the death of former prime minister Hariri, huge demonstrations called for the immediate and unconditional withdrawal of the 35,000 Syrian soldiers deployed in Lebanon, the dismantling of Syria's intelligence infrastructure in the country and the cessation of Syrian intervention in Lebanese politics. Pro-Syrian factions organized counter-demonstrations to protest against French and US intervention. On 14 March 2005, one month after Hariri's death, 1 million people – a full 25 per cent of the Lebanese population – took to the streets to protest against Syria's presence in Lebanon. Following talks with the UN Special Envoy for Lebanon, Terje Roed-Larsen, Syria committed to withdrawing its troops and military personnel from Lebanon. The withdrawal, begun on 17 March, ended on 30 April.

Whatever its failures, Syria's military presence in Lebanon had provided a credible deterrent to the reigniting of internal violence.<sup>43</sup> The months following the Syrian withdrawal were marred by increasing internal insecurity. This expressed itself in three ways: a spate of booby-trapped explosions; clashes between the Lebanese army and Islamist Palestinian factions; and intermittent armed clashes between supporters of the government of Prime Minister Fuad Siniora and the Hezbollah-led opposition.<sup>44</sup>

After Hariri's assassination, car bombings spread anguish and terror in Lebanon. Some targeted known Syrian opponents; others exploded in public venues. In 2007, two booby-trapped devices targeted the United Nations Interim Force in Lebanon (UNIFIL). Insecurity was heightened by the collapse of the Lebanese security apparatus. On 3 September 2005, German prosecutor and UNIIC Chief Detlev Mehlis issued four arrest warrants against senior Lebanese security officials for having participated in planning Hariri's assassination. Overnight, the Presidential Guard, the Sûreté Générale, the Internal Security Forces and the Lebanese army intelligence lost their top officials.<sup>45</sup> Political bickering over

the designation of their successors would leave the various security services in effect paralysed for months afterwards.

The growing restlessness in the Palestinian refugee camps of north Lebanon is the second source of insecurity. In May and June 2007, there were fierce clashes between the Lebanese army and Fatah al-Islam, an Islamist Palestinian faction in the Nahr al-Bared camp.<sup>46</sup> These seemed to substantiate media reports about the infiltration of Lebanon's Palestinian refugee camps by jihadists.<sup>47</sup> A confidential memo obtained by *Le Monde* detailed the presence in Lebanon of a unit of commandos affiliated to al-Qaeda and tasked with destabilizing the country and assassinating anti-Syrian personalities.<sup>48</sup> The Siniora government accused Syria of supporting Fatah al-Islam in an attempt to destabilize Lebanon, something Damascus categorically denied.

The most worrisome sign of growing insecurity, one directly related to the impact of Western intervention, is the growing tension between pro- and anti-Syrian factions in Lebanon. At the time of writing in 2008, this tension had already spilled over into four separate instances of armed clashes in the period between December 2006 and May 2008. Each new clash engulfed larger geographical areas and claimed more victims. In May 2008, regular pitched battles involved the use of medium and heavy weaponry.<sup>49</sup> Hezbollah demonstrated its military might, swiftly taking control of West Beirut. In spite of improvements in the security situation, these events have raised the spectre that civil war might reignite should there be no lasting solution to the issues that divide the Lebanese.

*The confessional bane: Western intervention and sectarian tensions in Lebanon*

In spite of provisions in the Taif Accord eventually to proceed with the de-confessionalization of Lebanon's political system, confessional politics continued to be the norm in post-Taif Lebanon.<sup>50</sup> This can be attributed, in part, to Syrian custodianship of peace implementation. Although the Taif Accord did not do away with the sectarian logic of Lebanese politics, it sought to restore balance to a highly skewed system favouring the Maronite community.<sup>51</sup> Syrian custodianship and the interests of the ruling Lebanese elites converged to transform this attempt at restoring balance into a "troika" whose members perceived themselves as protectors and promoters of their communities' interests.

Syria's meddling has deepened society's confessional cleavages. Christians resent their political marginalization following the electoral laws of 1992; they oppose the naturalization decree of 1994, which opened the door for the naturalization of many more Muslims than Christians (80 per cent and 20 per cent, respectively), and they cite the stark failure to rehabilitate internally displaced persons, the majority of whom were Christians.<sup>52</sup> What is, however, striking is the extent to which this re-

tribalization has turned “comparatively mixed, hybrid, and open communities” into more homogeneous spaces “closed to outsiders”.<sup>53</sup>

When asked . . . whether they would agree to send their children to a school affiliated with a sect other than their own, close to 30 percent of the respondents answered in the negative. . . . Their attitudes toward mixed sectarian or religious marriages – for both males and females – reveal much of the same sentiments. Close to 28 percent disapprove of such religiously mixed marriages for males and 32 percent for females. Similar predispositions were expressed regarding preferences to live in a locality that has a majority of people from their own sect. Around 21 percent were sympathetic with such a prospect.<sup>54</sup>

It is not so much the percentages of respondents that surprise as the knowledge that these are “a literate, cosmopolitan, and sophisticated sample of professionals, university and college teachers, intellectuals, journalists and the like”.<sup>55</sup>

If Syria’s meddling in post-war Lebanon deepened sectarianization, Western intervention’s record is mixed. On the one hand, the West’s perceived intrusion into Lebanese politics can partially be credited for the reshuffle in the internal composition of Lebanese alliances. What became known as the 14 March (anti-Syrian) and 8 March (pro-Syrian) forces are much more thoroughly inter-confessional than any previous political coalitions.<sup>56</sup> They have also secured support from a number of smaller groups and parties drawn from all sides of the confessional spectrum. As succinctly put by one observer,

A positive aspect during the *Intifada* [referring to what has also been called the Cedar Revolution] was the people’s espousal of political leaders not necessarily from their own denomination or religion. . . . That is, there was no problem for the people to cheer a non-confessional member as long as he/she was denouncing the same wrongs as the people and espousing the same ideas (of freedom, independence and sovereignty) that the people espoused.<sup>57</sup>

On the other hand, one can also argue with Samir Khalaf that Western intervention deepened the process:

[M]ore and more Lebanese are today brandishing their confessionalism . . . as both emblem and armour. Emblem, because confessional identity has become the most viable medium for asserting presence and securing vital needs and benefits. . . . Confessionalism is also being used as armour, because it has become a shield against real or imagined threats.<sup>58</sup>

Western attitudes towards Hezbollah, expressed in UNSC Resolution 1559 and in US attitudes toward the summer 2006 conflict with Israel, have served only to transform the Shi’a’s communal sense of identity

from emblem to armour.<sup>59</sup> At a time when they are branded as terrorists and denied legitimacy, the Shi'a of Lebanon, once considered Lebanon's only truly national community,<sup>60</sup> are now embracing the country's confessional system, seeking to assert their role and protect themselves against elimination by carving out a place for themselves in this system.

Most damaging was the manner in which Western intervention and the developments that ensued fed the Sunni-Shi'a rivalry in Lebanon. The "divine victory" of Hezbollah in the summer 2006 war against Israel heightened tensions between both groups, especially as many Shi'a believe that the Sunni Prime Minister, Fuad Siniora, and the 14 March coalition supported the US-backed Israeli move, which, had it succeeded, would have eliminated Hezbollah from the Lebanese political map. In May 2008, these tensions culminated in two days of open armed conflict reminiscent of the worst days of intra-group fighting during the civil war. The growing ascendancy of the Party of God can be linked to a hardening of Sunni confessional identity. Much as US threats contributed to the Shi'a brandishing their communal identity as armour, the perception that the Shi'a ascendancy in Lebanon is part and parcel of a larger regional Shi'a awakening has fed into Sunni fears. These fears revolve around a perception that events in the region are united by a common logic that would, in time, establish a "Shi'a crescent" uniting Iran, Alawite-controlled Syria<sup>61</sup> and the Lebanese Hezbollah. Such an axis, were it to become reality, could compete for political predominance with Sunnis, thus threatening not only Saudi Arabia but all Sunni leaderships in countries with sizeable Shi'a populations.

*Democracy derailed: Where strategic interest and normative commitments collide*

If liberal interventions are meant to usher in democratic change, then Western intervention in Lebanon has strayed from its intended path. The West has staunchly supported the outcome of the summer 2005 parliamentary elections, which brought the 14 March forces to power, in spite of clear indications that the process had been marred by serious flaws. By labelling Hezbollah a terrorist organization, Washington has also refused to acknowledge the legitimacy of Shi'a demands for a fairer share in the Lebanese political system. Finally, the role played by Western powers and the UN in establishing the Special Tribunal for Lebanon can also be faulted for having contravened both the letter and the spirit of the Taif Accord by violating the provision that requires consensus on issues of national interest. In so doing, Westerners also put political expediency first and fared no better than the Syrians in laying the foundations of democratic rules and practices.



The first post-Syrian Lebanese parliamentary elections held in the summer of 2005 reaffirmed that “postwar elections, far from expanding the parameters of accountability, representation, and contestation, have instead restricted citizens’ electoral and hence political choices”.<sup>62</sup> The results confirmed the depth of the cleavages in Lebanese society. The 14 March forces won a clear victory in Beirut, in the Druze Mountain district and in North Lebanon. Hezbollah and its allies imposed themselves in the southern suburbs of Beirut, in the city of Tyre (south Lebanon) and in the Bīqa’ valley. The results also highlighted the fundamentally flawed nature of the system of party block voting<sup>63</sup> because entire party lists were voted in with the narrowest of margins.<sup>64</sup> The contest was also criticized for two other reasons. First, it was held under the 2000 Election Law, which drew constituency boundaries in such a way as to lessen the likelihood of strong Christian winners by ensuring that most of the 64 Christian seats were in Muslim majority areas.<sup>65</sup> Second, allegations of widespread vote-buying marred the campaign of Future Movement leader Saad Hariri. The European Union Election Observer Mission “directly observed some instances of vote buying, where fuel coupons or cash were given to voters in exchange of their vote, and was aware of other similar practices involving provision of free medical services, payment of university tuition costs and other”.<sup>66</sup> It failed to acknowledge the rampant nature of the practice as reported daily by the local press. The results of the election were hailed by UN Secretary-General Kofi Annan, France, the United States and the European Union, whose Election Observer Mission described them as “free and fair”. In a context where elections clearly contravened one of the two objectives laid out in the Taif Accord – the proper political representation of different confessional groups (*sihhat al-tamthil al-siyasi*) – Western intervention did what Syria had done before. It applauded a flawed process and gave it legitimacy because it had brought Western allies to power.

By insisting on the disarmament of Hezbollah and refusing to engage with the party it dubbed a “terrorist organization”, Washington sowed the seeds of the political deadlock that would paralyse Lebanon from November 2006 until May 2008. Hezbollah had not only done well in the parliamentary elections; it was in government for the first time in its history, a government tasked with implementing UNSC Resolution 1559 and overseeing Hezbollah’s disarmament. Laborious discussions over this and other contentious issues ended with the summer 2006 war. The conflict shattered any semblance of unity in the government. Hezbollah accused Prime Minister Siniora of collusion with Israel and called on him to resign to pave the way for a government of national unity capable of protecting, rebuilding and unifying Lebanon.<sup>67</sup> In turn, members of the 14 March coalition accused Hezbollah of building a state-within-a-

state and thus preventing the strengthening of state institutions.<sup>68</sup> The ensuing crisis – during which the 8 March forces demanded an effective minority in government, walked out of the Siniora government and initiated a two-year-long movement of civil disobedience, which paralysed the functioning of the Lebanese state – was essentially a crisis of power-sharing.<sup>69</sup> Only an effective minority of one-third plus one would allow the opposition to veto decisions on matters of national interest that it opposed. This veto right was a central provision of the Taif Accords as regards power-sharing within the executive; Christian political forces had demanded that it be respected in 1992 when they were sidelined in decisions concerning the first post-war parliamentary elections. Instead of upholding the provisions of the Taif Accord, the White House interpreted the crisis through the lens of its foreign policy in the region. It accused the 8 March forces of fomenting a coup against the government with the support of Iran. For the Party of God this was tantamount to unacceptable intervention in the domestic politics of a sovereign state.<sup>70</sup> Washington's intransigence was mirrored among its Lebanese allies, leading the five Shi'a and the only pro-Syrian Christian cabinet members to resign from government on 11 November 2006, thus cementing Lebanon's division into two deeply divided factions.

The second facet of this crisis of power-sharing revolved around the establishment of the Special Tribunal for Lebanon (STL). In January 2007, opposition parliamentarians drafted a petition demanding that charges be laid against Prime Minister Siniora for violating the Lebanese constitution.<sup>71</sup> They were reacting to the adoption by the then-rump government of documents concerning the statutes of the STL. House Speaker and Amal Movement leader Nabih Berri accused the prime minister of "begging for solutions abroad" and preparing the ground for the adoption of the STL statutes under Chapter VII of the UN Charter, which would in effect remove the tribunal from the orbit of Lebanese law.<sup>72</sup> The opposition labelled the project "highly political" and "tailored to implement verdicts that have already been reached".<sup>73</sup> For their part, pro-government parliamentarians petitioned UN Secretary-General Ban Ki-moon, accusing Berri of holding parliament hostage. New York dispatched a mission to Beirut in April 2007, to no avail. On 30 May 2007, the UN Security Council voted on Resolution 1757, paving the way for the establishment of the STL. The five Security Council members that abstained from the vote denounced the Resolution as an unacceptable intervention in the domestic affairs of Lebanon. In New York, the Syrian ambassador to the UN considered the Security Council intervention harmful and partial, thus likely to deepen fractures between the Lebanese. In Lebanon, Saad Hariri described the vote as a key turning point between two eras: that of crime and that of justice.<sup>74</sup>

## Liberal intervention in Lebanon: How to turn a fragile state into a regional buffer and an international echo chamber

It is always challenging to assess events that are still unfolding, but there is a consensus among scholars of Lebanese politics that Western intervention succeeded in returning Lebanon to its status as a regional buffer.<sup>75</sup> Regional struggles, whether in the framework of the Arab–Israeli conflict or in the framework of Sunni–Shi’a competition, now play themselves out on Lebanese territory. Likewise, the Lebanese conflict has become entangled with larger geopolitical struggles such as the US war on terror and Washington’s democracy promotion agenda and the Greater Middle East project. Neither prospect is particularly reassuring. As discussed above, these dynamics have deepened Lebanon’s economic and political crises. The war on terror has facilitated Israel’s disproportionate reaction to Hezbollah’s 12 July 2006 operation. It resulted in the obliteration of 15 years of economic reconstruction. Washington’s support for the Siniora government was informed by its democracy promotion agenda. It resulted in the most serious crisis of power-sharing in Lebanon since the country’s independence, if not since the initial adoption of a power-sharing formula in 1860.<sup>76</sup> These two outcomes of Western intervention have had deleterious consequences for the three stated objectives of any liberal intervention: stability, tolerance and democracy.

Complicating matters further is the lukewarm commitment of Western interveners to seeing their stated objectives through. This has become apparent in two separate instances. First, following the summer 2006 conflict between Israel and Hezbollah, the Western powers adamantly refused to give the strengthened UNIFIL troops the mandate to assist the Lebanese government in disarming Hezbollah. Foremost among those who objected was none other than France, the midwife of UNSC Resolution 1559, which saw to it that the rules of engagement of UNIFIL would be relatively restricted, leaving responsibility for Hezbollah’s disarmament to the Lebanese army. Second was the reaction of Western governments to the open confrontation between the Siniora government and the Hezbollah-led opposition in May 2008. When Hezbollah broke its promise never to use its weapons for any other purpose than national resistance, Western powers stood by and let the government of Fuad Siniora down, issuing at best general statements of support. Observers of Lebanese politics and analysts of Western politics in the Middle East should not find this at all surprising. This is not the first time that Western alliances with Lebanese factions have been sacrificed at the altar of broader geostrategic calculations. French support for General ‘Awn’s 1989 “War of Liberation” from Syrian tutelage stopped short of actually

providing more than shelter (and later exile) to the General when Syrian forces decided to force the outcome of the confrontation in October 1990. In 1990, a Syrian–US agreement paved the way for Syrian custodianship of peace implementation in Lebanon. In spite of Syria’s long history of intervention in Lebanese politics, and against the wishes of Christian political forces close to Washington which had fought to rid Lebanon of Syria’s presence, Damascus was thus being rewarded for siding with the US-led coalition against Iraq following the August 1990 invasion of Kuwait.<sup>77</sup>

Although one will have to wait for history to tell, the contours of the Doha Agreement, which brought the political deadlock of 2006–2008 to an end, suggest that pro-Western factions have lost ground to the Hezbollah-led 8 March coalition, which emerged the clear military winner of the armed confrontation of May 2008.<sup>78</sup> It could well be that, once again, normative commitments have taken second place to broader *realpolitik* considerations. It is worth highlighting the fact that this crisis resolution scheme also coincides with news of Syrian–Israeli talks sponsored by Turkey. Some observers have asserted that Western concerns about the assassination of Rafic Hariri indicated a structural change in US foreign policy in Lebanon and the region,<sup>79</sup> but I am less certain that this is indeed the case.

