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► **To cite this version:**

Wolf-Dieter Eberwein, Bertrand Badie. Prevention and Sovereignty - A Vision and a Strategy for a New World Order. *Global Society*, 2006, 20 (1), pp.1-24. 10.1080/13600820500405368. halshs-00382539

HAL Id: halshs-00382539

<https://shs.hal.science/halshs-00382539>

Submitted on 8 May 2009

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Prevention and Sovereignty: A Vision and a Strategy for a New World Order?

WOLF-DIETER EBERWEIN and BERTRAND BADIE¹

Prevention has become one of the declared objectives by national governments, the United Nations and the European Union to end violent conflict in the short term and to eradicate the causes of violent conflict in the longer run. Prevention defined as a comprehensive strategy includes the use of force through intervention if necessary. The article discusses first the relationship between prevention and intervention and their linkage to the international order. The abolition of inter-state war was the declared goal of the Charter of the UN. Today, the aim seems to include the abolition of internal war as well which implies a redefinition both of internal sovereignty and the non-intervention principle. During the Cold War the assumption by the two blocs was that the internal structure of states was believed to be a critical element of world peace, yet only after 1990 did this have practical consequences. Intervention has now become to some extent legitimate. Prevention as a strategy is, however fraught with a number of dilemmas. It seems to be a revised version of a collective security system which may, ironically, favour a renewed polarisation in the international system as it will in the end remain a selective policy pursued either unilaterally or multilaterally. It also remains unclear whether such a strategy to democratise the world will find the required support in the respective democracies who will have to carry the heaviest burden. Whether prevention is a form of – unintended or not – organised hypocrisy is therefore a legitimate question that this article poses.

War and International Order

Charles Tilly² described war making and state making in Europe as a form of organised crime. Whether one agrees or not with the analogy, the final result was the emergence of the European territorial states or what is commonly called the Westphalian system. That system rested and still does on the normative foundations of sovereignty institutionalising what some call an anarchic self-help

1. The original ideas for this article were developed for the panel on Sovereignty, Intervention and Prevention for the IPSA 2003 in Durban. We wish to acknowledge the pertinent comments by the panelists, Sven Chojnacki, and two anonymous reviewers.

2. Charles Tilly, "War Making and State Making as Organized Crime", in: P. B. Evans, D. Rueschemeyer and T. Skocpol (eds.): *Bringing the State Back* (Cambridge: Cambridge University Press, 1985), pp. 169–191; see also Charles Tilly (ed.), *Coercion, Capital, and European States*. (Cambridge MA: Basic Blackwell, 1990).

system among the legally sovereign states. Internally, in contrast, the monopoly of violence was eventually accomplished, guaranteed by the principle of internal sovereignty legitimising those exercising this monopoly. The non-intervention principle, or what is called Westphalian sovereignty, kept the two domains, the external and the internal completely separated, at least in theory. This was generally accepted for good reasons since externally, for centuries the legitimacy of waging war was undisputed³, while internally, in contrast, the illegitimate use of force was prosecuted as a crime.

The behaviour of the sovereign states, the major powers in particular, did not correspond to this idealised world of sovereign states. Yet it was not a world without order in terms of commonly agreed upon norms and rules. Historically, however, several international orders, each one resulting from major power wars, as Holsti⁴ has shown, followed each other. The notion of order revolved around the problem of war and peace. The first attack on the uncontested legitimacy of war was launched by Henri Dunant with the creation of the Red Cross. The idea behind this was simple: if war can not be abolished it should at least be humanised. That idea has been written down in the first Geneva Convention of 1864, followed by the two Hague conventions of 1899 and 1907. Whereas the Geneva Convention concerned the wounded soldiers and prisoners of war the Hague Law of War tried to regulate the rules of combat. The League of Nations was a first attempt at establishing a collective security system based on the Wilsonian vision that democratic states do not wage wars against one another. That idea was reinforced by the Briand-Kellog Pact banning war. This vision of order never materialised and had to be buried on the battlefields of the Second World War. A new effort was undertaken to ban the use of force with the Charter of the United Nations while at the same time creating the institutional mechanisms to sanction those states violating the principle of non-violent conflict resolution. This vision quickly became obsolete with the outbreak of the Cold War.

Nevertheless two aspects are worth pointing to: first of all attempts to banish collective interstate violence is already a more than century old tradition, seeking thereby to put some limits to the exercise of sovereign power. And second the collective understanding of internal sovereignty changed from being an attribute of the ruler to one of the people.⁵ The core proposition of the following analysis is that the concept of prevention embodies both a vision of world order where collective violence is absent and a strategy on how to achieve this desirable goal. Intervention, in contrast, is the means whereby this strategy may be implemented. This entails new practices concerning the principle of non-intervention. In other words, if taken seriously, prevention inevitably will lead to a revision of internal sovereignty from a right of the rulers to a right of the people guaranteed by the international community of states. As a consequence the Westphalian principle no longer would be the normative justification for states to stand aside when internal violence breaks out. We suggest that a fundamental change in the collective understanding concerning the use of force is under way. The question therefore is whether, from a theoretical perspective, the very concept of prevention

3. Kalevi J. Holsti, *Peace and War, Armed Conflicts and International Order 1648-1989*. (Cambridge: Cambridge University Press, 1991).

4. *Ibid.*

5. Samuel J. Barkin, and Bruce Cronin, "The state and the nation: changing norms and the rules of sovereignty in international relations". *International Organization* Vol. 48, No. 1 (1994), pp. 107-130.

as a very ambitious project of international order may either be just what it is or, even worse, lead to a new kind of polarisation in the international system thereby producing counterintuitive if not perverse effects.

First we will elaborate the meaning of intervention and prevention which are often used almost interchangeably in order to avoid any semantic confusion. We will then take up the issue of international order to which prevention is supposed to contribute. We will then briefly address the changes of the international order and sovereignty by referring to the continuities and discontinuities since 1945. The article will conclude by describing the dilemmas prevention, as a strategy of creating or recreating international order entails. Whether it will ever be effective, is one problem. The other is that this particular approach contributes to a reconstruction of sovereignty, in particular by establishing the link between internal and external sovereignty. The conclusion is that the final result is a possibly unintended form of organised hypocrisy.

Intervention and Prevention: Conceptual Clarification

Prevention⁶ as it seems to be understood presently is conceived not just as a strategy to avoid armed conflict or terminate fighting; prevention seems rather to be understood as a realistic strategy to contribute both in the short term as well as in the long run to an international order where collective violence both between and within states is no longer considered acceptable. If that is the case the implications are far reaching for both theory and practice in international politics. First of all, subscribing to such a policy of prevention implies the collective obligation of all states to *abstain* from the use of force. This implies, second, that *preventing* the use of force itself becomes a collective obligation of the states. That has, thirdly, consequences for the institution of sovereignty if the use of force itself is interpreted more broadly by including not only international but also non-international armed conflict⁷: the principle of *non-intervention* may turn into an obligation to *intervene*. The paradoxical effect is that such an international order not only legitimises the use of force under certain conditions but also makes it an obligation. This, in turn, has consequences for sovereignty in general, the principle of non-intervention in particular⁸.

6. There is an extensive literature on prevention. Our ambition is not to do such a review. We therefore just refer to a few publications we consider pertinent for that particular research field. Chester A. Crocker, Fen Osler Hampson and Pamela Aall, (eds.), *Turbulent peace: the challenges of managing international conflict*. (Washington: United States Institute of Peace, 2003, . Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict. Final Report*. (New York: Carnegie Corporation of New York, 1997). Janie Leatherman, William DeMars, /Patrick Gaffney and Raimo Väyrynen, *Breaking Cycles of Violence: Conflict Prevention in Intrastate Crises*. (West Hartford, CT: The Kumarian Press, 1999). Robert I. Rotberg, (ed.), *Vigilance and Vengeance. NGOs Preventing Ethnic Conflict in Divided Societies*. (Washington, D.C.: The Brookings Institution Press). See also the article by Raimo Väyrynen in this issue.

7. To use the terminology of the two additional Protocols of the Geneva Conventions

8. Bertrand Badie, *Un monde sans souveraineté*. (Paris : Fayard, 1999); C. Lyons,, M. Mastanduno, *Beyond Westphalia*. (Baltimore: The Johns Hopkins University Press, 1995); Thomas Biersteker, and Cynthia Weber (eds.), *State Sovereignty as a Social Construct*. (Cambridge MA: Cambridge University Press, 1996); R. B. J Walker,, S. H Mendlowitz (eds.), *Contending Sovereignties*. (Boulder CO: Lynne Rienner, 1990)

The International Commission on Intervention and State Sovereignty (ICISS) in its report "The responsibility to protect" devotes its third chapter to "The Responsibility to prevent".⁹ The report is not only indicative of a fundamental change. It postulates that prevention (and intervention) are no longer at the discretion of individual states but an obligation of the governments towards their people who have a right to be protected from violence of all sorts.¹⁰ At the same time the Commission converts the more diffuse notion of prevention as practised by diplomacy into a clear set of prescriptions or what it calls "commitment" for collective state behaviour. Scientific notions of prevention converge with the practical ones: it is not just a short-term activity but rather implies also "... to address ... the root causes of problems ..." in the longer-term.¹¹ The authors were aware that by envisaging this strategy they are issuing a serious challenge to the existing international order. They therefore cautioned that preventive action in general, military intervention in particular, can and should only be practised as an exceptional and extraordinary measure, guided by precautionary principles and legitimised by the right authority.¹²

Clearly short-term preventive action is, if force is used, identical with (military) intervention. Intended to establish or re-establish domestic order with the aim to reduce or eliminate the risks of regional or international turmoil, it violates the principle of non-intervention itself. If the international community takes preventive action it thereby suspends temporarily the state's sovereign status because of its demonstrated inability to deal with the situation it has to face. If intervention is successful its status as a sovereign state will be restored. Looking at intervention from this coercive perspective, one becomes immediately aware that the practice is in fact synonymous with prevention. This conceptual fuzziness is due to the fact that prevention is the – a priori undefined – strategy for a desired type of collective action intended to restore stability and order. Intervention is an element of prevention in that it is the means through which prevention is actually implemented.

We therefore define prevention as a *comprehensive strategy of action*, intended to avoid or overcome the use of collective violence in the short term, intended to eliminate the root-causes of collective violence in the longer run. The former is usually called operative prevention, the latter structural prevention.¹³ Prevention is therefore a prescription for collective action under clearly specified conditions and legitimised by the community of states at large in order to sanction behaviour by governments or parties in armed conflicts which would otherwise be considered unacceptable. This strategy has consequences in terms of the capacity to

9. International Commission on Intervention and State Sovereignty (ICISS) *The Responsibility to Protect. Report of the International Commission on Intervention and State Sovereignty*. (Ottawa, 2001). Several years earlier, the Aspen Institute Conference had already established the linkage between prevention and intervention: Aspen Institute, *Report of the Aspen Institute Conference: Managing Conflict in the Post-Cold War World: The Role of Intervention*. (Aspen CO, August 2–6, 1995), in particular pp. 5–7. See also in the same publication the contributions by Sahnoun and Urquart.

10. It is clear that Boutros-Ghali's report has been the starting point for that discussion, triggered by the Kurdish Refugee crisis during the Iraq war. Boutros Boutros-Ghali, *An Agenda for Peace*. (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992, A/47/277 – S/24111, 17 June 1992).

11. ICISS, *op. cit.*, p. 19.

12. *Ibid.*

13. See the summary in the article by Raimo Väyrynen in this issue.

act.¹⁴ It requires not only an efficient early warning capacity but requires also a blueprint for the efficient means required such as military and civilian personnel and also various non-governmental organisations (NGOs).¹⁵ Intervention, in contrast, refers to the various means used in preventive actions imposed from abroad and interfering in the external or internal affairs of a state. Analytically one can therefore make a distinction between *coercive* intervention which implies the use of force, and *supportive* intervention,¹⁶ the latter being but the trivial consequence of the increasing interdependence between the great number and variety of actors in the present international arena. An IMF or a World Bank initiative falls into this category¹⁷ just as the multiple interactions which take place between states inside the European Union.¹⁸ Nonetheless *supportive* intervention in contrast to *coercive* intervention is based on the agreement of the state where third parties (states or international organisations) interfere. That agreement may nevertheless not be fully consensual in the sense that the intervening actors can couple their activities with a number of conditions which is usually the case. In other words, supportive intervention does not exclude that the intervener imposes his or her will to a certain degree. Ironically, *supportive* intervention is not only considered to be legitimate but also desirable (development aid etc.). Even more striking is the fact that those countries extremely hostile to *coercive* intervention are those that postulate an obligation of the international community for *supportive* intervention. This is particularly true of African states.¹⁹

There are however, more fundamental differences between the two forms of intervention. *Coercive intervention* is predicated upon the vision of a world order in which individual sovereignty is subsumed under the collective responsibility to prevent violent conflict from breaking out, to prevent the escalation of violence, and once the fighting has ended, to prevent the renewed eruption of collective violence. As such it implies a fairly limited view of world order, where the use of force is excluded. It falls within the responsibility of the international community to intervene inside a deficient society for containing the risk of a potential conflict or rectifying a domestic order, which jeopardises regional or international peace as prescribed by the Charter of the United Nations. But until recently

14. We disregard at this point the issue of the willingness to act.

15. See in greater detail Gary King, and Langche Zeng, *Improving Forecasts of State Failure; World Politics*, Vol. 53, No. 4 (July, 2001), pp. 623–658 or Heinz Krumpal and Susanne Schmeidl, *Practical Challenges in Predicting Violent Conflict. FAST: An Example of a Comprehensive Early-Warning Methodology*. (Swisspeace, Working Paper 34, 2001). We cannot go into the specific issue of the role of so-called civil society actors (NGOs). For an highly optimistic view see Pamela Aall, "What do NGOs Bring to Peacemaking?" in: Ch. A. Crocker, F. O. Hampson and P. Aall (eds.), *Turbulent peace: the challenges of managing international conflict*. (Washington: United States Institute of Peace, 2003, pp. 365–383.