In closing, it seems that Lebanon, a small and complex country situated in a strategic and conflict-ridden regional environment, is destined to remain buffeted by the winds of regional and international change. Until the Lebanese resolve their long-standing internal disputes and develop a sense of national unity, Lebanese communities will continue to draw outsiders into domestic politics in an attempt to either redress perceived inequalities or counter perceived threats.<sup>80</sup>

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## Notes

1. Resolution 425 called for Israel’s withdrawal from Lebanon and for the restoration of Lebanon’s sovereignty and territorial independence.

2. Kimberly Zisk Marten, *Enforcing the Peace: Learning from the Imperial Past* (New York: Columbia University Press, 2004), p. 3.
3. *Ibid.*, p. 5.
4. Marie-Joëlle Zahar, "Peace by Unconventional Means: Lebanon's Taif Agreement", in Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), p. 575.
5. *Ibid.*, pp. 576–587.
6. Albert Mansour, *Al-Inqilab 'ala al-Taif* [The Overthrow of Taif] (Beirut: Dar al-Jadid, 1993); Volker Perthes, "Myths and Money: Four Years of Hariri and Lebanon's Preparation for a New Middle East", Middle East Report No. 203, *Lebanon and Syria: The Geopolitics of Change* (Spring 1997), pp. 16–21; Judith Palmer Harik, "Democracy (Again) Derailed: Lebanon's Taif Paradox", in Bahgat Korany, Rex Brynen and Paul Noble (eds), *Political Liberalization and Democratization in the Arab World. Vol. 2: Comparative Experiences* (Boulder, CO: Lynne Rienner, 1998), pp. 127–155.
7. Bassel F. Salloukh, "The Limits of Electoral Engineering in Divided Societies: Elections in Postwar Lebanon", *Canadian Journal of Political Science*, vol. 39, no. 3 (2006), pp. 635–656.
8. *Ibid.*
9. Theodor Hanf, *Coexistence in Wartime Lebanon: Decline of a State and Rise of a Nation* (London: I. B. Tauris, 1993).
10. Salim El-Huss, *Lil-Haqiqa wal-Tarikh: Tajarub al-Hukm ma Bayn 1998 wa 2000* [For Truth and the Record: The Experience of Government between 1998 and 2000] (Beirut: Sharikat al-Matbou'at lil-Tawzi' wal-Nashr, 2001), p. 61, cited in Salloukh, "The Limits of Electoral Engineering in Divided Societies".
11. Paul Salem, "Two Years of Living Dangerously: General Awn and the Precarious Rise of Lebanon's Second Republic", *Beirut Review*, vol. 1, no. 1 (1991).
12. See Amnesty International, *Lebanon: Human Rights Developments and Violations*, October 1997, web edition, p. 8, <<http://www.amnesty.org/en/library/info/MDE18/019/1997>> (accessed 14 May 2009).
13. *Ibid.*, pp. 16–17.
14. Zahar, "Peace by Unconventional Means", pp. 580–582; Amnesty International, *Lebanon*, pp. 19–22.
15. Suleiman Takieddine, "An Independent Judiciary for a Better Justice", in Nawaf Salam (ed.), *Options for Lebanon* (Oxford: Centre for Lebanese Studies and I. B. Tauris, 2004), p. 23.
16. Jumblatt interview with *An-Nahar*, 29 January 2002, quoted in Takieddine, "An Independent Judiciary for a Better Justice", p. 24.
17. Perthes, "Myths and Money", p. 20.
18. It is estimated that Syrian workers constitute more than three-quarters of the construction workforce in Lebanon.
19. For evaluations of the reconstruction scheme, see Perthes, "Myths and Money", and Michael Young, "Two Faces of Janus: Post-War Lebanon and Its Reconstruction", *Middle East Report*, vol. 209 (Winter 1998).
20. Hariri was at the helm of four post-war governments between 1992 and 2005 (1992, 1993, 1996, 2000).
21. Nicholas Blanford, *Killing Mr. Lebanon: The Assassination of Rafik Hariri and Its Impact on the Middle East* (London and New York: I. B. Tauris, 2006); Marwan Iskandar, *Rafic Hariri and the Fate of Lebanon* (London and Berkeley: Saqi Books, 2006). A behind-the-scenes mediator, often described as the "voice of King Fahd [of Saudi Arabia]", Hariri rose to pre-eminence in connection with his role at the Taif conference,

- which brought the Lebanese civil war to an end. Having forged close ties with the Syrian leadership through his earlier involvement in the abrogation of the 1983 May 17 Agreement between Lebanon and Israel, as well as in the 1983 Lausanne national reconciliation conference, Hariri was also the “sole conduit of Saudi funds in Lebanon”. See Blanford, *Killing Mr. Lebanon*, pp. 26–31.
22. Nasser H. Saidi, “The Economic Reconstruction of Lebanon: War, Peace, and Modernization”, in Deirdre Collings (ed.), *Peace for Lebanon: From War to Reconstruction* (Boulder, CO: Lynne Rienner, 1994), p. 199; Ahmed A. Sbaiti, “Reflections on Lebanon’s Reconstruction”, in Collings (ed.), *Peace for Lebanon*, pp. 166–170.
  23. These are the World Bank (17 per cent), the European institutions (15 per cent), the Arab Fund for Economic and Social Development (12 per cent), the Islamic Development Bank (9 per cent), Italy (9 per cent), Kuwaiti institutions (8 per cent) and the Saudi Fund for Development (6 per cent). Council for Development and Reconstruction, *Progress Report 2001* (Beirut: CDR, 2001), <<http://www.cdr.gov.lb/2001/english/openi.htm>> (accessed 2 June 2009).
  24. Ghassan El-Ezzi, “La Reconstruction du Liban... Un chantier semé d’embûches”, in Ghassan El Ezzi (guest editor), “Où va le Liban?”, *Confluences Méditerranée*, vol. 56 (Winter 2005–2006), p. 15.
  25. El-Ezzi, “La Reconstruction du Liban”, p. 16.
  26. Fuad Siniora, “Lebanon’s Economic Reform and Prospects”, public lecture, London School of Economics and Political Science, 9 May 2006; transcript available at <<http://www.lse.edu/collections/LSEPublicLecturesAndEvents/pdf/20060509-FuadSiniora.pdf>> (accessed 14 May 2009).
  27. See particularly Gebran Tueni, “Open Letter to Bashar Assad”, *Al-Nahar* (Beirut), 23 March 2000; translated and republished in *The Middle East Intelligence Bulletin* (April 2000).
  28. Walid Safi, “Une nouvelle renaissance est-elle possible?”, in El Ezzi (guest editor), “Où va le Liban?”, p. 45.
  29. *Ibid.*
  30. One man in particular, Jamil al-Sayyid, Director General of Lebanon’s Sûreté Générale (General Security), was identified as the person in charge of relations between Baabda, seat of the Lebanese presidency, and Damascus. Richard Labévière, *Le Grand Retour: Bagdad–Beyrouth* (Paris: Éditions du Seuil, 2006), p. 31.
  31. For a full text of the report, see US Department of State, *Patterns of Global Terrorism 2002* (Washington DC: US Department of State, 2003), <<http://www.state.gov/s/ct/rls/crt/2002/index.htm>> (accessed 14 May 2009).
  32. United Nations Press Release, SC/8181, “Security Council declares support for free, fair presidential election in Lebanon; calls for withdrawal of foreign forces there: Resolution 1559 (2004) Adopted by Vote of 9 in Favour, to None Against, with 6 Abstentions”, 2 September 2004, <<http://www.un.org/News/Press/docs/2004/sc8181.doc.htm>> (accessed 14 May 2009).
  33. *Ibid.*
  34. *Ibid.*
  35. Bureau of Information Programs, US Department of State, “Transcript: State’s Burns Calls for Investigation into Hariri Assassination”, 16 February 2005, <<http://usinfo.org/wf-archive/2005/050216/epf306.htm>> (accessed 14 May 2009).
  36. Labévière, *Le Grand Retour: Bagdad–Beyrouth*, pp. 102–103.
  37. Embodied in UNSC Resolutions 1664 of 29 March 2006 and 1757 of 10 June 2007.
  38. See Marko Milanovic, “An Odd Couple: Domestic Crimes and International Responsibility in the Special Tribunal for Lebanon”, *Journal of International Criminal Justice*, Special Issue: “Symposium – The Special Tribunal for Lebanon: Cripple from Birth?”, vol. 5 (2007), pp. 1139–1152.

39. European Union @ United Nations, "EU Deploys Election Observation Mission to Lebanon for Parliamentary Elections", 4 May 2005, <[http://www.europa-eu-un.org/articles/en/article\\_4674\\_en.htm](http://www.europa-eu-un.org/articles/en/article_4674_en.htm)> (accessed 14 May 2009).
40. Marie-Joëlle Zahar, "Moyen-Orient. L'Année de tous les dangers", in Albert Legault, Michel Fortmann and Gérard Hervouet (eds), *Les Conflits dans le Monde 2006: Rapport annuel sur les conflits internationaux* (Laval : Les presses de l'Université Laval, 2006), pp. 112–115.
41. "Bolton Admits Lebanon Truce Block", *BBC News*, 22 March 2007, <[http://news.bbc.co.uk/2/hi/middle\\_east/6479377.stm](http://news.bbc.co.uk/2/hi/middle_east/6479377.stm)> (accessed 14 May 2009).
42. Zahar, "Moyen-Orient. L'Année de tous les dangers", p. 113.
43. See Marie-Joëlle Zahar, "Les Risques du nation building 'sous influence': Les Cas de l'Irak et du Liban", *Critique Internationale*, no. 28 (July–September 2005). See also Zahar, "Peace by Unconventional Means", pp. 567–597.
44. Though the Israel–Hezbollah war is a further sign of destabilization, I do not include it in the discussion because similar confrontations had occurred in the period between 1990 and 2005 on Syria's watch.
45. Respectively Ali Hamdane, Jamil al-Sayyid, Ali al-Hajj and Raymond Azar.
46. Fatah al-Islam is a faction of the larger Fatah-Intifada, itself an offshoot of Yasser Arafat's Fatah movement.
47. See Bernard Rougier, "Islamismes sunnites et Hezbollah", *Le Monde diplomatique*, January 2007, p. 18.
48. "Au Liban, le Hezbollah réarme, des djihadistes s'infiltrèrent", *Le Monde*, 8 December 2006, p. 1; Philippe Bolopion and Mouna Naïm, "Liban: Des djihadistes viseraient 36 personnalités antisyriennes au Liban", *Le Monde*, 8 December 2006, p. 6.
49. The clashes were triggered by the government's decision to dismantle Hezbollah's telecommunications network, a decision considered by the Party of God to be "an act of war".
50. For a discussion of post-war confessional politics, see, for example, Samir Khalaf, "On Roots and Routes", in Theodor Hanf and Nawaf Salam (eds), *Lebanon in Limbo: Post-war Society and State in an Uncertain Regional Environment* (Baden-Baden: Nomos Verlagsgesellschaft and Paris: UNESCO International Center for Human Sciences, 2003), pp. 107–141. See also Zahar, "Peace by Unconventional Means".
51. Khalaf, "On Roots and Routes", p. 133.
52. *Ibid.*, pp. 133–135.
53. *Ibid.*, p. 126.
54. *Ibid.*, pp. 131–132.
55. *Ibid.*, p. 132.
56. On the 14 March side of the ledger, one finds a majority of Sunnis, assembled under the banner of Hariri's Future Movement, as well as a majority of Druze, who belong to Walid Jumblatt's Progressive Socialist Party, alongside two mainly Christian political groupings – the Lebanese Forces and the Qornet Shehwan Gathering. On the 8 March side of the ledger, the two main Shi'a parties, Amal and Hezbollah, entered into an alliance with the majority-Christian Free Patriotic Movement of General Michel 'Awn.
57. Halim Shebaya, "Intifada 2005: A Look Backwards and a Look Forward", in Youssef Choueiri (ed.), *Breaking the Cycle: Civil Wars in Lebanon* (London: Stacey International, 2007), pp. 274–275.
58. Khalaf, "On Roots and Routes", p. 113.
59. An extensive survey of university students indicates that, in recent years, the communal identity of Hezbollah supporters (and to a lesser extent that of supporters of other factions affiliated with the 8 March coalition) has been strongly shaped by the fight against Israel and its corollary, a strong anti-Americanism.

60. Elisabeth Picard, "De la 'communauté-classe' à la 'Résistance Nationale': Pour une analyse du rôle des Chiïtes dans le système politique libanais (1970–1985)", *Revue française de science politique*, vol. 35 (1985), pp. 999–1027.
61. Although Syria boasts a Sunni majority, the Assad regime is Alawite, an offshoot of Shi'a Islam.
62. Salloukh, "The Limits of Electoral Engineering in Divided Societies".
63. Party block voting (PB) combines multi-member districts with simple plurality rules. Andrew Reynolds and Ben Reilly, *The International IDEA Handbook of Electoral System Design* (Stockholm: International Institute for Democracy and Electoral Assistance, 2002), pp. 36–37. For criticisms of PB in Lebanon, see Abdo Saad, "Le Système électoral majoritaire freine l'avancée démocratique", *Confluences Méditerranée*, vol. 56 (Winter 2005–2006), pp. 109–114; Rudy Jaafar, "Democratic Reform in Lebanon: An Electoral Approach", in Choueiri (ed.), *Breaking the Cycle*, pp. 285–305; Salloukh, "The Limits of Electoral Engineering in Divided Societies".
64. For example, in Mount Lebanon, a list with 53 per cent of the vote was elected whereas its competitor, with 47 per cent of the vote, did not get a single seat. Saad, "Le Système électoral majoritaire freine l'avancée démocratique", p. 111.
65. Michael Johnson, "Managing Political Change in Lebanon: Challenges and Prospects", in Choueiri (ed.), *Breaking the Cycle*, p. 155.
66. European Union Election Observation Mission to Lebanon 2005, *Final Report on the Parliamentary Elections*, p. 38, <[http://ec.europa.eu/external\\_relations/human\\_rights/election\\_observation/lebanon/final\\_report\\_en.pdf](http://ec.europa.eu/external_relations/human_rights/election_observation/lebanon/final_report_en.pdf)> (accessed 29 May 2009).
67. Mouna Naïm, "Nasrallah triomphe à Beyrouth", *Le Monde*, 25 September 2006, p. 1.
68. Mouna Naïm, "Liban 'Journée des martyrs' des Forces libanaises", *Le Monde*, 26 September 2006, p. 8.
69. In a context where the main community organization was coming under Western attack as a "terrorist organization", Shi'a pressed hard to ensure a share of power commensurate with their demographic weight. The National Pact of 1942, which laid the foundations of modern Lebanon, had divided executive power exclusively between the then most powerful and numerous communities: the Sunnis and the Maronite Christians. See Marie-Joëlle Zahar, "Power Sharing in Lebanon: Foreign Protectors, Domestic Peace, and Democratic Failure", in Philip Roeder and Donald Rothchild (eds), *Sustainable Peace: Power and Democracy after Civil Wars* (Ithaca, NY: Cornell University Press, 2005), pp. 219–240.
70. "US' Lebanon Plot Claim Rejected", *BBC News*, 2 November 2006, <[http://news.bbc.co.uk/2/hi/middle\\_east/6109498.stm](http://news.bbc.co.uk/2/hi/middle_east/6109498.stm)> (accessed 14 May 2009).
71. Mouna Naïm, "Graves accusations réciproques entre personnalités druzes et Hezbollah", *Le Monde*, 3 January 2007, p. 6.
72. Mouna Naïm, "Liban: Crise politique – Le projet de tribunal international continue d'opposer majorité et opposition libanaises", *Le Monde*, 6 February 2007, p. 4.
73. Mouna Naïm, "Au Liban, l'ONU tente de résoudre la crise sur la création du 'tribunal Hariri'", *Le Monde*, 18 April 2007, p. 5. For an excellent analysis of the politicization process surrounding the STL, see Géraud De Geouffre de la Pradelle, Antoine Korkmaz and Rafaëlle Maison, "Qui va inculper les assassins du premier ministre Rafic Hariri? Douteuse instrumentalisation de la justice internationale au Liban", *Le Monde diplomatique*, April 2007, pp. 18–19.
74. Philippe Boloïon and Mouna Naïm, "L'ONU impose le 'tribunal Hariri', la majorité politique libanaise se réjouit", *Le Monde*, 1 June 2007, p. 4.
75. See George Corm, "Sortir du cercle vicieux et du statut d'État tampon?", *Confluences Méditerranée*, vol. 56 (Winter 2005–2006), pp. 99–108; Kail C. Ellis, "Lebanon: The Struggle of a Small Country in a Regional Context", *Arab Studies Quarterly*, vol. 21,



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- no. 1 (1999), pp. 5–25; Paul Salem, “The Future of Lebanon”, *Foreign Affairs*, vol. 85, no. 6 (2006), pp. 13–22; Marie-Joelle Zahar, “Le Liban au cur des tensions internationales”, in Bertrand Badie and Sandrine Tolotti (eds), *L'État du monde 2008* (Paris and Montreal: La Découverte/Boréal, 2007), pp. 119–122.
76. See Zahar, “Power Sharing in Lebanon”.
77. See George Corm, *Le Proche-Orient éclaté* (Paris: Gallimard, 2000).
78. “Q&A: Lebanon Crisis Deal”, *BBC News*, 25 May 2008, <[http://news.bbc.co.uk/2/hi/middle\\_east/7412543.stm](http://news.bbc.co.uk/2/hi/middle_east/7412543.stm)> (accessed 14 May 2009).
79. Safi, “Une nouvelle renaissance est-elle possible?”, p. 51.
80. Samir Khalaf, “From a Geography of Fear to a Culture of Tolerance: Reflections on Protracted Strife and the Restoration of Civility in Lebanon”, in Paul Salem (ed.), *Conflict Resolution in the Arab World: Selected Essays* (Beirut: American University of Beirut, 1997), pp. 354–383; Edward Azar, “The Role of External Forces in Confessional Pluralism”, in Peter Chelkowski and Robert Pranger (eds), *Ideology and Power in the Middle East: Studies in Honor of George Lenczowski* (Durham, NC: Duke University Press, 1998), pp. 325–366; Zahar, “Power Sharing in Lebanon”.

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## Re-examining liberal peacebuilding in light of realism and pragmatism: The Cambodian experience

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*Sorpong Peou*

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Peacebuilding has long been regarded as a liberal agenda whose goal is to prevent armed conflict from recurring. The assumption is that intra-state war and other forms of domestic violence have their roots in dictatorship, the illiberal culture of impunity and the lack of economic growth inherent in non-capitalistic economic systems. The agenda assumes that liberal alternatives can be promoted around the world and have a positive impact on relationships between and within societies.<sup>1</sup> Viewed in this light, international peacebuilding is a post-Cold War security agenda based on a liberal concept in the form of a “secular trinity” – the union of political democracy, rule of law and free market capitalist development – combined with a universal vision to transform world politics.

The extent to which the liberal vision has been achieved remains a subject of debate. On the one hand, liberal proponents argue that progress has been made, despite its shortcomings. In the case of Cambodia, elections have been held on a regular basis, the pursuit of criminal justice against Khmer Rouge leaders has advanced and economic growth has been rapid. On the other hand, critics claim that the liberal agenda is bound to fail. As one observer of Cambodian politics, Grant Curtis, put it, “Cambodia’s many political commentators readily concede that ‘liberal democracy’ cannot be transplanted or otherwise grafted to a country lacking any real democratic tradition”. He further added that “there has been a tendency to expect too much – and too much, too soon – of Cambodia’s transition to liberal, multiparty democracy”.<sup>2</sup> He himself was of the opinion that “[t]he last thing the country needed was a further

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electoral campaign, particularly a negative campaign or one marked by violence". In his view, "[b]y end-1997 it was clear that Cambodia desperately required a period of political stability in order that the several achievements of the post-UNTAC [United Nations Transitional Authority in Cambodia] period might be consolidated".<sup>3</sup> Others chastised liberal internationalists in general for lending support to the "same false assumption" of the modernization theory. In their view, political and economic liberalization had destabilizing effects on society. Roland Paris in particular asserts that "[p]eacebuilding exposes the inherently conflictual character of democracy and capitalism, both of which paradoxically encourage societal competition as a means of achieving political stability and economic prosperity".<sup>4</sup> Critical theorists, especially those who subscribe to either neo-Marxism or postmodernism, point out that the peacebuilding agenda has worked to the benefit only of socioeconomic and political elites.<sup>5</sup>

This chapter argues that the international community has pursued the liberal agenda with the aim of transforming Cambodia into a liberal democracy, building and strengthening the rule of law and establishing a market-based economy, but this liberal agenda has its limits. Cambodia has failed to consolidate the democratic gains it made after the 1993 national elections organized by the United Nations. The pursuit of criminal justice has encountered numerous challenges and may not realize its intended results. Economic growth rates have been quite high but the growth engine remains shaky and has contributed dangerously to a growing gap between the rich and poor.

Overall it is safe to say that the liberal agenda has been more positive than negative, especially when measured in the context of negative peace (the absence of violent conflict or war). But what explains the limits? This chapter argues that the liberal conceptual underpinnings of peacebuilding itself contain contradictions, and that peacebuilding rests on several naive assumptions. First, liberals assume that political elites competing for power in post-conflict societies share a common interest in turning their battlefield into a ballot-box and are unconcerned about their security, regardless of whether they lose or win. Second, they assume that peace and democracy can be strengthened if criminal justice can be forcefully executed. Third, they assume that market forces offer solutions to political problems.

The recent Cambodian experience shows that peacebuilding could be better achieved if the international community did more to help consolidate democratic, legal and socioeconomic gains. Firstly, if possible, it must seek to tame hegemonic power politics, which tend to work against democracy. Second, criminal justice must be pursued in a pragmatic fashion so as to avoid intensifying the insecurity dilemma, which may derail

democracy. Third, the international community needs to do more to ensure better equity in economic development. This thesis is based on a theoretical perspective I call “complex realist institutionalism”.<sup>6</sup>

### The idealist agenda of liberal peacebuilding and its secular trinity

As an integrated concept, peacebuilding rests on general liberal assumptions about war and peace.<sup>7</sup> Underpinning the liberal peacebuilding agenda are three intertwined processes: democratization of the political process, criminalization of political violence, and marketization of economic development. International democracy assistance galvanizes the first process – political liberalization in the form of democratization through the holding of free and fair elections. Thomas Carothers’ work, for instance, has paid attention to the role of international “democracy aid”.<sup>8</sup> This type of assistance means “aid specifically designed to foster a democratic opening in a nondemocratic country or to further a democratic transition in a country that has experienced a democratic opening”.<sup>9</sup> Krishna Kumar and Jeroen de Zeeuw remark that “[i]nternational donors believe – with considerable justification – that democracy offers the best chance to promote peace and heal the wounds of war in postconflict societies”.<sup>10</sup>

As part of the attempt to build and strengthen the rule of law in postconflict society, the international community has also made efforts to criminalize political violence. Chandra Lekha Sriram’s chapter in this volume regards transitional justice as part of liberal peacebuilding. Indeed, the second process can be traced back to the liberal vision for an international society – a society based on the rule of law instead of the law of the jungle. A Western legalist asserts that “the vast tragedies of the 20<sup>th</sup> century are . . . due to the absence of a permanent system of international criminal justice”.<sup>11</sup>

Since the early 1990s, the international community has worked to establish justice institutions with the aim of building sustainable peace. War can be ended and negative peace can be restored when criminal leaders are arrested, convicted, sentenced and put behind bars.<sup>12</sup> The International Criminal Tribunal for the former Yugoslavia (ICTY), for instance, “was meant to end a real war”.<sup>13</sup> Ad hoc criminal tribunals “have significantly contributed to peace building in postwar societies”.<sup>14</sup> Positive peace can be sustained when dictators and torturers are excluded from positions of power and influence, when democratic leaders come to power through peaceful means such as free and fair elections,

and when post-conflict societies can proceed with economic development. Criminal justice contributes to the process of democratization, because “the continuing legacy of impunity proved a serious impediment to democratization”.<sup>15</sup> The idea of “peace through justice” rests on the growing belief that impunity has not prevented human rights violations from recurring.<sup>16</sup> It is thus unsurprising that international criminal justice has now been included as part of the new integrated peacebuilding process.

Marketization is the third process of peacebuilding, involving economic reconstruction, development and – in theory – poverty reduction. The various leading international financial institutions or specialized agencies within the UN system – the United Nations Development Programme (UNDP), the World Bank and the International Monetary Fund (IMF) – have taken the lead. The Bank and the IMF in particular “were found[ed] on the basic notion that liberal rules of free trade, free payments, monetary stability and capital mobility would best promote international economic welfare”.<sup>17</sup> More recently, they have placed emphasis on the need to avoid anything that would violate human rights and to promote freedom from poverty. In 2000, for instance, the IMF and the World Bank issued a joint statement: “Given the challenges facing the global economy, the work of the Fund and the Bank has become even more essential in helping to promote financial stability, sustainable growth and poverty reduction.”<sup>18</sup> The strategies to reduce poverty include efforts to increase productivity among the poor by investing in social development, such as health and education. This strategy is based on the liberal assumption that, without economic development, there is no sustainable peace. Western states and international organizations have pointed to this relationship. The United States and the European Union see a direct link between widespread poverty and the incidence of conflict.<sup>19</sup> The United Nations Millennium report stressed the connection between poverty and conflict.<sup>20</sup> The UNDP makes the following statement: “Without peace, there may be no development. But without development, peace may be threatened.”<sup>21</sup>

The neo-liberal agenda for peacebuilding proceeds with another key assumption: the various actors in the world involved in the process of peacebuilding can help turn their shared vision for peace into reality by coordinating their aid activities and taking collective action. In 1995, Boutros Boutros-Ghali wrote: “If UN efforts are to succeed, the roles of the various players need to be carefully coordinated in an integrated approach to human security.”<sup>22</sup> John Ruggie further points to the fact that governments within the UN system have complained “about the lack of effective coordination for the past half-century, [but] they have done little about it”.<sup>23</sup> Country-level donor coordination also remains poor: “While some minor pooling of bilateral aid efforts has occurred,

assistance from the community of donor countries remains largely uncoordinated.”<sup>24</sup> But neo-liberal institutionalism tends to put faith in cooperation and coordination for *mutual* advantage. In the field of peacebuilding, however, liberalism goes beyond the role of states and the promotion of self-interest or mutual interest among them. Various non-state actors are assumed to be capable of acting in the interest of world peace and individual freedom for “strangers” living in other corners of the world.<sup>25</sup> The idea of international aid coordination – among states, international organizations and non-state actors such as non-governmental organizations (NGOs) – has now become part of peacebuilding. Liberals agree that aid coordination has difficulties but point out that they can be overcome.

In short, the most distinctive feature of liberal peacebuilding is the global vision for the liberal peace that global actors – state and non-state – share on the basis of a secular trinity: political democracy, criminal justice and capitalist development. The question is whether this vision is internally coherent in that the three processes of the liberal peace work in tandem. If they do, we can assume that peacebuilders can accumulate systematic knowledge about the long-term impact of their efforts on post-conflict societies and can collaborate to ensure and sustain bright prospects for peace.

Unfortunately, the literature reveals several major challenges to peacebuilding. The triune liberal processes have often experienced tensions from within and without. Democratization may start with the transition from dictatorship but more often than not finds it hard to discover solid ground. Edward Newman and Oliver Richmond are among those who have reason to be wary of uncritical democracy promotion. They counsel peacebuilders to be patient and careful when introducing democracy to post-conflict societies: “Democracy – together with justice, human rights, and free market economics – is something that should be introduced carefully and sensitively in ‘post’-conflict societies.”<sup>26</sup> The pursuit of criminal justice does not always seem to give rise to the liberal peace when political leaders operate within extremely weak states and fear that they may be subject to criminal charges when they lose power. Marketization offers material incentives for the advancement of the liberal peace when antagonists find reason to see it coming, but does not usually lift the majority of people affected by war out of poverty. Paris further contends that the Wilsonian agenda to build the liberal peace tends to give rise to several pathologies or destabilizing effects. In his words, “[p]romoting democratization and marketization has the potential to stimulate higher levels of societal competition at the very moment... when states are least equipped to contain such tensions within peaceful bounds”.<sup>27</sup>

These propositions have not challenged my earlier work on the security dimension of peacekeeping and peacebuilding.<sup>28</sup> In my view, there is nothing wrong with introducing or even imposing the liberal will on societies prone to conflict, but peacebuilders must take the insecurity dilemma and hegemonic power politics in conflict-ridden societies more seriously. To build the liberal peace in structurally weak states, social engineers must be aware of spoilers but should not carelessly assume that spoilers are bent on ruining the liberal peace all the time and at all costs. Newman, Richmond and their associates argue in defence of the need for serious attention to be given to the initial stage of the peace process,<sup>29</sup> a just and inclusive process as a critical prerequisite “to limit the power of spoiling and extremist violence”<sup>30</sup> and to reduce opportunities for spoilers to undermine peace,<sup>31</sup> “neutralizing” the political environment to prevent aggression,<sup>32</sup> and refraining from the use of force, which “tends to undermine confidence-building efforts”.<sup>33</sup> They also warn that third parties may be spoilers themselves when allocating resources, offering recognition and playing favourites among the factions in conflict, and when they overlook the need to coordinate their peace activities. Paris makes a reasonable suggestion when stressing the need to build institutions in extremely fragile states. But, as will be demonstrated in this chapter, the Cambodian case study shows why such good intentions may not be sufficient. Institutionalization before liberalization tends to threaten the security of those who rely on undemocratic institutions, such as the armed forces, militias and corrupt or deeply politicized judges and lawyers. Unless democracy is first promoted to ensure that none of the competing factions is left out to spoil the peace process and that none emerges as the hegemonic power, democratic institution-building is difficult. Another challenge to institution-building is that global actors, especially donors (including liberal democratic states), do not always put effective collective pressure on local actors to support institutional reform. If there is a clash with their national security interests, democracies tend to choose to work with dictators in an effort to win them away from their foes.

### The limits of international liberal peacebuilding: Evidence from Cambodia

The neo-liberal agenda for peacebuilding was beginning to emerge when the war in Cambodia was bowing to the pressure of the international community led by the United Nations under the collective leadership of the five permanent members of the Security Council. Evidence shows

that the liberal peacebuilding efforts over the past 15 years have proved beneficial to the people of this country when “measured” in terms of the decline and disappearance of armed conflict roughly five years after the 1993 election. The argument that democratization works against peace and that democracy is not what Cambodia needs most has merit, but it is not fully convincing. The argument overlooks the fact that, without the Paris Peace Agreements, which laid the ideational foundation of liberal democracy in the country, the war might have gone on far longer than it did. The 1993 election was far from perfect, but it did bring about some reconciliation among former enemies, who subsequently formed a coalition government. Critics also ignore the fact that the former foes have since returned to the ballot-box instead of using violent force to resolve their political differences. The last several elections have made it possible for the factions and their political parties to compete for power using means short of war.