16. Some authors, such as Ernst-Otto Czempiel, "Über Interdependenz und Intervention", *Merkur* Vol. 54, No. 1, (2000), pp. 11–23 even argue that intervention is a necessity. It is the proper approach to contribute to the democratisation of societies. This does not mean that Czempiel is arguing in favour of military intervention, which in fact he rejects.

17. cf. Jackson, Robert H., *Quasi-States, Sovereignty, International Relations and the Third World*. Cambridge: Cambridge University Press, 1990), and C. Thomas and P. Wilkin (eds.), *Globalization and the South*. (London: Macmillan, 1996).

18. *L'Hoogh Cohesion Policy and European Integration*. (Oxford: Oxford University Press, 1996); A. Sbragia, (ed.), *Europolitics: Institutions and Policy-making in the new European Community*. (Washington D.C.: The Brookings Institution, 1992).

19. Ghazam Salamé, *Appel d'Empire*. (Paris: Fayard, 1995).

Table 1. Linking Prevention and Intervention.

	Prevention: The Strategy	
	Time horizon	
	Short term	Long term
Intervention: The means		
Coercive	e.g. Military Intervention	e.g. Economic Embargo
Supportive	e.g. Fact finding missions	e.g. Aid

internal conflict was not considered as a threat to international peace and stability. That has changed beginning with what later turned out to be a disaster: Somalia!

Supportive intervention, in contrast, is generally postulated to be an obligation of the wealthier states to support the less wealthy ones. One could also call it international solidarity in general. That presupposes a minimal consensus between the interveners and the intervened upon states. This kind of action therefore does not seem to challenge the existing institution of sovereignty as the intervention in the internal affairs of the states is perceived as an obligation on the one hand and as desired on the other. Yet this conclusion is premature if one puts it into perspective with prevention as an overarching strategy to establish and maintain international order.

Combining strategy (prevention) and means (intervention) we get the two-by-two Table 1. For our present discussion the link between short term prevention and coercive intervention with long-term prevention and supportive intervention are critical for our discussion. The short-term coercive intervention-prevention nexus implies the disregard of Westphalian sovereignty. The long term supportive intervention-prevention coupling is a promise in that it presupposes that it will actually succeed. If it does, then the classical Westphalian sovereignty will be restored. Short-term supportive intervention-prevention which is actually practised inter alia systematically by the Organisation for Security and Co-operation in Europe (OSCE) (that is in the Baltic States and in Georgia among others) is unproblematic from the presently prevailing sovereignty perspective.²⁰ The long term coercive prevention-intervention combination, in contrast, is ill defined. If one takes the food for oil programme as an example, then it shows that this kind of approach is bound to fail. One of the reasons is that sanctions, whatever the intention that may be behind them, are unlikely to succeed as those imposing the sanctions do not control the adaptive strategies of the country actually being the target. Saddam Hussein's case is revealing.

Prevention defined as a strategy and intervention as the means to implement that strategy turned out to be a very ambitious concept for achieving a very specific type of international order: one where both collective violence within and between states is either punished or actually prevented from breaking out. The short-term aspirations embedded in the concept focus primarily on the use of force, the longer-term aspirations focus primarily on the structure of the

20. For that particular aspect see Terrence P. Hopmann, "An Evaluation of the OSCE's Role in Conflict Management", in: H. Gärtner, A. Hyde-Price and E. Reiter (eds.), *Europe's New Security Challenges*. (Boulder/London: Lynne Rienner Publishers, 2001), pp. 219–54. These supportive short-term interventions can for all practical purposes last for a prolonged period of time.

states likely to guarantee the absence of the use of force. The type of order envisaged has major consequences for sovereignty which simultaneously prescribes and proscribes state practices. We will briefly raise the issue of international order before analysing its relationship with the institution of sovereignty.

International Order

The core of prevention is the avoidance of the use of force. The great 19th century theoretician on war, von Clausewitz, postulated war (the use of force between states) to be the simple continuation of politics by other means, not an end in itself. This was the rationale behind state practice, initially of the European interstate-system, but more than two hundred years ago, some states learned that war does not pay. These states, the Benelux and Scandinavia, formed what Karl Deutsch has called pluralistic security communities where, among others, the long-term expectation prevailed that the use of force would be excluded in the conflicts opposing the states being members of the respective community.²¹ Other states, however, in particular the great powers did not draw the same conclusion.

Holsti²² attributes to the legitimacy of the use of force, that is war, a central role in the international order and in its changes. As he has shown major power wars in particular not only had a destructive effect but also the consequence that when they had ended a new order was constructed.²³ Before elaborating this specific proposition we will first refer briefly to the three dimensions of order which are implicitly contained in his list of eight elements to characterise international order. These three dimensions are legitimacy (or the normative aspect), means (the behavioural aspect), and vision (the conceptual aspect). Legitimacy includes a system of governance, assimilation and self-determination, and consensus on war; means encompass a deterrence system, conflict resolution mechanisms, and procedures for peaceful change; whereas vision refers to the anticipation of future problems.

The first dimension – legitimacy - refers to the degree to which specific norms and principles are collectively accepted. Assimilation refers to the particular post-war situation with respect to the losers but in the age of globalisation assimilation could be enlarged so as to include all states profiting from the expected welfare benefits. With the end of the Cold War the principle of self-determination has clearly revealed its potentially disruptive effect in that a number of states claimed this right which is closely related to the declared goal of democratisation.²⁴ The final element concerns the consensus on war. Is it considered legitimate

21. cf. Karl W. Deutsch, et al., *Political Community and the North Atlantic Area, International Organization in the Light of Historical Experience*. (Princeton: Princeton University Press, 1957). See also Emanuel Adler and Michael Barnett, "Security communities in theoretical perspective", in: E. Adler and M. Barnett (eds.), *Security Communities*. (Cambridge: Cambridge University Press, 1998), pp. 3–28

22. Holsti, *op. cit.*, chapter 11.

23. Holsti lists the particular peace treaties of Osnabrück and Münster 1648, the Treaties of Utrecht 1711, Vienna 1814–15, Versailles 1919 and San Francisco 1945.

24. Of particular interest is the analysis by Christoph Zürcher (with Jan Köhler), "Introduction: Potentials of disorder in the Caucasus and Yugoslavia", in: Ch. Zürcher (with Jan Köhler) (eds.), *Potentials of Disorder*. (Manchester: Manchester University Press, 2003), pp. 1–22 who argues that the system of ethno-federalism in the former USSR and Yugoslavia contributed to some extent to this wave of new states.

or not? Since 1945, war or armed conflict is no longer a legitimate means of conflict resolution in the international system, at least in principle.

The dimension of the means includes those instruments collectively agreed upon and therefore accepted as legitimate. These can be derived from what Holsti calls a deterrence system or a normative framework prescribing and proscribing the behaviour of its members. As a consequence this would include both positive and negative sanctions mechanisms. The aim is to allow for conflict resolution mechanisms and procedures promising peaceful change.