The process of democratization has its limits, of course. The overall political trend points to monopolization of power by one political party rather than democratic consolidation. Although the elections in recent years have become less and less prone to violence and have witnessed less political intimidation, the political process has shifted in favour of the ruling party – the Cambodian People’s Party (CPP). The CPP lost in the 1993 national election (having gained 51 out of 122 seats in the National Assembly), whereas FUNCINPEC (National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia) won 58 seats. The CPP then won the 1998 election, having captured 64 out of the 122 seats. In 2003, the CPP gained 73 seats. In 2008, the CPP consolidated its power when it won more seats on 27 July. After polling day, CPP Minister of Information Khieu Kanharith claimed that unofficial results showed that his party won 90 seats, followed by the Sam Rainsy Party (SRP) with 26 seats and three other parties – Human Rights Party, Norodom Ranariddh Party and FUNCINPEC – each with only 2 seats. The four main opposition parties then met together, deemed the election a “sham” and signed a joint letter urging the Cambodian public and the international community not to recognize the election results and asking voters across the country to return to the polls.

The Senate also remains dominated by the CPP. When the first Senate elections took place in January 2006, only the 123 MPs and some 13,000 commune councillors (most of whom remained CPP loyalists) could cast their vote for the 57 senators allocated for the next six-year term. Unsurprisingly, the CPP captured 45 of the 57 elected seats; the National Assembly and the King appointed the other four seats.

At the commune level, the CPP continues to maintain its political domination. During the first commune elections on 3 February 2003, the CPP



took control of nearly 99 per cent of all communes (with 1,598 out of 1,621 commune chiefs elected), leaving the SRP and FUNCINPEC with only 13 and 10, respectively. During the following commune elections on 1 April 2007, the CPP got 1,591 commune chiefs elected.

Overall, election outcomes have become more certain because the CPP has become increasingly sure of electoral victory. Before polling day in the 1993 national election, there was still an element of uncertainty. The CPP did not feel invincible then.<sup>34</sup> After the 1997 coup that led to the overthrow of First Prime Minister Norodom Ranariddh, however, it became clear that the CPP would not let slip the opportunity to win. Its future looked increasingly bright. Before the election in 1998, Hun Sen, the leader of the CPP, showed his growing confidence in the CPP's ability to win. In January 2007 he revealed his long-term ambitions when stating: "If I am still alive, I will continue to stand as a candidate until I am 90."<sup>35</sup> Early in 2008, the year that marked the twenty-third year of rule since his premiership began in 1985, he made his bid to stay in power clear: "I wish to state it very clearly this way. No one can defeat Hun Sen."<sup>36</sup>

Hun Sen has become more determined than ever to consolidate his power so that members of other political parties would have no choice but to give up their struggles and join with the CPP out of either self-interest or necessity. The royalists remain deeply divided; some have already joined the CPP, and others have been under pressure to defect. Leading FUNCINPEC members (such as Prince Norodom Chakrapong, Prince Norodom Sirivudh, Princess Norodom Vicheara, and Prince Sisowath Sirirath Phanara) have been in effect marginalized and driven out of active politics.

There still exists a myth that Cambodia has enjoyed increased civil liberties such as freedom of speech, but evidence shows that the CPP virtually monopolizes the broadcast media and has allowed few opposition newspapers to operate. In recent years, the freedoms to speak one's mind critically and to strike or protest have been further weakened by ongoing political intimidation. On 21 May 2008, for instance, Hun Sen threatened the country's most independent radio station (Beehive) after it had broadcast programming from opposition political parties. A week later, a new radio station, Angkor Ratha, had its six-month-old licence revoked because it had offered air time to opposition parties. Fewer protests and critical voices thus do not seem to indicate more growth of freedom; they simply mean the opposition has been silenced.

A basis for the rule of law in Cambodia was laid after the 1993 national election, but it remains shaky and deeply politicized. Numerous justice and legal institutions have been established, but they do not function properly. The constitution (adopted in 1993 and amended in 1999) is

considered liberal, if not perfect, but other related institutions such as the Constitutional Council and the courts have proved far from independent or effective. In recent years, the government has frequently resorted to lawsuits as a way to weaken dissent and opposition.<sup>37</sup> The Constitutional Council (tasked with the responsibility to protect and interpret the constitution) remains reluctant to challenge government legislation and tends to ignore applications or requests from opposition members. This is not surprising, considering that six of the nine members of the Council are affiliated with the CPP. The independence of the courts has been questioned. The Supreme Council of Magistracy (tasked with the responsibility to protect the independence and professional integrity of judges and prosecutors but including one government minister *ex officio* and one member of the CPP's permanent committee) has proved unable to play a credible role. Judges still fear powerful economic and political figures. Cases against political critics have rarely gone beyond the CPP-subservient Phnom Penh Municipal Court, and the Supreme Court has rarely considered politically sensitive cases. UN reports have urged wholesale reform that would make the judicial system not only independent but also seen to be independent.<sup>38</sup>

The extent to which criminal justice has strengthened democracy and the rule of law is still subject to speculation. One positive legal and judicial development has been the pursuit of criminal justice against top Khmer Rouge leaders. Even before the signing of the Paris Peace Agreements in 1991, lawmakers, scholars and human rights activists had pressed for legal action against the Khmer Rouge leaders with the aim of preventing the resurgence of genocide.<sup>39</sup> Those in favour of putting them on trial have based their logic on the importance of overcoming the culture of impunity, ensuring future deterrence and promoting democracy and human rights. Under pressure from the international community, Cambodia agreed to set up a criminal court within the Cambodian court system. The Extraordinary Chambers in the Courts of Cambodia (ECCC) were then set up for this purpose: to prosecute Khmer Rouge leaders "most responsible" for war crimes and crimes against humanity committed during their reign of terror from 1975 to 1978.

By the end of 2008, the Khmer Rouge trials had enjoyed only limited success. Five notorious Khmer Rouge leaders – Nuon Chea, Pol Pot's chief deputy or right-hand man; Khieu Samphan, the former Khmer Rouge head of state; Ieng Sary, Pol Pot's foreign minister and deputy prime minister, and his wife Ieng Thirith, Pol Pot's social affairs minister; and Kaing Guek Eav (alias Duch), the chief executioner at the infamous Tuol Sleng prison centre – have finally faced justice, charged with war crimes and crimes against humanity.

The ECCC continues to confront numerous challenges, however. First, lack of funds and political wrangling threaten to undermine its work. The original budget of US\$56.3 million quickly ran out, and an additional US\$170 million was required to meet a mandate extended until 2011. The period 2008–2009 alone required US\$50 million. Funding for the ECCC was withheld early in August 2008 after alleged corruption within the ECCC was exposed. Political wrangling also caused delays in the judicial process, as trials were scheduled to begin late in 2008. Ieng Sary's lawyer, Ang Udom, argued that the trial of his client would be illegitimate, since Ieng had already obtained a royal pardon and an amnesty from the then-King Sihanouk. Nuon Chea's two Dutch lawyers demanded that a Cambodian judge, Ney Thol, who sat at the Court's pre-trial chamber, be removed because of his role as an army general heading the country's military court and a member of the CPP. One of Khieu Samphan's defence lawyers, Jacques Vergers (a French national), caused a delay when he angrily protested about the ECCC's failure to translate thousands of pages of documents into French, one of three official languages used in the Court (along with Khmer and English). Translating documents into three languages proves difficult.

Second, the pursuit of criminal justice resulted from, and did not initiate, the peace process, which had benefited from a formal amnesty and a series of informal ones. These amnesties led to the defection of Khmer Rouge leaders to the government, growing infighting among Khmer Rouge leaders, and the disintegration that finally ended their rebellion in 1998. It was not the threat of legal punishment that brought peace to this country – the recent peace resulted from the political process of reconciliation among former foes.

Third, it is far from clear that the criminal process can serve as an effective deterrent against future atrocities. Duch, a born-again Christian, was 66 years old in 2008. As the trials began, the other four Khmer Rouge leaders were already advanced in years and experiencing health problems. When Nuon Chea was arrested in September 2007 he was 81 years old. When Khieu Samphan was arrested on 19 November 2007 at a hospital, after undergoing treatment for a stroke, he was 76 years old. In 2008, Ieng Sary was 83 and his wife was 76. Ieng Sary became seriously ill late in July and was hospitalized on 1 August. Their ages thus range from 66 to 83, making it difficult for anyone to argue that justice would deter these former Khmer Rouge leaders from committing future atrocities.

Fourth, although we still do not know whether criminal justice can contribute to the rule of law and democratization, the evidence points to a weak relationship. There is no indication that former Khmer Rouge

elements want to start a war, but there is more evidence suggesting that they have become uneasy about the trials. Even high-ranking members of the CPP have expressed this concern. I have discussed this elsewhere in my work,<sup>40</sup> but it is worth adding that members of the CPP elite remain wary of such legalistic efforts, partly because of their lack of real interest in making the Cambodian judiciary more independent and more effective and partly because of their fears that the politicization of the Khmer Rouge trials might implicate them in the future. On the twenty-ninth anniversary of the Khmer Rouge's January 1979 downfall, for instance, CPP president Chea Sim warned against politicizing the Khmer Rouge trials, calling those intent on doing so "absent-minded elements" and "ill-willed political circles" who were opposed to the process of reconciliation after years of civil strife. In his words: "We condemn any acts to use the courts with the aim of creating instability or disrupting society."<sup>41</sup> In June 2008, Dam Sith, an SRP candidate and editor of the *Khmer Conscience* newspaper, was arrested because he questioned the role that CPP Foreign Minister Hor Namhong allegedly played during the Khmer Rouge period. Although Hun Sen and several members of his government have been assured that they do not fall within the scope of the tribunal, they remain anxious about the long-term prospect that they might be put on trial in the future.

In sum, Cambodia has no effective system of institutional checks and balances. The executive branch under the political leadership of Hun Sen still dominates the legislature and the judiciary, as well as other local institutions, such as the media. The legislature may not have been particularly feckless, corrupt or patronage ridden, but it commands little respect among the public and remains a rubber-stamp institution. The judiciary enjoys no political independence and is extremely under-funded and corrupt.

A relatively more successful story can be found in the process of marketization. The country has so far witnessed better economic growth since the mid-1990s than during the 1980s. Some estimate that between 1994 and 2006 average growth in the gross domestic product (GDP) stood at more than 7 per cent. Government and donor officials agree that the economy performed best in 2005 (13.4 per cent growth, making it the highest rate in the world) and still did well in 2006 (10.4 per cent) and 2007. The currency has become stable. The National Bank has maintained a prudent monetary policy, fiscal discipline and a relatively stable exchange rate. One can thus make the case that the absence of large-scale violence or war has so far been positively correlated with the economic growth that has resulted from the process of marketization.

On the negative side, the recent economic growth tends to help the CPP leadership consolidate its power: it has now convinced more Cam-

bodians, especially unemployed youth in need of jobs, that the CPP remains the national party most capable of ensuring economic growth. However, economic growth has had its limits in that it has strengthened the power of socioeconomic and political elites and kept the poor powerless. Per capita gross national income (GNI) rose very slowly between 1998 and 2005 (from US\$247 to US\$320). Per capita GNI of \$320 means that Cambodians earned an average income of just US\$0.87 a day (a little over US\$26 per month). Although poverty reduction has been evident since the early 1990s, at least one-third of the population still live below the poverty line (with income measured at around US\$0.75 per day). The country has also witnessed growing inequality between the rich and poor: its Gini coefficient increased from 0.35 in 1994 to 0.42 in 2004,<sup>42</sup> which is high compared with that of neighbouring countries (for example Indonesia, whose Gini coefficient was 0.34). The uneven economic growth has mostly benefited a minority of elite members, especially those associated with the CPP.

With the political and economic elites running the economy, various forms of economic violence have also become more extreme. Land-grabbing and forced evictions have become a new challenge to political legitimacy because they have been committed by members of state institutions (including the police, the military and the judiciary). On 3 March 2007, Hun Sen declared “a war against land-grabbers” identified by him as members of his party and in positions of power. Because of the existing institutional weakness, this war has so far proved ineffective.<sup>43</sup>

### The way to build sustainable peace?

The Cambodian case study poses a real challenge to the peacebuilding agenda, although the evidence presented here should not lead us to conclude that liberalism is now in terminal crisis. In this section, I argue that the criticisms levelled against liberalism are normatively powerful. Certainly we must pay heed to any challenges liberalism still confronts and remain open-minded about alternatives, but we also need to pay attention to the realities we face.

First, we must not ignore the question of security-driven behaviour within domestic and international politics. Liberals assume that peacebuilding can be implemented effectively without adequately taking into account the crucial question of security. The recent political, legal and economic developments in Cambodia remind us of the ongoing challenges to political, legal and economic liberalization. In institutionally weak states such as Cambodia, political and socioeconomic elites

compete for hegemonic power when possible, because this seems to be the best way to maximize their security.

Second, some liberals also naively assume that the so-called international community can act together according to the logic of global solidarity. In recent years, many international donors have admitted to a lack of aid coordination. The Japan International Cooperation Agency (JICA) acknowledged this problem in a 2002 report, which stated: “Although there is trend towards effective and efficient cooperation by strengthening international partnerships to increase Cambodian ownership, the experience of partnership formation has been limited so far due to differences in approaches, aid schemes, and procedures among the donors.”<sup>44</sup> A joint report published in 2004 by the World Bank and the IMF also acknowledges that, “[o]ver the past decade, poor aid management has not only resulted in technical inefficiency, but also contributed in part to the governance problems facing the Cambodian state”.<sup>45</sup>

International donors have also taken a realistic approach by not only accepting the need for political stability but also taking a soft approach toward Cambodia in the hopes that it would not drift toward the China camp built around the “Beijing consensus”, instead of the Washington consensus. China has been regarded as posing a strategic challenge to the US–Japan security alliance. Recently, Japan identified China as a “threat” to its security interests. Tokyo has moved Japan deeper into Southeast Asia by seeking “a broader leadership role” in the region.<sup>46</sup> China’s aid has also aroused competition with Western donors and Japan. Chinese aid carried no conditions or penalties for bad practices such as corruption. In its dealings with the Hun Sen government, the leadership in Beijing maintained a degree of secrecy and did not usually work alongside other donors involved in Cambodia. According to one report, “Western aid donors complain that China is secretive about its aid projects, and declines to attend the traditional meetings chaired by the World Bank in poor countries to co-ordinate aid activities”.<sup>47</sup> The former Japanese ambassador to Cambodia, Takahashi Fumiaki, expressed his concern about China’s aid: “Currently we do not know clearly what projects and programs China is generally providing for this country” and “[w]e would appreciate China’s active participation in donors’ coordinating meetings”.<sup>48</sup>

Rivalry between China and the US–Japan security alliance seems to be connected with the rise of Chinese power and the growth of Chinese influence over Southeast Asia.<sup>49</sup> In 1994, Tokyo issued a new National Defense Program Outline, which touched on nuclear arsenals in neighbouring states and justified the need to increase forces in the south (close to China and North Korea). The document did not mention China as a threat then, but 10 years later the 2004 National Defense

Program Guidelines were “the first national security document to openly identify a potential threat from the People’s Republic of China, noting that the PRC was modernizing its forces and expanding its range at sea”.<sup>50</sup>

Bilateral relations between Washington and the Hun Sen government have improved in recent years. Washington’s fears of Islamist militancy have tempered its criticism of the Cambodian government and it now considers Cambodia (relative to the other states in the Association of Southeast Asian Nations) “most willing” to cooperate with its efforts to combat global terrorism. As Hun Sen succeeded in consolidating his power, he presented himself as a leader committed to combating terrorism in the region. The dubious arrests of foreign Muslim men in Cambodia, who were later charged with terrorist offences, and Cambodia’s plan to expel Islamic foreigners prior to the holding of the 2003 ASEAN Regional Forum conference, must have pleased the US government. In April 2007, General Hok Lundy (Cambodia’s notorious National Police Chief) was even allowed to hold bilateral talks on counter-terrorism with the Federal Bureau of Investigation in Washington. Senior US officials also met with the General at the State Department. All this took place amid criticism from human rights activists and others that Washington had changed its policy by granting the General a visa to enter the United States after it had refused to do so in 2005 because of his alleged complicity in human trafficking and involvement in unresolved political killings, especially those committed in March 1997 and during the coup in July 1997. Cambodia also pleased Washington when it signed the “Article 19” Agreement with the United States, which contained a Cambodian commitment not to send any US citizens to the International Criminal Court. The Bush administration signed a congressional appropriations resolution for the 2007 fiscal year which contained “no restrictions on direct US government funding of the Cambodian government activities”. According to US Ambassador Joseph Mussomeli, the move “is yet another sign of the deepening and strengthening of the promising relationship between our two countries”.<sup>51</sup> In February 2007, a US warship paid a visit to Cambodia’s seaport for the first time in 30 years. US officials also unofficially entertained the idea of establishing a military base in Cambodia.