The normative and the instrumental dimension or order finally are complemented by the third one which we have called vision or what Holsti calls the anticipation of future problems. The necessity to anticipate future developments is incontestable. In some areas this activity is institutionalised in the international system, as is the case of the Intergovernmental Panel on Global Climate Change. In this example longer term developments are to a certain degree predictable. In other areas, in particular with respect to internal and international crises and armed conflict, activities concerning the occurrence of these kinds of events are neither well institutionalised nor accurately predictable.²⁵ Vision could therefore be defined in more general terms as the institutional structures required to achieving the desired state of affairs which is the absence of collective violence. But not just that: it presupposes that – internal and external – collective violence as the central future problem in the international system is to some extent predictable and can therefore be avoided both in the short and in the long run. And should it break out, it can be aborted.

That means that an international order as envisaged by prevention as a general strategy not only directly affects the institution of sovereignty but also requires – once more – new practices which mean the change of the institution of sovereignty itself. Holsti's limited assumption that major power war is the decisive agent for a change of international order needs also to be amended. As the breakdown of the Soviet Empire has shown, a change of international order can also be brought about in the absence of this kind of war. We will argue next that the peaceful changes in the collective understanding of sovereignty which prevention implies have unintentionally started during the Cold War period.

Sovereignty

Empirically, one could describe the international system over time by analysing in detail the compliance or non-compliance with the norms legitimising state behaviour, that is the coherence between sovereignty as a set of norms and the practices of the states. Krasner has introduced the distinction between the endurance of an institution and its level of institutionalisation that is the conformity between norms and practice.²⁶ In the case of sovereignty Krasner draws the conclusion that as theory and practice were never fully matched, sovereignty is nothing but a form of organised hypocrisy. Organised hypocrisy is the outcome of the tension between norms and practice that is an order based on the prohibition of

25. Predictability has to be distinguished from early warning. The latter seems to be easier to achieve.

26. Stephen D. Krasner, *Sovereignty: Organized Hypocrisy*. (Princeton: Princeton University Press, 1999), pp. 56–58.

the intervention in the domestic affairs of states and actual intervention. It is a well-established fact that third party armed interventions in the internal affairs of states have occurred repeatedly throughout history, even during the Cold War!

There are two problems with Krasner's argument. First, as Legro²⁷ shows in the case of the laws of war by the different parties in the Second World War there might be plausible reasons why actors violate a specific norm without by the same token rejecting the normative framework as such. In addition, as Hongju Koh²⁸ shows, there may be competing norms and different procedures as how to resolve the tensions existing among them. Second, Krasner does not seem to take into account the possibility of norm change. Bierstecker, among others, notes that the meaning of sovereignty will change according to the practices of states²⁹ or as Barkin and Cronin argue, sovereignty is not a parameter but a variable.³⁰ Therefore the hypocrisy statement, as plausible as it may resonate in the first place, is misplaced. If all actors were hypocrites at the same time, the argument would be incoherent and meaningless; if there are some hypocrites that would mean that most of the others are not, the hypocritical cases being deviations from the norms³¹; finally norm change logically presupposes hypocrites, but the designation as innovators would probably be more adequate!

The question then becomes what the relevant dimensions of sovereignty are that prevention as a strategy directly affects? Krasner³² identified four different dimensions of sovereignty, the first of which is external sovereignty in terms of Westphalian sovereignty, based on the notion of non-intervention. Legal sovereignty, on the other hand, is based on the recognition of states by others, reflecting the norm of formal equality. His third dimension, interdependence sovereignty, falls outside his classification scheme as it is empirically and not normatively defined.³³ The fourth element is internal sovereignty which refers to the two conditions that are postulated to be satisfied: the monopoly of power and control over a given territory and a people. We will first discuss briefly the two elements concerning the external dimension of sovereignty, legal and Westphalian.

Sovereignty is a social construct; therefore it leaves room for different interpretations which change over time.³⁴ Legal sovereignty is the first relevant element: the existing states in the international system recognise a new member as equal

27. See in particular Jeffrey W. Legro, "Which norms matter? Revisiting the 'failure' of internationalism". *International Organisation*, Vol. 51, No. 1 (1997), pp. 31–63 who shows why the law of war was respected in some cases and why not in others.

28. Harold Hongju Koh, "Why Do Nations Obey International Law?" *The Yale Law Journal*, Vol. 106 (1997), pp. 2599–2659.

29. Thomas J. Bierstecker, "State, Sovereignty and Territory", in: W. Carlsnaes, Thomas Risse and Beth A. Simmons (eds.), *Handbook of International Relations*, (London: Sage. 2003), pp. 157–176.

30. Barkin and Cronin, 1994, *op. cit.*

31. We owe this argument one of the two anonymous reviewers, for which we are grateful.

32. Stephen D Krasner, *Sovereignty: Organized Hypocrisy*. (Princeton: Princeton University Press, 1999). See in particular his chapters 3 and 4.

33. Krasner actually dropped that fourth dimension in his recent article: Stephen D.Krasner,, "Sharing Sovereignty New Institutions for Collapsed and Failing States". *International Security*, Vol. 29, No. 2 (2004), pp. 85–120.

34. Bierstecker/Weber, 1996; *op. cit.* See also Cronin for a more recent discussion of the changes that are underway: Bruce Cronin,, "Changing Norms of Sovereignty and Multilateral Intervention", in F. O. Hampson and D. Malone (eds.), *From Reaction to Conflict Prevention – Opportunities for the UN System*. (Boulder: Lynne Rienner Publishers, 2002), pp. 159–80.

who endow the newcomer with rights and obligations. Legal sovereignty means being accepted as equal among equals in the international system. The condition is that the regime controls a territory and the people living within its borders. The understanding was, as Jackson³⁵ argued, that each state was capable of maintaining its autonomy and independence, which he calls positive sovereignty. This he contrasts with negative sovereignty. This actually happened according to him after 1945, with respect to the former colonies. In other words, there has been a considerable reinterpretation or change in meaning of that particular dimension of sovereignty in that the members of the international system of states guarantee those states their sovereign status which are incapable of maintaining it alone and provide them with the means to exercise their independent statehood independently. Analytically speaking, then, legal sovereignty can be both limited to external recognition which is a right of those recognising a new state as sovereign. But it can also be re-interpreted as to imply an obligation of the states to guarantee this status, once it has legally been achieved.

Whereas the legal dimension of sovereignty allows for two alternative interpretations the Westphalian dimension of sovereignty seems to be immune from any change. But analytically speaking Westphalian sovereignty is contingent upon the meaning of internal sovereignty. During the Congress of Vienna this problem of intervention came up and Austria argued in favour of intervention in order to support the legitimate rulers, the ruling dynasties that is. This would then have legitimised military intervention should revolutionary upheavals occur and depose the ruling dynasty, an interpretation which Britain did not share. The basic disagreement was indeed Metternich's interpretation of internal sovereignty: the legitimacy of the ruler, not the people.

The international system is based on the territorial state as its central unit. The basic ordering institution is sovereignty. If sovereignty is a social construct, which is anything but a trivial statement in the first place, the question then is whether and how this social construct changes and can be changed over time. Thomson³⁶ has argued that irrespective of statements such as loss of sovereignty or control states are still the exclusive actors legitimised and capable of defining the rules of the game, that is setting the norms prescribing and proscribing their own behaviour as well as that of the non-state actors. This includes the possibility of giving up some of their prerogatives derived from their sovereign status or delegating some of them to international organisations such as the World Trade Organisation or the International Criminal Court. Crucial to our discussion is whether the belief emerges that the internal structure of the states is related to international order, and if so, what the consequences are with respect to the Westphalian dimension of sovereignty. If internal order is relevant for an international order based on the prohibition of armed force this would necessarily put into question the principle of non-intervention. Sovereignty could then in fact be reconstructed socially through changed state practices.

Prevention as we have defined it, and will argue below, represents the conceptual tool for such a reconstruction of sovereignty in general, a changed interpretation or meaning of Westphalian sovereignty in particular. Yet even if there is

35. Robert H. Jackson, *Quasi-States, Sovereignty, International Relations and the Third World*. (Cambridge: Cambridge University Press, 1990).

36. Janice E. Thomson, "State Sovereignty in International Relations: Bridging the Gap Between Theory and Empirical Research". *International Studies Quarterly*, Vol. 39, No. 3 (1995), pp. 213–233.

no single logical argument against such a reinterpretation to allow for coercive measures of the international community of states to enforce a minimum of internal institutional conformity (that is a guarantee of basic human rights) there are two specific problems that need to be resolved in the first place. First of all a practical one: only a few states are capable of intervening forcefully in the domestic affairs of a third state. In other words, the general legitimisation of coercive intervention might produce the unintended effect of legitimising any action on the part of those states willing and capable to intervene.³⁷ The unintended effect could be the legitimisation of all kinds of major power intervention. The second problem relates to the efficiency and effectiveness of military intervention. Thus far, the record is anything but convincing. According to Doyle and Sambanis³⁸ military interventions may stop actual fighting in the short-run, but success is limited. Iraq, for example, shows that intervention may encourage terrorist activities which the military is incapable of handling. And as the case of Afghanistan reveals reconstructing a new internal order seems to be an almost helpless undertaking.³⁹ We will postpone the further discussion and take it up again when analysing the dilemmas of prevention.

The UN Security Council is well aware of this dilemma in that its resolutions always refer to the threat to international peace and stability, the only legitimate justification for such action either by the UN or by delegated power to a regional organisation or a coalition of states. At the same time these resolutions always stress that they do not challenge sovereignty. Yet publicly they are legitimised as humanitarian or as a necessity to prevent gross human rights violations which do not *per se* represent a threat to international peace and stability. Weiss *et al.*⁴⁰ argue that “[I]f sovereignty means that a national government sets policy in its domestic jurisdiction, evolving international standards suggest that this remains true as long as a national government adheres to international law”. In other words neither the practice of internal sovereignty is at the discretion of the rulers in power, nor does this preclude a priori the possibility of intervention. Kofi Annan has stated the underlying logic of such a reinterpretation of Westphalian, if not also, internal sovereignty:

“State sovereignty, in its most basic sense, is being redefined. . . . States are now widely understood to be *instruments at the service of their peoples, and not vice versa*. . . . This developing international norm in favour of *intervention to protect civilians* from wholesale slaughter will no doubt continue to pose profound challenges to the international community. In some quarters it will rouse distrust, scepticism, even hostility. But I believe on balance we should welcome it.”⁴¹ (emphasis added)

37. One of the reasons is that only a few powerful states are capable of doing so. For the 1945–2003 period see Chojnacki, Sven, “Zum Formwandel bewaffneter Konflikte”, in: H. Münkler and K. Malowitz(eds.), *Krieg für Frieden? Die humanitäre Intervention in der Diskussion*. (Wiesbaden: Wocheuschau Politik, pp. 73–99). See also his article in this issue.

38. Michael Doyle and Nicholas Sambanis, “International Peacebuilding: A theoretical and Quantitative Analysis”. *American Political Science Review*, Vol. 94, No. 4 (December 2000), pp. 779–802.

39. See the excellent case studies in A. Donini, Norah Niland and Karin Wermester (eds.) *Nation-Building Unraveled? Aid, Peace and Justice in Afghanistan* (Bloomington, Kumarian Press, 2004).

40. Thomas G Weiss, David P. Forsythe and Roger Coate, *The United Nations and Changing World Politics*. 4th edition, (Boulder: Westview, 2004), p. 18

41. Kofi Annan, “Two Concepts of Sovereignty”, *The Economist* (September 18, 1999).

Most noticeable in this statement by Annan is that governments are instruments of the people who have *specific rights* whereas the government in power has primarily *obligations* towards individuals. This specific line of arguments goes right to the heart of the prevention issue with coercion as the ultimate means. The kind of vision proposed by Kofi Annan presupposes three things simultaneously: a normative consensus concerning state practice, a convergence with respect to the instrumental dimension and finally a convergence with respect to the vision of world order his statement implies and thus, by implication, has institutional consequences. That such an envisaged change is not such an abrupt change as it may seem will be shown next.

The Cold War Order

This brings us back to the problem of international order. International order has always been determined both by power and norms. Even though a substantial part of the IR literature emphasises power and interests, both are, as we contend, always grounded in some kind of normative frame of reference.⁴² At the end of the Second World War, consistent with Holsti's proposition that major power wars were historically decisive points for the change of the existing international order, the Charter of the United Nations was the blueprint for the new emerging order in terms of the three constitutive elements – legitimacy, means, and vision. The concept of order its creators had envisaged was simultaneously comprehensive and limited. It was comprehensive in that it envisaged a collective security system managed jointly by the victorious powers of the war to prevent, once and for all, another world war. It was limited at the same time because it excluded any reference to the domestic order of the states by emphasising the non-intervention principle. The evolution of the order that began to emerge was fragmented and partial. It was only with the end of the Cold War that new opportunities for building a truly global order seemed to be feasible. The way that both scholars and practitioners define prevention seems to suggest that it is the solution to accomplish what the Charter failed to consider: namely establish the link between the international and intra-national order. We contend that this is what the concept of prevention is trying to achieve at least conceptually by including under its roof the partial orders that had been created during the Cold War period. Whether these expectations are theoretically well grounded will be elaborated only after having briefly described these partial orders.