Third, peacebuilders need to be realistic not only in terms of ongoing security politics in post-conflict societies and among the states and donors around them, but also in terms of their approach to peacebuilding. They need to place greater emphasis on institution-building. Several questions come to mind when the issue of institution-building is raised: When is the most appropriate time for peacebuilders to begin this task? Which are the most important institutions that need to receive the most attention?

How must those institutions be built so as to ensure that they can achieve their stated objectives?

Regarding the first question, there is disagreement over whether the process of institution-building should take place before or should proceed alongside political, legal and economic liberalization. A strong case can be made that institution-building must precede the processes of democratization and marketization (associated with Paris's "institutionalization before liberalization" thesis). The strength of this proposition lies in the fact that peacekeeping and peacebuilding in war-torn states with extremely weak structures are likely to face great challenges. Peacekeepers and peacebuilders went to Cambodia with good intentions, but they overlooked the security dimension and the action they took to address this important aspect of peacebuilding was ineffective; some even threatened to use force to ensure local compliance. Peacekeepers and peacebuilders must not rush to hold elections without demonstrating their ability to ensure security for all the parties involved in conflict and in the electoral process. Parties that feel insecure are likely to take extreme measures. Time and goodwill alone will not promote political moderation unless the question of security is effectively addressed. If the security situation does not improve, the passage of time will only deepen mutual distrust among political parties locked in competition for power. Electoral rules can be designed to reward political moderation, but they will not succeed unless they can constrain the dominant party and ensure the security of challengers.

The "institutionalization before liberalization" thesis, however, raises some crucial questions. How can members of the "international community", especially donors, successfully build institutions when they often prove unable to take effective collective action? Experience tells us that overcoming the international collective action problem is still difficult, if not impossible. Major states and donors continue to pursue their national interests; harnessing them "to peacebuilding objectives", as Keating and Knight suggest,<sup>52</sup> remains a daunting task. How long should we wait for the level of institutionalization to become adequate to allow the process of democratization to proceed? Based on my research, the process of institutionalization is open ended and may take a very long time. Elections cannot be postponed until police forces become sufficiently reliable and a new cadre of local judges is adequately trained. There is also little evidence to suggest that democratic institutionalization can proceed under authoritarian rule, either. It is not in the best interests of autocratic elites to encourage institution-building that would weaken their secure power base. The CPP leadership has done what it could to personalize power by institutionalizing personal power and de-institutionalizing democratic power.



Can institutionalization also proceed without political, legal and economic liberalization? This is a difficult question to answer, because institutionalization is not a process that can easily be detached from liberalization based on liberal reform initiatives. This case study, for instance, suggests that Cambodia could not have adopted a national constitution before a democratically elected government first came to power. We cannot expect to build a more independent judiciary in a country such as Cambodia (whose rulers continue to dominate this branch of government) unless a process of political and legal liberalization also begins and the ruling party no longer monopolizes judicial power. Nor can we expect a police force to become reliable in enforcing the rulings of the Constitutional Court until police reform gets under way.

Whether peacebuilders should concentrate only on state or on political and civil society institutions is a matter of debate. The Cambodian case study shows that state institution-building is a must: the three branches of government – executive, legislative and judicial – must be built and strengthened to the point where a system of institutional checks and balances is successfully put in place. But democratization, criminalization of political violence and marketization are unlikely to make sustainable progress until a multi-party system becomes so institutionalized that the official opposition in parliament can keep the dominant party in check, can effectively represent those who do not belong to the party that runs government institutions and can work with civil society in their joint opposition to any abuses of power by the executive branch.

As to how institution-building can be achieved, the Cambodian case study further shows that political society institutions (especially political parties) can be effectively built only if opposition parties receive adequate support from the international community (whose members tend to shy away from doing this because of their sensitivity to the issue of state sovereignty and fears of political backlashes).

Fourth, peacebuilders need to be not only realistic but also pragmatic. Ideological dogmatism often does more harm than good. The issue of criminal justice, for instance, requires a degree of pragmatism. Few deny the importance of justice in peacebuilding. All criminal leaders who commit war crimes, genocide and crimes against humanity deserve to be brought to justice and punished if convicted; however, justice must be pursued with care. When the pursuit of criminal justice works against peace through negotiation, it must be postponed. Justice is likely to succeed when criminal leaders lose power. The Cambodian case study proves that informal amnesties should be allowed to precede criminal justice. The aggressive pursuit of criminal justice might end up preventing future peace negotiations, especially when other criminal leaders

learn about the risk of losing power and feel they must continue to consolidate power at all costs.

Moreover, judicial institution-building – not vengeance – should be the ultimate goal of criminal justice. Simple-minded legalism tends to rest on the fallacy that, when criminals are put behind bars, peace prevails, the rule of law advances and democracy and human rights thrive. It worries me when some proponents of criminal justice sound more like “crusaders” seeking to put evil-doers away, without sufficiently understanding the structural root causes of their crimes. I am frequently reminded of the radical “justice” the Khmer Rouge leaders once aggressively pursued: “equality for all” ended up turning them into murderers and the country into killing fields. Political crimes are often committed when state institutions break down, when the competition for power among factions or elites gets out of control, when insecurity becomes very acute, or when regime or personal survival is increasingly at stake.<sup>53</sup>

## Conclusion

This chapter demonstrates that peacebuilding has its conceptual roots in neo-liberalism, initiated and campaigned for by people in Western states and Western-dominated international organizations, especially the United Nations and its specialized agencies. This neo-liberal agenda rests on the secular doctrine of the trinity: the union of political democracy, rule of law and capitalist development. The Cambodian case study does not suggest that democratization, criminalization of political violence and economic liberalization have proved detrimental to the peace process. But these three processes have their limits. “Complex realist institutionalism” thus takes into account the realities of security and power within domestic and international politics. To achieve its peacebuilding mission more effectively, the international community must do more to build an effective system of checks and balances among state institutions (namely, the executive, legislative and judicial branches of government), as well as between them and institutions within political society (such as political parties) and civil society. With this system of institutional checks and balances in place, market forces can also be subject to regulation so as to ensure that the economy will grow in a more equitable fashion.

## Notes

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  41. Cited in *AFP*, 7 January 2008.
  42. A Gini coefficient of 0 indicates a perfect distribution of income; 100 means that all income is in the hands of one person.
  43. Lao Mong Hay, "Cambodia: Hun Sen's Ineffective War on Land-Grabbing", *UPI Asia.com*, 5 March 2008, <[http://www.upiasia.com/Human\\_Rights/2008/03/05/hun\\_Sens\\_Ineffective\\_War\\_On\\_Land-grabbing/2445/](http://www.upiasia.com/Human_Rights/2008/03/05/hun_Sens_Ineffective_War_On_Land-grabbing/2445/)> (accessed 29 May 2009); see also Am-

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  48. *Ibid.*
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  50. Richard Samuel, *Securing Japan: Tokyo's Grand Strategy and the Future of East Asia* (Ithaca, NY: Cornell University Press, 2007), p. 69.
  51. *Associated Press*, 27 February 2007.
  52. Tom Keating and W. Andy Knight (eds), *Building Sustainable Peace* (Edmonton: University of Alberta Press, 2004), p. xiii.
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## Revisiting the “liberal peace” thesis applied to Central America: New insights for and against the Wilsonian approach

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The “liberal peace thesis” entails the promotion of liberal democracy and market reforms in countries that are emerging from civil strife. As is widely discussed, this formula may have unintended negative consequences and, in the worst case, implementing the “liberal peace thesis” without paying due attention to the institutional context of war-torn countries can lead to the intensification of conflict and even the resumption of war.<sup>1</sup> In order to correct the negative side-effects of conventional peacebuilding efforts, Roland Paris proposed the IBL formula (institutionalization before liberalization) in which institution-building efforts should precede political and economic liberalization.<sup>2</sup>

To what extent can one blame the “liberal peace thesis” for problems encountered in Central America during the post-conflict period? Does the IBL formula offer a better alternative for ameliorating them? This chapter addresses these two questions with specific reference to El Salvador and Guatemala and occasional mention of Nicaragua. I will argue that, counter-intuitively, applying the “liberal peace thesis” in El Salvador led to better results than implementing some tenets of the IBL formula in Guatemala. This does not necessarily mean that the IBL formula is wrong, but rather that institution-building endeavours succeed only under specific conditions.

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## Pathologies of the liberal peace thesis in Central America

According to Paris, promoting political and economic liberalization in war-torn countries may lead to a number of negative side-effects (or “pathologies”) that endanger internal peace. Specifically, he refers to (1) the problem of a “bad” civil society; (2) the behaviour of opportunistic “ethnic entrepreneurs”; (3) the risk that elections can serve as focal points for destructive societal competition; (4) the danger posed by local “saboteurs” who cloak themselves in the mantle of democracy but seek to undermine democracy; and (5) the disruptive and conflict-inducing effects of economic liberalization.<sup>3</sup>

Of these pathologies, the only one that is fully applicable to Central America relates to the dangers of economic liberalization, because it arguably helped to recreate the historic sources of violence. As for the other four pathologies, one could argue that:

(A) There were no ethnic entrepreneurs in Central America willing or able to exploit inter-communal fears. Ethnic divisions were prominent in only one country, Guatemala, where nearly 40 per cent of the population is indigenous. In the late 1970s the Guatemalan guerrilla organization Unidad Revolucionaria Nacional Guatemalteca (URNG) actually did mobilize various indigenous groups that came to support the rebels’ cause. However, owing to massive state repression in the early 1980s, coupled with the inability of the URNG to deliver protection to its support base, most of these communities broke ties with the rebels. The different indigenous groups that inhabit the country have since remained deeply divided.

In Nicaragua, where indigenous groups comprise barely 5 per cent of the population, YATAMA, a small faction of the Contras representing the Miskito Indians, also promoted an ethnic agenda during the war. Although YATAMA’s struggle for indigenous rights had limited scope, the Nicaraguan government eventually granted relative autonomy to the Miskitos in 1987.

In short, considering the aforementioned conditions, had there been ethnic entrepreneurs in Guatemala and Nicaragua during the post-conflict period, they would have failed in their attempt to make political gains on the basis of communal fears.

(B) Political rulers or saboteurs did not manipulate democratic elections with an ensuing authoritarian backlash. Only in Guatemala can one observe some examples of this, but with no long-term consequences. In 1993, after facing impeachment charges and also a deadlock in Congress, President Jorge Serrano suspended constitutional rights in an attempted self-coup. But this occurred three years before the warring factions signed definitive peace accords in Guatemala, so one can hardly

blame liberal peacebuilding for fostering such an act of sabotage. Furthermore, shortly after the self-coup, different political and social organizations mobilized and forced Serrano to resign.

Afterwards, during the 2003 elections, former dictator General Efraín Ríos Montt, who was the candidate for the Frente Republicano Guatemalteco, encouraged violent rallies in an attempt to intimidate some groups that opposed his candidacy.<sup>4</sup> In the end, the Guatemalan Supreme Court of Justice allowed Ríos Montt to run for president, but he was easily defeated in the first round of the elections. One might speculate that, had Ríos Montt been elected, he would probably have undermined democratic institutions such as the judicial system because of his responsibility for gross human rights violations.

(C) None of the countries exhibit a “bad” civil society, resorting to hate speech and promoting intolerance. Only in Nicaragua, in the early 1990s, did a number of remobilized Contra fighters and former Sandinistas (and also the so-called *revueltos*, which included both ex-Sandinistas and ex-Contras) cause turmoil at one point.<sup>5</sup> But these former combatants did not challenge democracy as such; they merely pressured the Nicaraguan government to comply with unfulfilled promises related to the Disarmament, Demobilization and Reintegration process, hoping to obtain – for the most part – economic benefits.<sup>6</sup>

Some might interpret the lynching of criminals in Guatemala during the post-war years as evidence of a “bad” civil society. However, this was mostly a by-product of the faltering system of justice; because the state was unable (or unwilling) to prosecute and punish criminals, some communities took justice into their own hands.<sup>7</sup> The lynching phenomenon never reached epidemic proportions though, and should not be considered as an example of a “bad” civil society.

(D) Democratic elections did not help polarize the electorate and fuel the violence. Even if polarization is still evident in countries such as Nicaragua and El Salvador (in the sense that most of the population are clearly divided into political groups that correspond to the former warring factions), one observes a gradual trend towards accommodation among rival political parties.

It is important to underscore that in Nicaragua, El Salvador and Guatemala political liberalization was a gradual process, which probably averted the most negative consequences of a sudden political opening.<sup>8</sup> In all three countries, some kind of truncated and perhaps illiberal democracy was established long before the rebel groups laid down their weapons. Initially, only those parties that had some ideological affinity with one another took part in (relatively) competitive elections. After these parties learned to play the democratic game it was easier to incorporate the left-wing insurgencies (or the right-wing Contras, in the Nica-



raguan case) into the democratic system. This particular sequence may have helped democracy lay down some roots. Had the transition from authoritarian rule occurred simultaneously with the signing of peace accords, the elections would have probably led to greater polarization and violence.

Having said this, what were the consequences of the single “liberal pathology” that the Central American countries experienced? According to Paris, in Central America “rapid marketization appears to have reproduced some of the socioeconomic conditions that sparked unrest in these countries in the first place”.<sup>9</sup> More specifically, in Nicaragua economic liberalization produced the “type of inequitable growth that has historically fueled revolutionary violence in the country”.<sup>10</sup> In El Salvador, “economic liberalization policies promoted by the IMF and World Bank appear to have exacerbated the very socioeconomic conditions that precipitated war in the first place”.<sup>11</sup> As regards Guatemala, although Paris acknowledges that the World Bank and the International Monetary Fund (IMF) assumed a “new approach to ‘postconflict sustainable development’ in the fragile circumstances of war shattered states”, he also warns us that the benefits of economic growth have not trickled down to the poor.<sup>12</sup> He concludes that “failure to address the underlying sources of recurrent revolutionary violence in Guatemala – including profound social and economic inequality – poses a serious threat to the durability of the peace settlement”.<sup>13</sup>

In sum, it would appear that only one pathology of liberalization – the undesirable side-effects of rapid marketization and structural adjustment programmes – is relevant to Central America. Is this actually the case: have such processes sowed the seeds of violent rebellion? To what extent has economic liberalization endangered the prospects of peace consolidation in Central America?

### A war of economic causes?

There has been no insurrection in Nicaragua since 1990, in El Salvador since 1992 and in Guatemala since 1996. Even if none of these countries has “consolidated the peace”, there has not been an insurrectionary backlash either. This is significant considering that, as noted by Collier and Sambanis, the risk of a recurrence of war is higher in post-war societies than in countries with no prior war history.<sup>14</sup> Each passing year without war undermines any pessimistic expectations concerning the short durability of the Central American peace accords.

The fact that these peace accords have endured in spite of their failure to redress economic and social inequality (which allegedly grew worse as

a result of economic liberalization) leads us to the question: Did the Central American wars have economic causes in the first place? Were poverty and inequality the root causes of insurrection?

It is by no means clear that poverty and/or inequality always (or inevitably) lead to insurrection. If this were the case, revolutionary movements would flare up in most developing countries, where socioeconomic exclusion is quite pervasive. No such thing has happened, largely because many intervening variables determine whether or not economic grievances open the way to armed insurrection.<sup>15</sup> Furthermore, as noted by Goodwin, political factors have a greater explanatory power than economic ones as regards the formation of rebel groups: “revolutionary movements are not simply or exclusively a response to economic exploitation and inequality, but also and more directly a response to political oppression and violence, typically brutal and indiscriminate.”<sup>16</sup>

In Central America, the role of economic exclusion in fostering armed rebellion has been a contested issue. Whereas authors such as Paige<sup>17</sup> and Wood<sup>18</sup> – for El Salvador – and Booth,<sup>19</sup> Karl<sup>20</sup> and Holiday<sup>21</sup> – for Guatemala – have argued that economic exclusion produced the revolutionary challenge in the first place, other analysts disagree with this approach.