A Partial Security System

Competition and striving for security can be taken for granted as a basic property of international politics. In that sense the Cold War order was not different from the previous ones. It differed however fundamentally from the past on two

42. When speaking of norms that does not necessarily mean that they are morally acceptable to a majority or even acceptable at all. Take the Nazis: their justification for their destructive war was legitimised by reference to the need for space and the preservation of the Aryan race. The present Bush administration has a very specific vision of world order, a Pax Americana which claims to resolve all the problems of the world.

counts. First of all international competition was determined between two incompatible visions of internal order: communism in the East and democracy in the West. Each of the two camps promised eternal peace once the superior one would have won. And secondly, nuclear weapons precluded resort to Clausewitz's strategy of gaining superiority through force. Political reality therefore contributed to strengthening the non-intervention principle. Intervention by members of one bloc in the other were therefore excluded.⁴³ Did this exclude interventions violating the non-intervention principle? The answer is no, as the fundamental competition was between two mutually exclusive concepts of social organisation. Therefore it was not necessarily hypocritical that intra-bloc military interventions were considered to be legitimate such as in Hungary in 1956 or Czechoslovakia in 1968 or the intervention in the Dominican Republic 1965 or the – aborted – Bay of Pigs intervention by the USA in Cuba in 1961. State practice was also coherent in that each of the blocs indirectly supported its clients. This was consistent with the interests of both of the blocs as well as the rulers or opponents of the smaller and weaker countries in the Southern Hemisphere profiting from the competition in the Northern Hemisphere. Ironically this had a stabilising effect which became clear when that ideologically motivated support for their respective clients became largely obsolete. Thus, in terms of security a partial order was institutionalised excluding the use of force in the Northern Hemisphere. In terms of preventing armed conflict in the Northern Hemisphere between the two blocs, collaboration became institutionalised with the Conference for Security and Cooperation in Europe (CSCE). This institutionalised process was based on the insight that collaboration between the antagonist blocs was necessary in order to avoid armed conflict at any price. The charter, interestingly enough, did however contain provisions which legitimised some principles considered to be central in that competition such as free movement of people and information, or, in more general terms, reference to some basic human rights norms. And one can also argue that the support of the respective clients in the South was also considered legitimate in terms of the extended competition between the two blocs.

A Partial Order: Functional Multilateralism

Multilateralism inspired by the functionalist approach has been the response of states to the increasing interdependence between them, making cooperation a necessity in order to enhance their ability to protect and promote common goods and maintain the welfare level of their own people.⁴⁴ To manage the growing interdependence the functional approach was systematically developed, both at the global level (through the UN system) as well as in different forms at the regional level.⁴⁵ One could argue that it was predicated on two complementary expectations. The first was a preventive function so to speak in that it was clear that the use of armed force was no longer meaningful among the highly industrialised societies

43. Erich Weede, "Extended Deterrence, Superpower Control, and Militarized Interstate Disputes, 1962–1976". *Journal of Peace Research*, Vol. 26, No. 1 (1989), pp. 7–17.

44. John Ruggie, *Constructing the World Polity*. (London: Routledge, 1998), p. 42.

45. See Barry Buzan and Ole Waever, *Regions and Powers – The Structure of International Security*. (Cambridge: Cambridge University Press, 2003).

and that therefore multilateral cooperation could reduce the likelihood of violent conflict resolution. The second was that it thereby legitimised the imposition of specific principles characteristic of the Western bloc, in particular in the economic sphere. Another way to put this in the development domain is to point to an implicit notion of long-term prevention by peace through development. In general, a new practice was thereby institutionalised promising new ways of regulating and new allocations. In sum one could argue that this reflected the functionalist perspective of a Working Peace System envisaged by Mitrany.⁴⁶

New Actors: Unforeseen Agents of Change

The considerable growth of nongovernmental actors after the Second World War was an additional factor in the process in the construction of the international order primarily due to their growth and functional differentiation. Their number has grown from a few hundred to more than 50,000 today, active in every conceivable area, be it human rights, development, education, environment, peace building, and conflict prevention and so on. These non-governmental actors in general have by now become complementary to states, challenging their practices, and fighting for the human rights among others. These actors are advocating norms and principles that are not respected both within and between states, thereby attempting to promote new global responsibilities. Given their own identities and their lack of military resources, they clearly are complementing activities that fall within the long-term preventive action. This process is helped by new communication facilities. NGOs and the mass media are more and more involved in the early warning process, which leads to preventive actions, while a real division of labour is taking place in which private actors take part. Their role was nonetheless, if effective at all, mainly within the own power bloc and its sphere of influence. A good example of this is the study by Sikkink⁴⁷ on the issue of the vanished prisoners in Argentina and Mexico. They established this particular linkage between the international realm and the internal domain. Again, as a specific Western development they naturally contributed to the dissemination of Western principles. In the Eastern Bloc this led to the emulation of the Western NGO model, in particular in the human rights domain (i.e. Charter 77 in Czechoslovakia, the Helsinki groups among others in Poland, the Soviet Union or Yugoslavia). They thereby began to question the principle of internal sovereignty of their targeted states where foreign states could not openly intervene. In that respect this power competition strengthened and legitimised their presence in the international arena.⁴⁸

The preliminary conclusion is that one can indeed interpret the Cold War period as one where both short-term and long-term prevention had already become a constitutive part of state practice without being semantically subsumed under that particular concept. First, the short-term approach was practised more or less by default between East and West. Second, the longer-term approach was

46. David Mitrany, *A Working Peace System* (Chicago: Quadrangle Books, 1966)

47. Kathryn A. Sikkink, "Human Rights, Principled Issue Networks, and Sovereignty in Latin America". *International Organisation* Vol. 47, No. 3 (1993), pp. 411–441

48. Richard Higgott, with Geoffrey Underhill and Andreas Bieler (eds.), *Non-State Actors and Authority in the Global System* (London: Routledge, 2000).

practised both at the global and regional levels along functional lines. This led to partial orders in different issue areas. But in these partial orders, in particular in the economic one, the West was capable of imposing its values because of the weakness of the Communist bloc. The logic of this type of longer-term prevention, primarily relying on what we called supportive intervention, was also dictated by the competition among the two prevailing ideologies and their different visions of internal social order. Naturally this was not framed in terms of a strategy of prevention, yet that competition can indeed be interpreted this way.

Thus, if sovereignty as organised hypocrisy has ever been widely practised this may be true of the Cold War period where the blocs deliberately used strategies disregarding Westphalian sovereignty on the basis of a more or less tacit consensus among them. Two properties this process entailed were on the one hand that supportive intervention became a well-established practice based upon the normative understanding of the obligation to support states in need. On the other hand it also contributed to a changing perspective as to the role of the internal conditions of the individual states even though these were seen primarily through the restricted lens of power competition. This kind of intervention was thus a somewhat established practice by the end of the Cold War based on the notion that the internal structures of the states would guarantee peace and stability in the end.

The Emerging Post-Cold War Order

The breakdown of the Soviet empire represents a fundamental change in the international system. It reinforced developments that have already been underway for decades. Thus, from the prevention-intervention perspective we would argue that there is more continuity than is usually assumed. This implies that changing state practices are running counter to the prevailing understanding of sovereignty, in particular the non-intervention principle. There are several reasons that facilitated this development. First of all, with the East-West competition having become obsolete, the various client states of the blocs lost the support of their patrons with the exception of those still considered strategically central such as in the Middle East. One of the consequences was that when a number of these client states lost the external support their fragile base of legitimacy became apparent. At the same time this created the space for various non-state actors to challenge the governments in power, in a number of cases violently (e.g. Sierra Leone.). Contrary to conventional wisdom, violent internal conflicts were on the increase since the mid-fifties reaching their peak in the early 1990s.⁴⁹ One could possibly interpret this as a correlation with the decreasing East-West tension during the Cold War period. Fairly new and indeed increasing was the number of so-called sub-state wars in weak or failed states or what has been called new wars even though they were not that new either, as Chojnacki has shown.⁵⁰ What was new, however, was the response to these armed conflicts.

Internal violence had been steadily rising after the Second World War, but it had not been a major preoccupation of the community of states at large. Things

49. Abschlussbericht zur Projektförderung. Mimeo, 2005. Available on request from wolf.eberwein@iep.upmf-grenoble.fr. It is the summary report (in German) of the research project on the evolution of wars 1945–2003, specifying new types and the main identified trends.

50. See the listing by Chojnacki, *op. cit.* (forthcoming).

changed dramatically after 1990. Whereas inter-state violence has vanished for the time being,⁵¹ internal violence is today the dominant form of armed conflict. The Weberian world had come under stress. As these states have lost their monopoly of coercive means it seems evident to intervene in their domestic affairs in order to restore a state that does not exist any more. A responsibility principle could be invoked to replace the sovereignty principle, even if by default. As a review of the sociological literature on violence suggests⁵² it can be interpreted on a larger scale as the causal effect of a dramatic lack of internal and international social integration. These countries face the same problems that state-builders had to face in Europe at the end of the 19th Century when a destabilising social protest was fuelled by a strong shortage of national integration. This was the starting point of the welfare state adventure, like the disseminated social violence is now boosting a new programme for an international human security. This Durkheimian perspective in international relations is still hardly accepted by the state actors. The changed, more permissive, context is most visible in terms of the activities of the Security Council approving military interventions in internal armed conflicts (e.g. Afghanistan and Bosnia). The UN itself became engaged in an unprecedented number of more or less robust interventions.⁵³ And even if the Security Council did not legitimise military intervention, as was the case with the Kosovo in 1999 or Iraq in 2003, some states nevertheless went ahead.

The process of democratisation, a process that had already begun in the seventies with Greece, Spain and Portugal, continued in the eighties in Latin America and finally reached Africa in the nineties. The 'victory of democracy' over the 'empire of the evil' became almost a matter of fact with the expectation that this would be the inevitable path all the states would want to take or could possibly be forced to take. This opened or facilitated the legitimacy of coercive interventions for the sake of peace, security and stability.

These new trends in the changing context finally converged into the idea that a comprehensive strategy of prevention was the adequate response to recreate the world order that had prevailed during the Cold War. States had become more sensitive, if not more vulnerable, to developments outside their own borders as suggested many years ago by Keohane and Nye.⁵⁴ This sensitivity, if not vulnerability, has two dimensions – a functional and a normative one. Functionally the security and wealth of the states in the international system can no longer be guaranteed individually, not even by the most powerful states in light of the increasing process of globalisation.⁵⁵ Military power is limited in producing order and

51. *Ibid.*, p. 5.

52. See M. Brown, *The International Dimensions of Internal Conflict*. (Cambridge MA: MIT Press, 1996); Ted R. Gurr, (ed.), *Peoples versus States*. (Washington: US Institute of Peace, 2000); Monty G Marshall and Ted R. Gurr, *Peace and Conflict 2005*. (Center for International Development and Conflict Management. University of Maryland, College Park, 2005); R. B. J. Walker and S. H. Mendlowitz (eds.), *Contending Sovereignties*. (Boulder CO: Lynne Rienner, 1990).

53. For an overview and evaluation of UN-activities see Winrich Kühne, *UN-Friedenseinsätze in einer Welt regionaler und globaler Sicherheitsrisiken – Entwicklungen, Probleme, Perspektiven*. (Zentrum für Internationale Friedenseinsätze Analyse 06/05, Berlin, 2005).

54. Robert O Keohane, and Joseph S. Nye Jr, *Power and interdependence: World Politics in Transition*. (Boston MA: Little Brown, 3d. ed., 2001), pp. 7–11.

55. Bertrand Badie, *L'impuissance de la puissance. Essai sur les nouvelles relations internationales*. (Paris : Fayard, 2004); see also Joseph S. Nye, Jr., "The Decline of America's Soft Power. Why Washington Should Worry", *Foreign Affairs*, Vol. 83, No. 3 (2004), pp. 16–20.

hardly adequate as a generalised means to establish and maintain stability. Therefore the consequence is to pursue a strategy of reconstructing or strengthening failed and weak states. In functional terms one could nevertheless argue that a number of these failed or weak states are irrelevant and could therefore be isolated from those that are highly interconnected.

But this would overlook the normative dimension which after the end of the Cold War became much more important. That the states are sensitive to these developments is reflected in the now prevalent concepts espoused by international organisations and individual states, in particular good governance or human security.⁵⁶ But the 'democratic peace' proposition has also played and plays the role as an intellectual catalyst. It is irrelevant in a way whether that sensitivity is based on purely instrumental reasons and rational calculations or on the normative conviction that human rights violations or poverty are unacceptable. That normative interdependence is a reality and transnational non-governmental actors are reinforcing it through their activities. Their activities make governments potentially vulnerable to their criticism. These actors are a non-negligible component in the whole process of norm emergence, diffusion and institutionalisation⁵⁷ for this new world order where internal structures are more and more emphasized as a necessary condition for peace and stability.

We suggest that the impact of international interdependence both in functional and normative terms converges in the overarching strategy of prevention. That includes both coercive and positive intervention and links a short-term with the long-term perspective. This becomes evident when going through three documents published in the past years by three major actors in international politics: the national strategy of the Bush administration, the second the European Security Strategy, and third by the Prime Minister's Strategy Unit Report on "Investing in Prevention" from the United Kingdom. These documents can be seen as an attempt to overcome the confusion that began with the fall of the Berlin Wall. The unfounded expectations of the world becoming democratic overnight, and therefore peaceful, based on a universal consensus either freely accepted or to be enforced, were shattered.⁵⁸ After the disaster in Somalia, followed by the catastrophe in Rwanda, and finally culminating in destruction of the World Trade Centre there was a convergence towards what we have called a comprehensive strategy of prevention with a specific world order in mind. That can be found in those three documents as divergent as they may be in a number of points.

The National Security Strategy of the Bush Jr administration clearly suggests a comprehensive power-based approach⁵⁹ based on a world order of strong

56. In fact, to our knowledge Rittberger from Tübingen has mentioned this normative interdependence first when discussing the issue area "Herrschaft". Volker Rittberger, *Internationale Organisationen*, (Opladen: Leske + Budrich, 1995).