For instance, according to McClintock,<sup>22</sup> in El Salvador most national economic trends were positive in the 1970s, the period during which the various revolutionary groups were formed. Although land scarcity increased, there was no clear pattern of deepening poverty that threatened the peasants’ food security, while the living standards of peasants improved in many respects.<sup>23</sup> In a similar vein, Selingson observed that between 1961 and 1991 El Salvador experienced a decline in the land-poor and landless population in both absolute and relative terms.<sup>24</sup>

Goodwin noted that neither poverty nor income inequality was unambiguously associated with the uneven development of revolutionary movements in Central America. Nicaragua, for instance, was the least impoverished country of the region, but this did not suffice to avert the formation of the powerful rebel group Sandinista National Liberation Front (FSLN), which eventually took power in 1979.<sup>25</sup> Honduras, in turn, had similar levels of income inequality to Nicaragua, yet Honduran revolutionary groups posed a negligible threat to the government.<sup>26</sup> In 1980 there was greater income inequality in El Salvador than in Nicaragua, but revolution occurred only in the latter country.<sup>27</sup> Landlessness and land poverty were more severe in El Salvador and Guatemala than in Nicaragua, but again, only in the latter country did the revolutionaries succeed.<sup>28</sup>

In short, even though deep and persistent social and economic exclusions may have caused turmoil in Central America, this did not necessar-

ily translate into a significant insurrectionary challenge. This does not imply that poverty and/or inequality were irrelevant to insurrection. Clearly, the Central American rebel groups framed their discourse in terms of class-related grievances and directly appealed to the resentment of underprivileged sectors. However, to the extent that economic exclusion contributed to armed rebellion, it did so by interacting with a host of other (arguably more relevant) factors, such as the persistence of authoritarian regimes, pervasive repression, a specific ideological environment that granted legitimacy to socialism, and some conditions favourable for political organization, among others.

One might conclude from this, contrary to what Paris maintains, that, by promoting a process of democratization and a lessening of state repression, liberal peacebuilding in Central America dealt with some of the most important “root causes” of war. Poverty and inequality may still be appalling in the region, but it is quite improbable that we will observe the same constellation of factors that led to insurrection in the past.

At this stage it is worth re-examining the evidence on the effects of economic liberalization in Central America. Has it been as detrimental as implied in the analysis presented by Paris and other critics of neo-liberalism?

### Economic liberalization in Central America: Curse, blessing or something in-between?

Critics of economic liberalization have long argued that structural adjustment programmes entail dire social costs in the short term. Both the numbers of the poor and the levels of inequality increased significantly in Latin America during the 1980s and 1990s, the period in which many countries implemented structural adjustment programmes – often owing to conditionalities imposed by the World Bank and the IMF.<sup>29</sup>

Did neo-liberalism spell hopeless deprivation for the underprivileged sectors in El Salvador and Guatemala? If one crosschecks the expected impact of neo-liberal reforms with the actual economic performance of these two countries, a number of nuances come to the fore.

The macroeconomic situation in El Salvador has been referred to as “remarkably stable” since the adoption of neo-liberal reforms, with “an inflation rate around 5%, low interest rates, slow but steady growth of GDP ranging from 2.1 to 4.2% annually”.<sup>30</sup> Even though the annual growth rate suffered a slowdown in El Salvador, falling from between 6 per cent and 7 per cent in the immediate aftermath of the peace accords to about 2.7 per cent after 1995,<sup>31</sup> neo-liberalism went hand in hand with economic growth.

Of course, it is one thing to generate wealth, and another thing to distribute it evenly. Neo-liberalism in El Salvador produced a trend towards greater income inequality as well as a deterioration in real wages.<sup>32</sup> Reportedly, 47.9 per cent of the active population are employed in the informal sector and receive less than the minimum wage, and privatization has increased the cost of basic services.<sup>33</sup>

In addition to this, in 2001 El Salvador adopted the US dollar as its currency, which was deemed an unnecessary measure that served the interests of only the financial sector and large entrepreneurs.<sup>34</sup> Contrary to what some expected, dollarization did not have a positive impact on economic growth because many investors did not change their perception of El Salvador as a “risky environment” because of its high levels of poverty, its insecurity and its lack of adequate infrastructure.<sup>35</sup> Furthermore, dollarization has entailed higher prices for the poor in the sense that prices are rounded up when they are converted into dollars.<sup>36</sup>

In 2004 El Salvador embarked on yet another controversial initiative by ratifying the Central American Free Trade Agreement (CAFTA). Some analysts expected it to lead to greater hardship for workers owing to the treaty’s disregard for international labour standards.<sup>37</sup> Only time will let us evaluate the pros and cons of this treaty.

On a brighter note, various studies reveal a sharp decrease in the level of poverty in El Salvador. Government figures suggest that the proportion of the population in poverty decreased from 59.7 per cent in 1991 to 34.6 per cent in 2004.<sup>38</sup> Using a different methodology, the United Nations Development Programme (UNDP) quotes a reduction in poverty from 65 per cent of the population in 1992 to 43 per cent in 2002.<sup>39</sup> The World Bank also measured poverty in El Salvador, taking into account in its calculations barter and other non-monetary income sources, which are particularly important for rural households. With this new methodology the World Bank concluded that, whereas in 1991 64.4 per cent of the population were below the poverty line, the proportion dropped to 37.2 per cent in 2002.<sup>40</sup> The percentage of the extremely poor, in turn, decreased from 31.2 per cent in 1991 to 15.4 per cent in 2002.<sup>41</sup> The World Bank admitted that El Salvador had experienced a slight increase in levels of inequality since the mid-1990s (and also a slowdown in the reduction in poverty since 2000), but overall these results are quite impressive.

In terms of the Human Development Index (HDI), the World Bank suggests that the poor have had better access to both education and health care, which has reduced child malnutrition, and at the same time longevity rates have increased.<sup>42</sup> Another study confirms that El Salvador has improved its literacy rates and that there has been a drop in infant mortality.<sup>43</sup>

How does one explain such improvements? According to the World Bank, El Salvador underwent several key economic changes in the 1990s that helped to reduce poverty: (a) high rates of economic growth did trickle down to the poor; (b) the proportion of people whose income depended on agriculture decreased substantially, which led to better living standards for those who found alternative sources of income; (c) remittances from Salvadorans living abroad helped to raise the living standards of their families back home; and (d) greater social spending and policies in favour of the poor also improved living standards.<sup>44</sup>

Some of these issues need further specification. Trickle-down effects were largely owing to the maquila sector, which “has provided many jobs in the form of cheap, unskilled labor”; however, owing to greater competition in an increasingly difficult international context, the sustainability of these industries is in doubt.<sup>45</sup> Social spending rose from 5.4 per cent of the gross domestic product (GDP) in 1994 to 8 per cent in 2002, but tax revenues in El Salvador still rank among the lowest in the hemisphere, constraining the state’s social policies.<sup>46</sup> Not surprisingly, social expenditures have resulted in “negligible gains in many social and economic fronts”.<sup>47</sup>

Poverty alleviation in El Salvador has been mainly the result of dramatic changes in the economy since the end of the war. After largely depending on the export of agricultural commodities, El Salvador transformed its productive structure and now the service sector accounts for 50 per cent of GDP.<sup>48</sup> The agricultural economy virtually collapsed, generating an “exodus from the devastated countryside to the Salvadoran urban centers, the United States, and other countries”.<sup>49</sup> An estimated 2 million Salvadorans (25 per cent of the total population) live abroad, which has eased competition for scarce jobs and diminished the number of poor in this country.<sup>50</sup> And family remittances sent by over 250,000 Salvadorans with Temporary Protected Status in the United States have steadily increased over the years,<sup>51</sup> helping to reduce poverty. According to Holiday, migration and remittances have helped to reduce poverty more than any state policies.<sup>52</sup>

Guatemala has also experienced economic growth, although at a slower rate than El Salvador. From 1999, GDP growth in Guatemala experienced a slowdown, hovering around 2.4 per cent between 2003 and 2004.<sup>53</sup> In 2006, owing to macroeconomic stability, infrastructure improvement and the jumpstart of CAFTA, GDP growth reached 4.6 per cent, which was the highest rate since 1998;<sup>54</sup> the figure was above 5 per cent in 2007. At the same time though, as a result of demographic tendencies, per capita growth averaged a mere 1.3 per cent per year, which indicates that individual improvement has been almost stagnant.<sup>55</sup>

Although the government has raised taxes, improved the management of financial assets and increased its investment in infrastructure and human capital, Guatemala has scored “poorly on most governance indicators” according to the UNDP.<sup>56</sup> The goals of a fiscal pact signed in 2000 in order to increase revenues and improve the state’s use of financial resources were reached belatedly in 2007, yet Guatemala still scores poorly in terms of tax revenues compared with other Latin American countries. Relatively low levels of taxation, combined with the fact that the government has had to reconstruct villages that were destroyed by the war, compensate war victims and deal with natural disasters, have placed severe constraints on social expenditures.<sup>57</sup>

Various authors note that, despite the fact that Guatemala has enjoyed macroeconomic stability and low inflation rates, economic growth has not favoured the poorest sectors of society.<sup>58</sup> And, even though the official unemployment rate is low, the levels of underemployment are reportedly substantial.<sup>59</sup>

Poverty is widespread and far more severe in rural – rather than urban – areas. The United Nations reports that 70 per cent of all Guatemalans living in extreme poverty are indigenous people (Mayans), and this country is second only to Brazil in terms of the disparities between rich and poor in Latin America.<sup>60</sup> Inequality actually increased between 1989 and 2002: the poorest 20 per cent of the population went from receiving 2.7 per cent of the national income to only 1.7 per cent.<sup>61</sup> Many people work in the agricultural sector, where gender disparities are huge: whereas 86.5 per cent of rural men have a job, only 24 per cent of women do.<sup>62</sup>

A World Bank report also indicates that Guatemala has high rates of child malnutrition and that the country has made slow progress in health and education.<sup>63</sup> The Guatemalan government spends less on education than any other Latin American country.<sup>64</sup> Not surprisingly, Guatemala has had low levels of school enrolment, and the shortage of human capital in this country has resulted in low levels of productivity among the workforce.<sup>65</sup>

In recent years, Guatemala has also experienced profound changes in its economic structure. Unlike El Salvador, where the service sector partly replaced agriculture, in Guatemala the agricultural sector has maintained its share of GDP.<sup>66</sup> However, with the decline of the coffee economy other agro-exports have gained prominence, for example sugar and various non-traditional agricultural exports (snow peas, broccoli and mangoes).<sup>67</sup> Even though these new agro-exports have demonstrated economic dynamism, the benefits of this transformation in agriculture have not yet reached the poor.<sup>68</sup>

In short, compared with El Salvador, Guatemala has not fared well if one examines different economic indicators. Nevertheless, the UN and

the World Bank challenge the argument that economic liberalization has had a negative impact *tout court*. A 2003 World Bank report on Guatemala notes that the proportion of poor dropped from 62.0 per cent of the population in 1989 to 56.2 per cent in 2000;<sup>69</sup> in 2001 there was a slight increase to 56.6 per cent owing to an economic crisis, and this trend continued in 2002, when the percentage of poor stood at 57.0 per cent according to the UNDP.<sup>70</sup> According to a 2006 survey by the Instituto Nacional de Estadística of Guatemala, the proportion of poor had fallen further to 51.0 per cent, which provides some grounds for optimism.<sup>71</sup> In addition, between 1995 and 1999 the HDI of Guatemala improved, and surveys indicate that a majority of people perceived that their living conditions were improving.<sup>72</sup> A study by the UNDP also indicates a decline in poverty in Guatemala.<sup>73</sup>

One might conclude that, despite all the pessimistic expectations concerning the impact of economic liberalization, in both countries there has been a reduction in poverty. Perhaps neo-liberalism has not redressed many structural problems in the region, but it has achieved an overall reduction in the number of people suffering absolute economic deprivation, especially in El Salvador.

### What about endemic violence?

The figures included in the previous section help us moderate some of the most pessimistic expectations as regards neo-liberalism. In fact, by reducing their poverty levels, El Salvador and – to a lesser extent – Guatemala muddled through some of the anticipated negative effects of neo-liberalism. However, economic indicators tell only part of the story. This section examines the evolution of violence in both Guatemala and El Salvador in order to assess the prospects for peace consolidation.

Violence reached dramatic levels in Central America during the post-war years. Table 16.1 shows statistics for Guatemala and El Salvador (not Nicaragua, because data for this country are unreliable). The most worrying statistics concern Guatemala. During the last decade of war (1986–1996) there were between 1,500 and 2,000 homicides per year in Guatemala.<sup>74</sup> In 1997, the year after the warring factions signed peace accords, the number of homicides stood at 3,998, a figure that decreased to 2,655 in 1999. But, beginning in 2000, Guatemala has experienced a relentless upward trend in the number of homicides, from 2,904 in 2000 to 5,885 in 2006. In other words, during the post-conflict period the number of homicides per year was more than double the average annual number of murders during the last decade of war, and since 2000 the homicide rate has risen every year.

On the other hand, as Table 16.1 shows, El Salvador offers some grounds for hope. The levels of violence peaked shortly after the government and the FMLN (Farabundo Martí National Liberation Front) signed the Chapultepec Peace Accords in 1992, reaching between 7,500 and 8,000 homicides per year in 1994 and 1995. But beginning in 1999 the violence was curbed: the estimates in Table 16.1 reveal that (excluding the anomalous year 2002) there were between 3,500 and 4,000 murders per year from 1999 to 2005. The figures are rather ambiguous in this case, because, given its ratio of 54.7 homicides per 100,000 inhabitants, El Salvador was considered to be the most violent country in Latin America in 2005 (followed by Honduras, Guatemala and Colombia).<sup>75</sup> Yet this ratio obscures the fact that the absolute number of homicides decreased by about 50 per cent beginning in 1999.

In any event, the general picture is very worrying. Even after both wars ended, an alarming number of people continued to be killed in these two countries. How can one possibly speak of peace if far more people are killed now than during the armed conflict? And how can one explain such high levels of violence if poverty has supposedly declined? Should one blame the structural adjustment programmes? I would argue partly so, but one has to examine several additional factors.

Most of the post-war violence is the result not of ideological issues but of crime.<sup>76</sup> High homicide and criminality rates in Central America have been explained in relation to “a regional ‘crisis of governance,’ whereby economic liberalization, weak democratization and intensified globalization have undermined states and their ability to command a monopoly over the use of violence”.<sup>77</sup> A report on Guatemala, for instance, mentions that crime has been out of control and many ordinary citizens are committing revenge killings against delinquents.<sup>78</sup> The widespread availability of guns during the post-war years and a lack of confidence in the security forces and the justice system have also facilitated the upsurge in violence.<sup>79</sup>

State weakness and neo-liberal reforms may partly explain the violence, yet three additional factors have played a role: culture, gangs and – in the case of Guatemala – lynchings (*linchamientos*) of delinquents. Each of these factors requires explanation.

Different authors have argued that protracted war in Guatemala and El Salvador left in place a violent culture that is resilient to change. Surveys in Guatemala indicate that many people consider extrajudicial killings to be both “positive and necessary”.<sup>80</sup> In similar vein, two survey studies conducted in El Salvador in 1998 and 2003 found that many Salvadorans accept the widespread use of violence, casting doubt on the efficacy of programmes carried out by the government and several non-governmental organizations (NGOs) aimed at preventing violence.<sup>81</sup>



Table 16.1 Homicides in El Salvador and Guatemala, 1994–2006

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Guatemala	n.a.	3,260	3,619	3,998	3,310	2,655	2,904	3,230	3,631	4,237	4,507	5,338	5,885
El Salvador	7,673	7,877	6,792	n.a.	n.a.	3,845	3,551	3,590	2,835	3,536	3,897	3,778	n.a.

*Sources:* El Salvador – General Attorney’s Office; Guatemala – National Civilian Police, quoted in PNUD, *Informe Estadístico de la Violencia en Guatemala* (Guatemala: Magna Terra Editores, 2007), p. 19.

Some authors consider that this acceptance of violence as a “normal fact of life” is a by-product of the country’s historical cycles of “state repression and popular resistance or rebellion [that] consolidated a pattern that mediated class and ethnic conflict with violence”.<sup>82</sup> As argued by Chavez:

The systematic and protracted use of state terror reinforced cultural attitudes with regard to resolving various kinds of conflict – personal, communal and social – in Salvadoran society. Indeed the psychosocial effects of political violence not only reinforced violent cultural patterns among the direct participants of the civil war but in society as a whole.<sup>83</sup>

This argument is fully applicable to Guatemala, where the security forces committed even more atrocities than those in El Salvador. In sum, the presence of a violent culture in Guatemala and El Salvador may partly explain why many people tend to solve disputes by force.

One may add that an important percentage of the “new violence” in Guatemala and El Salvador is gang related. Although there are no reliable statistics on the proportion of crime actually committed by the gangs (or *maras*), and “not all violent crime can be attributed to youth gangs”,<sup>84</sup> many people blame such groups for a great proportion of youth violence in Central America.<sup>85</sup> Estimates for Guatemala City in the mid-1990s are of between 53 and 330 gangs.<sup>86</sup> In El Salvador, reportedly up to 20,000 people are members of the *maras*.<sup>87</sup>

As in the case of a violent culture, the proliferation of gangs may be partly considered as a legacy of war. In fact, armed conflicts in Guatemala and El Salvador displaced many people and a sizeable number of Central American refugees ended up in the United States. Some of these individuals joined the Mara Salvatrucha, an extremely violent gang that got involved in drug trafficking. The US government eventually repatriated many gang members to Central America because they were also illegal immigrants, and back home these individuals formed similar gangs. This helped to spur new cycles of violence.

Another violent pattern that is specific to Guatemala has to do with the lynching of (for the most part) petty criminals. This is *prima facie* evidence that the state has been unable to provide a minimum of justice during the post-conflict period, driving citizens to take justice into their own hands. Recent studies reveal that this phenomenon entails levels of complexity that go beyond state failure.

Handy, for instance, mentions one particular case in which folk beliefs about witchcraft and the abduction of children played a role in the lynching of a black-dressed Japanese tourist who was taking pictures of Mayan children.<sup>88</sup> In another case, a local community lynched a judge after he

applied the law in a way that was deemed offensive by local residents because it went against indigenous customary law.<sup>89</sup> The latter example indicates that, on certain occasions, *linchamientos* are not the result of state failure but rather express some form of resistance to the very attempt to apply the law to indigenous communities that have a different standard of justice. These are exceptions to the rule though, and one might conclude that failure of the system of justice explains most cases of *linchamientos*.

Admittedly, market reforms did not help generate enough employment for former combatants, discharged soldiers and dwellers in depressed urban areas, which partly explains why the criminality rates in Guatemala and El Salvador have soared. The layoff of state employees and neo-liberal constraints on social policies have meant additional hardships for underprivileged sectors, which, combined with the availability of guns, may have contributed to the upsurge in violence. Nevertheless, neo-liberalism does not adequately explain all violence-related problems. Despite the fact that structural adjustment programmes have had some negative effects, El Salvador and Guatemala somehow managed to reduce their poverty levels. In addition, an important proportion of the “new” violence is caused by various legacies of protracted war, such as a culture of violence, the repatriation of gang members and state weakness.

The worrying levels of violence in Guatemala (compared with El Salvador) suggest that state-building has been more flawed in this country. In fact, the Guatemalan state has been unable to control the upward trend in criminality. What does this say about UN-led peacebuilding efforts? Was there a greater neglect of state-building in Guatemala compared with El Salvador? The evidence in this regard points in the opposite direction.

### Peacebuilding in Guatemala and El Salvador

Peace accords in El Salvador (1992) and Guatemala (1996) helped to bring war to an end and established truly competitive, multi-party elections. At the same time, one of the striking contrasts between El Salvador and Guatemala concerns the levels of compliance with the peace agreements. Whereas El Salvador exemplifies almost full compliance with the peace accords, in Guatemala non-compliance has been quite extensive. This contrast is significant considering that the UN opted for the “liberal peace” thesis in El Salvador, whereas its peacebuilding approach to Guatemala came much closer to the IBL formula. High levels of non-compliance in Guatemala have not led to a return to war, but they have negatively affected the quality of peace.

Why does one observe such different degrees of compliance in the two countries? Were there any problematic aspects with the implementation of the IBL formula? In order to answer these questions I will refer to three different factors: (a) the complexity of the accords; (b) procedural and political aspects related to the implementation of the peace agreements; and (c) the different roles played by the United Nations Observer Mission in El Salvador (ONUSAL) and the United Nations Verification Mission in Guatemala (MINUGUA).

### *Complexity*

The Salvadoran peace accords were fairly simple, focusing on demilitarization and guaranteeing greater respect for civil and political rights. The accords reduced the size and redefined the function of the military forces, whose role was confined to defending the country's borders, rather than maintaining public order.<sup>90</sup> The army was also "purified" through an ad hoc commission that recommended the dismissal of over 100 military officers who had a problematic human rights record.<sup>91</sup>

In addition, the peace agreements entailed the creation of a new National Civil Police (PNC) to replace the corrupt and brutal National Police. The new police force was placed under civilian rather than military control and 60 per cent of its new recruits consisted of people who had not served as combatants during the war and were trained in a new police academy. In spite of some flaws, the performance of the new Salvadoran police has been deemed acceptable. According to Stanley: "Although the PNC's performance was imperfect, particularly in the face of a massive post-war crime wave, it was far more efficient, responsive, transparent and accountable than the old police."<sup>92</sup> Another analyst provides a more positive assessment by noting that "the Salvadoran police remains one of the most successful and far-reaching reforms undertaken under the Peace Accords".<sup>93</sup>

The Salvadoran accords also changed the selection procedure for the judges of the Supreme Court of Justice and limited the jurisdiction of military courts. Since the 1992 peace accords, the courts have become modern and independent, while adopting procedures to speed up the delivery of justice. Even though criminal activities remain substantial, the levels of impunity have decreased and the number of guilty verdicts in homicide cases has tripled.<sup>94</sup>

A landmark in the process of judicial reform was the appointment of a new Supreme Court of Justice in 1994. It was "far more ideologically diverse and professionally competent than its predecessor, and it began a process of purging the lower courts of incompetent and corrupt judges".<sup>95</sup> This was followed by important reforms of criminal procedure

in 1996 and the penal code in 1997, which also had positive effects. Overall, judicial reform has been relatively successful.

As part of the peace accords, a "Truth Commission" was charged with investigating gross human rights violations committed during the civil war. Although the Truth Commission had a limited mandate and impact, it named the perpetrators and also helped to heal the wounds of war.<sup>96</sup> Unfortunately, shortly after the signing of the peace accords, the Congress, which was dominated by the Nationalist Republican Alliance (ARENA), passed a blanket amnesty law that prevented "not only criminal prosecutions, but also civil suits against human rights violators".<sup>97</sup>

Finally, the peace accords included some reforms to make the hitherto exclusionary electoral system more representative and democratic.<sup>98</sup> All this helped to democratize and modernize the Salvadoran political system. The peace accords introduced better checks and balances among the state branches and produced substantial gains in terms of demilitarization, electoral fairness, tolerance and freedom of expression.

The accords did not include any measures relating to economic redistribution, but this was because, shortly after being elected, President Cristiani started peace negotiations with the FMLN as well as a process of structural adjustment. By invoking his electoral mandate, Cristiani refused to negotiate his economic agenda with the FMLN; after all, he had been elected in order to enact neo-liberal measures. On the other hand, during the peace negotiations the FMLN decided to focus on changing what it considered to be the major distorting factor in the functioning of democracy: the coercive apparatus of the state.<sup>99</sup>

At first glance the Guatemalan peace accords are far more impressive than the Salvadoran ones. They comprised 11 partial agreements containing approximately 400 commitments.<sup>100</sup> Analysts have referred to these peace accords as "the closest thing to a nation's project that consulted different sectors at different moments"<sup>101</sup> and "a truly negotiated settlement with major concessions from both sides".<sup>102</sup>

On closer inspection, however, the accords seem to be inferior to those of El Salvador, displaying a combination of wishful thinking, excessive complexity and ambiguity. The implementation of the accords was also flawed owing to half-hearted compliance by the government, the political weakness and illegitimacy of the URNG,<sup>103</sup> and structural problems besetting MINUGUA, among other reasons. Several legacies of the accords are worth mentioning.

The peace accords helped to democratize Guatemala because they allowed the political participation of the hitherto excluded URNG. However, one should note that the URNG has been too weak to challenge the status quo, so it has been fairly easy for right-wing sectors to demonstrate "tolerance" of the former rebel group. Compliance was acceptable

in Guatemala in the case of the so-called “operative accords”, which concerned the establishment of a definitive ceasefire, the demobilization of rebel forces and the return of refugees.<sup>104</sup> In other areas, however, the accords have made little progress.

As regards demilitarization, the parties had agreed to remove any public security functions from the army, to reduce its budget and personnel by one-third, to create a civilian police force and to form a new intelligence agency to handle internal security matters.<sup>105</sup> Initially, the downsizing of the military turned out to be largely fictitious because the Guatemalan army reported more troops than it actually had; in fact it got rid of some soldiers while maintaining on the roster all its officers and specialists.<sup>106</sup> Only in 2004 was the number of troops reduced to 15,500 in compliance with the peace agreements.<sup>107</sup> In addition, the government dissolved the Ambulatory Military Police and created a Secretariat for Strategic Analysis.<sup>108</sup>

At the same time, contrary to the spirit and content of the peace accords, the military doctrine remained unchanged until 2004; the Presidential Chief of Staff was not dismantled before 2003, and the army has remained involved in internal security functions. As regards the military budget, according to MINUGUA it was reduced from 0.99 per cent of GDP in 1995 to 0.68 per cent in 1999, but then it rose to 0.83 per cent in 2000 and 0.96 per cent in 2001.<sup>109</sup> In 2002 the military budget was 0.70 per cent of GDP, and it rose to 0.72 per cent in 2003. Only during the Berger administration was the military budget reduced to the target set by the peace accords (no more than 0.66 per cent of GDP), reaching 0.44 per cent in 2004 and 0.33 per cent in 2005.<sup>110</sup> And, in contrast to what occurred in El Salvador, in Guatemala there was no purging of the army by an impartial commission – only a watered-down self-purge during the Arzú administration.<sup>111</sup>

I might also mention that, although the peace accords demanded the dismantling of the feared armed civilian patrols (PACs),<sup>112</sup> the army insisted that these would be transformed into “committees for peace and development”, whose functions were never specified or differentiated from those of the civilian patrols.<sup>113</sup> Many former patrollers have maintained close contacts with the army and apparently continue to intimidate local communities. During the elections of 1999 and 2003, for instance, the Frente Republicano Guatemalteco – the political party of former dictator General Efraín Ríos Montt – resorted to these “committees” to intimidate opposition groups.<sup>114</sup> In sum, there was only partial or late compliance as regards demilitarization and critical aspects have remained unchanged.

As in El Salvador, the Guatemalan peace accords mandated the creation of a new National Civil Police (PNC). In compliance with a target set by the peace accords, by 2001 the Guatemalan government had de-

ployed 20,000 policemen throughout the country. However, the new police force has been deemed to be both inefficient and prone to commit human rights violations.<sup>115</sup> Various sources indicate the existence of “growing concern about police abuses”, such as the killing of detainees and street children.<sup>116</sup> A recent police reform promoted by President Oscar Berger in order to fight against delinquency and gangs achieved few (if any) positive results.<sup>117</sup>

Part of the problem is that many individuals who joined the PNC were former members of institutions that were dismantled owing to their terrible human rights record, such as the National Police and the Treasury Police.<sup>118</sup> In addition, the new police force has remained under army tutelage<sup>119</sup> and corruption is pervasive.

The peace accords also entailed creating new institutions of justice and expanding the national coverage of courts, and both objectives received significant support from the United States Agency for International Development (USAID).<sup>120</sup> However, a 2003 report on human rights by MINUGUA noted that the situation in Guatemala had got worse as a result of: (1) the lynching of many alleged criminals; (2) threats against members of the justice system and human rights defenders; (3) widespread impunity; (4) inefficiency on behalf of the police, the office of the Attorney General and the judiciary; (5) widespread attacks by illegal groups and a clandestine security apparatus. This report argued that the deterioration that Guatemala experienced between 2001 and 2003 was caused by the stagnation of the peace process, and to the fact that neither democratization nor the peace had brought the rule of law to Guatemala.<sup>121</sup>

The Guatemalan peace accords also established a Truth Commission (the *Comisión de Esclarecimiento Histórico*, CEH), which turned out to be weaker than the Salvadoran Commission. The final report of the Truth Commission of El Salvador included the names of several perpetrators of gross human rights violations, which individualized responsibility and led to some kind of social sanction. In Guatemala, however, the Truth Commission was prevented from doing this.<sup>122</sup> As a consequence, any individual responsibility was subsumed into impersonal, institutional responsibilities. A parallel effort undertaken by the Catholic Church to tell the truth without restrictions, the REMHI project, ended with the assassination of its leader, Monseñor Gerardi, the day after the publication of its final report in 1998. And, just like in El Salvador, the Guatemalan government passed a blanket amnesty that protected both the military and the guerrillas from penal responsibilities. In short, the Guatemalan peace accords did little to deliver justice.

The Guatemalan accords were also expected to redress a major shortcoming of the Salvadoran accords in relation to economic reforms. However, this did not entail the creation of a welfare state. In fact, the

Consulting Group of the World Bank offered to finance 75 per cent of the cost of implementing the Guatemalan peace accords, but (along with the IMF) conditioned this aid on the adoption by the Guatemalan government of a neo-liberal agenda.<sup>123</sup>

Nevertheless, the socioeconomic accord brought some economic benefits to Guatemala. Investment in health and education more than doubled, and there was a substantial increase in paved highways and in the number of people with access to electricity.<sup>124</sup> But the accords did not introduce any distributive economic measures, nor did they change the land property structure, while endorsing a neo-liberal model of development.

In sum, non-compliance in Guatemala was partly to the result of the very complexity of the peace accords. The greater the number of issues included in a peace agenda, the more difficult the implementation phase. Of course, political factors also played a central role, as I will argue in the following sections.

#### *Procedural (and political) factors*

Procedures do matter for the adequate implementation of peace accords. In El Salvador, the FMLN was fully aware that the reforms negotiated at the bargaining table would lack any legal force if they were not included in the constitution. Thus, this rebel group conditioned its demobilization upon the adoption of a constitutional reform. Amending the 1983 Salvadoran constitution was no easy matter. It took strong pressure from the UN, the European Community, the Central American presidents, the US Congress and President Bush to make the Salvadoran Assembly vote in favour of the reforms in due time.<sup>125</sup> But in the end the FMLN handed in its weapons after the constitution was amended.

In Guatemala, in contrast, even though the warring factions had agreed to carry out constitutional reform in order to give the peace accords a juridical underpinning, the URNG demobilized long before any agreed-upon transformations were introduced into the legal system. By doing so, this rebel group was prevented from using its own demobilization as a bargaining chip to attain any constitutional changes.

In fact, the constitutional reform had to follow a particular procedure in Guatemala: first, a two-thirds majority of members of parliament had to approve the provisions agreed upon with the rebels, and then the reform had to be ratified (as a package, not article by article) by a national referendum.<sup>126</sup> Following a long debate, the Guatemalan Congress eventually approved the reforms, albeit with several modifications. When the government eventually carried out a referendum in May 1999, abstention levels reached 81.45 per cent of voters and none of the reforms were ap-



proved.<sup>127</sup> In consequence, the peace accords never acquired full legal status.

Explaining why so many people voted against the reforms is beyond the scope of this chapter. The point that I wish to make is that procedures and politics partly explain why in Guatemala the reforms agreed upon with the URNG were not adopted. The URNG was far less able than the FMLN to forcefully demand constitutional transformations, and its negligible popular support partly explains the defeat of the referendum. Even if some provisions of the accords were implemented afterwards – owing to the goodwill of some governments – powerful sectors of the Guatemalan elite were radically opposed to some specific agreements, preventing their implementation.

### *The role of ONUSAL and MINUGUA*

Another aspect that may help explain the different degrees of compliance with the peace accords concerns the role played by the peacebuilding missions ONUSAL in El Salvador and MINUGUA in Guatemala. In general terms, ONUSAL was far more effective than MINUGUA.

ONUSAL was deployed before the warring factions signed a definitive truce, and initially comprised a mission of 30 human rights observers. These observers were commissioned to investigate human rights abuses and to follow up any actions aimed at punishing the perpetrators.<sup>128</sup> During the implementation phase of the peace accords, this division continued to record facts and undertake good offices in the search for remedies to the human rights situation. It also supported the training of Salvadoran judges, helped the armed forces to adopt a democratic doctrine, and revised the curricula of military academies.<sup>129</sup>

In January 1992, after the signing of the definitive peace accords, ONUSAL was enlarged with two new divisions: a military one and a police one. The military division verified the ceasefire, the redeployment of the Salvadoran armed forces and the concentration of FMLN combatants into special areas. This division also kept inventories of weapons and personnel, and helped in the clearing of minefields. The military division was initially composed of 380 observers, and it was reduced in size after accomplishing its prescribed tasks.<sup>130</sup>

The police division of ONUSAL, in turn, was composed of 631 observers who monitored the activities of the National Police during a transition period, and between October 1992 and July 1993 supervised and gave instruction to the Auxiliary Transitory Police. In addition, the police division monitored the admission procedures to the police academies and supported the human rights courses taught there. Afterwards, this

division helped with the logistics of the new National Civil Police and evaluated its performance.<sup>131</sup>

The mandate of ONUSAL was enlarged again in May 1993, when the Salvadoran government requested UN observers for the 1994 presidential elections. An electoral division of ONUSAL was deployed between September 1993 and May 1994. Before leaving El Salvador, this division certified that the elections won by ARENA had been free, safe and competitive.<sup>132</sup>

ONUSAL concluded its mission in April 1995. In a final report issued to the Security Council, the UN Secretary-General celebrated ONUSAL's achievements, but also emphasized that some pending issues had to be resolved in order to fully implement the peace accords, including:

the full deployment of a new Civil National Police; the completion of the demobilization of the old military controlled National Police; the reform of the judicial and electoral systems; the transfer of land to former combatants and the conclusion of some important economic reintegration programs for their benefit; the implementation of the recommendations of the Commission of the Truth; and the completion of the ongoing process to extend all public services to the former conflict zones.<sup>133</sup>

This seems to be quite a long list. However, after ONUSAL left El Salvador neither the FMLN nor other political groups complained of irregularities or problems of non-compliance with the peace accords, which suggests that either some of the issues were quickly resolved or the degree of compliance was deemed acceptable by local parties.

The UN also assisted the implementation of the Guatemalan peace accords with the peacekeeping/peacebuilding mission MINUGUA. As in El Salvador, the UN sent a small contingent of human rights observers to Guatemala before a ceasefire came into effect. But, in contrast to ONUSAL, which was structured according to divisions, the deployment of MINUGUA was defined thematically, including experts on the different issues of the peace accords.<sup>134</sup>

MINUGUA performed some important tasks: It helped implement the peace accords by giving technical support to local counterparts, rescheduled commitments whenever there were delays or problems of compliance with the peace accords, and resolved disputes on the interpretation of specific provisions of the peace agreements. This mission also provided a sense of security to demobilized guerrillas who feared assassination.<sup>135</sup>

At the same time, MINUGUA apparently committed serious mistakes while verifying the implementation of the peace accords. According to a senior official of the Guatemalan Truth Commission, from an early date

this UN mission assumed a “non-judgemental attitude” – it stopped condemning abuses and problems of non-compliance, and limited its role to supporting institutions.<sup>136</sup> Another official of the Truth Commission agreed with this assessment by noting that MINUGUA turned a blind eye toward the government’s lack of compliance with specific agreements, instead of demanding that state agencies honour their commitments. In particular, he mentioned that MINUGUA took no action when the government failed to introduce legal controls on military intelligence agencies, in clear breach of the accords.<sup>137</sup>

A former MINUGUA official admitted that the chief of mission Jean Arnault assumed a non-intrusive style from the very beginning that underutilized his international prestige.<sup>138</sup> My interviewee added that the chief of MINUGUA was reluctant to publicize anything related to the verification of the implementation of the accords, and that MINUGUA’s reports were toned down (and the texts changed) to please the Guatemalan government.<sup>139</sup>

Admittedly, the non-intrusive style was partly a by-product of the hostile environment encountered by MINUGUA. On the one hand, as a MINUGUA official explained, President Arzú agreed with some aspects of the peace accords but not with others, which placed strict limits on compliance. On the other hand, MINUGUA’s relations with the army were difficult, because the Guatemalan military opposed any intrusion into their internal affairs.<sup>140</sup> Indeed, this mission was under attack by rightist sectors that saw it as an ally of the URNG, and one might add that the government of President Portillo (2000–2004) assumed an openly uncooperative attitude toward MINUGUA.

Another MINUGUA official added that this mission had only half the personnel of ONUSAL despite the fact that the Guatemalan peace accords were far more complex than the Salvadoran ones.<sup>141</sup> And whereas ONUSAL was able to resort to standardized UN procedures such as those relating to the verification of human rights violations, MINUGUA had to figure out by itself what to do on the ground with many complex topics of the Guatemalan peace accords.<sup>142</sup>

These arguments about the alleged limitations of MINUGUA require some nuances though. Part of the personnel of MINUGUA consisted of former members of ONUSAL, who already had experience in peace-building activities, which was a clear advantage over the Salvadoran mission. MINUGUA was also deployed for a whole decade (1994–2004), whereas the Salvadoran mission functioned for only four years (1991–1995). In addition, the operational budget of MINUGUA turned out to be far larger than that of ONUSAL. MINUGUA’s total cost was US\$203 million (an estimated US\$20 million per year, though this figure may be lower than actual expenditures), against barely US\$103 million for ONUSAL (US\$27 million per year).<sup>143</sup>

In some regards the smaller deployment by MINUGUA seems to be justifiable. For instance, ONUSAL deployed 380 military observers against MINUGUA's 132, but one should bear in mind that the FMLN comprised about 12,000 combatants, whereas the URNG numbered only about 3,000. In any event, considering its ambitious institution-building tasks, perhaps MINUGUA was short of personnel in other areas.

In sum, on the one hand MINUGUA's tasks were more complex than those of ONUSAL, and the Guatemalan mission also encountered a more hostile environment than the Salvadoran mission. On the other hand, MINUGUA was deployed for a longer period of time, had a larger budget and had personnel with peacebuilding experience in the region.

If these factors cancelled one another out, one would have observed a similar outcome in the two countries. Why then did the domestic situation deteriorate far more in Guatemala than in El Salvador? Does this tell us something about peacebuilding and the IBL thesis?

#### *Verification vs. institution-building*

Unlike ONUSAL – which essentially just verified the accords – MINUGUA engaged in extensive institution-building efforts. In fact, ONUSAL did partly pursue institution-building activities because it helped to create the new civilian police force and it trained judges. MINUGUA, in turn, was expected to denounce episodes of non-compliance with the peace accords – even if its performance was flawed.

Overall, however, institution-building efforts were far more profound in Guatemala. The very complex nature of the Guatemalan peace accords demanded a greater emphasis on these activities. As noted by one author:

MINUGUA pursued institution-building activities with a particular emphasis on the justice system, public security, the promotion of a multicultural, multi-lingual, and multiethnic state education, the promotion and dissemination of the content of the Peace Accords, and support for the creation of a culture of respect for human rights in Guatemala.<sup>144</sup>

It would appear that MINUGUA had also learned from ONUSAL that greater effort had to be devoted to strengthening local institutions. One interviewee suggested that, if MINUGUA merely focused on verification tasks (as ONUSAL did), it would only record negative events without contributing any solutions.<sup>145</sup> Thus, MINUGUA engaged in institution-building in order to redress this perceived deficiency of ONUSAL.

A MINUGUA official expanded on this by noting that the Guatemalan peace accords were built on questionable premises. Compliance with several agreements presumed the existence of a strong state, whereas the

Guatemalan institutions were weak and lacked human and financial resources as well as administrative capacity.<sup>146</sup>

Initially, MINUGUA both verified compliance with the peace accords and pursued institution-building activities. But then a dilemma became apparent: whereas verification tasks produced friction with state agencies, the strengthening of Guatemalan institutions demanded the encouragement of friendly relations with those same entities.<sup>147</sup> Indeed, MINUGUA received some threats after denouncing irregularities and instances of non-compliance with the peace accords. Faced with danger, it seems that MINUGUA opted for emphasizing institution-building activities and maintaining friendly relations with the government and other state agencies, even at the cost of downplaying its own verification tasks.

International donors also fostered institution-building in Guatemala by pouring in unprecedented amounts of financial aid during the post-conflict period.<sup>148</sup> Estimates for the years 1990–1995 (before any definitive peace accords were signed) show that Guatemala received about US\$200 million per year; for the period 1996–2002 donors tripled that figure, reaching an average of US\$600 million per year.<sup>149</sup>

Although the Guatemalan accords were so broad that it became difficult to separate “development aid” from “peacebuilding aid”, the flow of aid has been referred to as “enormous”: in 2004 alone, more than 500 projects were being implemented.<sup>150</sup> The aid included electoral, human rights and media assistance.<sup>151</sup> One of the areas that received more resources, and where the impact was allegedly “most evident”, related to human rights, in particular “through on-site verification of human rights, support for institutions like the Human Rights Ombudsman’s Office and COPREDEH, for the Historical Clarification Commission (CEH), for law enforcement institutions like the National Police and for human rights NGOs”.<sup>152</sup>

All this reveals a paradox concerning peacebuilding in Guatemala. Apparently both the UN and international donors made strenuous institution-building efforts in this country, placing emphasis on human rights and the judicial sector. In addition, Guatemala received greater amounts of financial aid than El Salvador. However, these efforts did not suffice in terms of containing or reversing the upward spiral of homicides, lynching and the like. So what went wrong?

### Theoretical and practical problems with the IBL formula: Institution-building as an open question

Neither Guatemala nor El Salvador strictly followed the sequence suggested by Paris in his IBL formula: in neither country did institution-building efforts precede political and/or economic liberalization. Yet

Guatemala came much closer to IBL, in the sense that both the UN and international donors emphasized institution-building tasks, which occurred alongside political and economic liberalization. If MINUGUA came much closer than ONUSAL to the diagnosis and prescriptions suggested by Paris, why did it achieve weaker results? Does this invalidate (at least partly) the IBL thesis? Or is the general diagnosis right, but institutionalization in Guatemala turned out to be flawed owing to the particular circumstances of this country?

Carothers reminds us that the main obstacles to institution-building are of a political rather than a technical or financial nature.<sup>153</sup> Guatemala is a case in point. In fact, there was plenty of both technical and financial assistance to Guatemala, and neither the government nor any other group in Guatemala ever attempted to curtail the flow of international aid. Yet, domestic pressures seemingly distorted the whole peacebuilding effort.

Admittedly, MINUGUA encountered a rather hostile environment in Guatemala, which may have had a negative impact in terms not only of its verification tasks but also of its institution-building endeavours. If institution-building entailed creating an efficient, transparent and accountable state apparatus, and this, in turn, negatively affected some vested interests, it is not surprising that the UN mission encountered fierce resistance from the beneficiaries of the status quo.

Probably, the fact that MINUGUA renounced a more assertive verification role set limits upon its own institution-building efforts. An excessively conciliatory attitude towards problems of non-compliance worked at cross-purposes with the attempt to produce deep institutional changes. As long as MINUGUA focused on carrots (such as workshops and training activities) while renouncing sticks in instances of non-compliance, there was little hope of producing any deep transformations in Guatemala.

Another possibility is that international aid to Guatemala primarily served the interests of donor countries and/or was used in a very inefficient manner. A report notes that “few studies have tracked the destination, administration, and impact of the flow of international assistance”.<sup>154</sup> Researchers found that recipient institutions were very reluctant to share information about the amounts they received and how the money was used, and different donors had particular ways of classifying their aid, which posed significant methodological problems for follow-up.<sup>155</sup> If substantial amounts of funding and numerous projects yielded poor results, one is tempted to conclude either that the main beneficiaries of the aid were some international bureaucracies, or that the money went to poorly designed, low-impact projects.

A related hypothesis is that the lack of state capacity in Guatemala had reached critical proportions, to the point that, no matter what the amount

of foreign aid, there was little hope of containing the violence. Perhaps Guatemala was trailing way behind El Salvador in terms of its institutional capacity, and this explains why El Salvador was able to partly contain the violence, in contrast to Guatemala.

Either way, the differences between these two cases help to moderate our expectations regarding the IBL formula. In principle, building state capacity before liberalizing the polity or the economy seems to be a reasonable and defensible idea. But, as the Guatemalan case shows, sometimes pouring money into a country and undertaking “projects” does not bring us any closer to building effective state institutions.

Instead of endorsing IBL (or rejecting the “liberal peace” thesis), peacebuilders should analyse, in depth, the conditions under which different approaches succeed. With hindsight, applying the “liberal peace” thesis in El Salvador was a sound decision, whereas UN-led institution-building efforts in Guatemala did not achieve the expected results. One could easily conjecture that applying the IBL formula in several African or Asian countries – where the implementation context is far more difficult than in Guatemala – would probably end in failure. The Guatemalan case has taught us that, in order to engage in effective institution-building, the United Nations should (at the least) not renounce the role of assertive verification. Yet this is only a small piece of the IBL puzzle: our knowledge about how to build effective state institutions – not to mention peace – is still rudimentary at best.

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## Notes

1. Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004), pp. 159–178.
2. *Ibid.*, pp. 179–211.
3. *Ibid.*, p. 159.
4. The opposition groups argued that, according to the Guatemalan constitution of 1986, no former coup promoters (or persons who had occupied top governmental positions as a result of a military coup) could run for elections.
5. Rose Spalding, “From Low-Intensity War to Low-Intensity Peace: The Nicaraguan Peace Process”, in C. Arnson (ed.), *Comparative Processes in Latin America* (Washington DC: Woodrow Wilson Center Press; and Stanford, CA: Stanford University Press 1999), pp. 31–64.

6. On a smaller scale in Guatemala, some former members of the civilian patrols (or PACs) also re-mobilized, seeking economic gains.
7. Carlos Mendoza, *Ausencia del Estado y Violencia Colectiva en Tierras Mayas. Una aproximación cuantitativa al fenómeno de los linchamientos en Guatemala (1996–2002)* (Guatemala: FLACSO-SEGEPLAN, 2007).
8. In Nicaragua, the first competitive elections took place in 1984 but the legal incorporation of Contra fighters occurred in 1990. El Salvador made its transition from authoritarian rule between 1982 and 1984, but the government signed definitive peace accords with the Farabundo Martí National Liberation Front (FMLN) only in 1992. Guatemala underwent a democratic transition between 1984 and 1985, but the government and the URNG reached a peaceful settlement only in 1996.
9. Paris, *At War's End*, p. 153.
10. *Ibid.*, p. 120.
11. *Ibid.*, p. 124.
12. *Ibid.*, pp. 131–132.
13. *Ibid.*, p. 132.
14. Quoted in *ibid.*, p.169.
15. Key intervening variables include the legitimacy of a particular regime, the repressive capacities and practices of a particular state, the resources for collective action of challenging groups, expectations of improvement by aggrieved sectors, institutional structures of conflict resolution, and the like. See Louis Kriesberg, *Constructive Conflicts: From Escalation to Resolution* (New York: Rowman & Littlefield, 1998), especially chs 2 and 3.
16. Jeff Goodwin, *No Other Way Out: States and Revolutionary Movements, 1945–1991* (Cambridge: Cambridge University Press, 2001), p. 3.
17. Jeffery Paige, *Coffee and Power: Revolution and the Rise of Democracy in Central America* (Cambridge, MA: Harvard University Press, 1997).
18. Elizabeth Jean Wood, *Forging Democracy from Below: Insurgent Transitions in South Africa and El Salvador* (Cambridge: Cambridge University Press, 2000).
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147. Ibid.
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