57. This analytical differentiation of the process is from Martha Finnemore, and Kathryn Sikkink, "International Norm Dynamics and Political Change". *International Organization* Vol. 52, No. 4 (1998), pp. 891; see also R.Cohen, *International Politics: The Rules of the Game*. (London: Lingmann, 1986); Mervyn Frost, *Ethics in International Relations*. (Cambridge: Cambridge University Press, 1996); T. Nardin, *Law, Morality, and the Relation of States*. (Princeton NJ: Princeton University Press, 1983); John Ruggie, *op. cit.*

58. In fact the transition to democracy is accompanied empirically by a high probability of enduring violent conflict.

59. The White House, *The National Security Strategy of the United States of America*. (Washington, D.C.: The White House, 2002). See also the analysis by Delcourt and Väyrynen in this issue.

democratic territorial states. That strategy not only envisages short term interventions of a coercive kind but also, as a necessary complement, a longer term positive intervention strategy intended to further democratic developments. The US government “will make freedom and development of democratic institutions the key themes in our bilateral relations ... while we press governments that deny human rights to move towards a better future”.⁶⁰ At the same time it says that “[W]hen violence erupts and states falter, the United States will work with friends and partners to alleviate suffering and restore stability”.⁶¹ These are just two citations to illustrate the argument that both a short and long term perspective prevails. It also suggests that behind the concept is a vision of world order that can be imposed on US terms!

The European Security Strategy⁶² and the Barcelona report that clarified it is explicitly referring to a comprehensive prevention approach, including both short-term coercive intervention as well as systematic long-term positive intervention measures where poverty eradication and good governance stand out as the ultimate goals. It is also revealing as an almost imperial concept as every potentially relevant actor group is included: the military and police, non-governmental organisations and individual volunteers from every area of activity (civilian peace-building, development workers, emergency relief specialists etc.). The declared intention is to make the civil society actors subcontractors of politics in the name of conflict prevention.

The most sophisticated strategy of prevention has been worked out by the Strategy Unit of the British Prime Minister.⁶³ The report assumes that “instability and crises are likely to be an enduring part of the international landscape for the foreseeable future”.⁶⁴ As a logical corollary it simultaneously proposes a longer-term strategy to reduce instability and a shorter-term crisis response capability. As the report argues “there is a collective international responsibility to protect”.⁶⁵ In other words, governments are no longer autonomous in deciding whether to intervene in other countries nor are they fully autonomous in deciding how to use the means of prevention. As different as these strategy documents are, they converge on a specific understanding of international order. Irrespective of whether or not the actual propositions are put into action, they all share a basic understanding how this new world order should look and even how this could be implemented.

In terms of the legitimacy dimension of world order all these reports suggest a system of governance which necessarily includes both the international as well as the national level. The former built on cooperation and excluding the use of force, the latter built on a more or less democratic type of domestic order where the minimum is the respect for basic individual human rights contributing to the elimination of violent conflicts. As far as the means are concerned there is

60. *Ibid.*, p. 4.

61. *Ibid.*, p. 9.

62. Xavier Solana., *European Security Strategy – A Secure Europe in a Better World*. (Brussels: The European Institute for Security Studies, 12 December 2003); Barcelona Report of the Study Group on Europe’s Security Capabilities: *A Human Security Doctrine for Europe*. (Barcelona, 15 September 2004). See also the analysis by Jaap De Wilde in this issue.

63. Prime Minister’s Strategy Unit, *Investing in Prevention. An International Strategy to Manage Risks of Instability and Improve Crisis Response*. (London, February 2005).

64. *Ibid.*, p. 3.

65. *Ibid.*, p. 4.

the expressed willingness to intervene in the domestic affairs of states, in the short-run through coercive means if necessary, through adequate measures to strengthen the institutions of these critical states in the long run.

The vision is a kind of 'democratic peace' – an international state system composed of sovereign states. But to get there implies, and that is our main argument, changed state practices that imply a changing construction of sovereignty. According to this vision the preservation if not restoration of sovereignty is centred on the individual and the 'responsibility to protect' basic rights of the individuals. This is at least conceptually a fundamental change of both the understanding of the internal dimension of sovereignty as well as far as the Westphalian principle is concerned. Changed practices presuppose by definition that they are preceded by an intellectual reorientation that is the reconstruction of reality. Prevention serves that purpose. The question then remains whether such a vision of world order is not just another intellectual pious hope.

The Dilemmas of Prevention

As Krasner observed, the states are damned if they intervene, and damned if they do not.⁶⁶ This statement reflects but one aspect of the dilemmas the postulated strategy of prevention raises. Prevention with both coercive and supportive intervention presupposes new forms of policies and practices. A shorter-term perspective requires an efficient early warning system allowing the international community, and especially the international actors who take over this role on its behalf, to derive and take the necessary measures. The early warning process should prompt the diplomatic actors to focus on domestic issues in third countries rather than concentrate primarily on international concerns in order to determine whether a situation requires preventive action. Evaluating the risks and the costs of such an investment they need to obtain good information and be protected from the risks of manipulation stemming from the suspected societies as well as from abroad. It also implies the capacity and willingness to act and from there the coordination among all the potentially intervening actors who might simultaneously be in a competitive Hobbesian relationship. The longer-term perspective is also fraught with problems. First of all it requires adequate knowledge as to the longer-term effects of supportive intervention measures. Second, it requires the adequate resources to implement the measures considered to be necessary. Third, it requires the willingness to implement these measures. Fourth it presupposes that the authorities in the intervening countries are willing and capable to support that process. Each of these conditions is easily formulated; whether all of them can be satisfied simultaneously is questionable. We will frame these problems in terms of six dilemmas that prevention as a strategy of a collective human security entails. Each of them relates to at least one of the three dimensions of international order if not two. In addition, one has also to take into account the internal support governments need (or which might force them to act) in order to pursue a consistent prevention strategy, in particular with respect to short-term coercive and long term supportive means.

Dilemma 1: Whatever prevention intends to achieve, it can only be implemented in the real international system which is still asymmetric in terms of power

66. Krasner, 2004, *op. cit.*, p. 94.

distribution. Major powers with different interests prevail. Even though the probability of nuclear war among them is close to zero the present institutional structures in general, the Security Council of the UN in particular, can only function properly if the *a priori* consensus among them could be taken for granted. This is not the case. The new major power configuration forecloses such a consensus. At the same time major powers will not accept any intervention that does not fit their interests. Neither the PRC (Tibet) nor Russia (Chechnia) accept any intervention in their own affairs. Thus if practised by only a number of states capable of implementing that strategy of prevention may have the unintended effect of nurturing a renewed type of power competition for spheres of influence. Thus power is the potential barrier not only with respect to the legitimacy of prevention but also in terms of the visionary dimension of that strategy.

Dilemma 2: long-term prevention aims to regulate international disorder and reduce the risks of potential violence. This implies the active involvement of one or several foreign states for an indeterminate duration in those states where they are intended to intervene as investigators and as brokers among the conflicting parties. The intervening states have to be credible as state-rebuilders. Yet the higher the visibility of the intervention activity, the higher the risk is for the intervening power to be suspected of pursuing goals in its own interest. As a consequence this is likely to generate new frustrations and produce new sources of tension in those states and also in the international system. Iraq comes close to the ideal type to illustrate this general proposition. The declared goal of the US, to eliminate the danger of Iraq building weapons of mass destruction and to democratise the country has not only lost all credibility but has also nurtured new conflicts within the country and in the region. The desired pacifying effect has not been achieved. Short-term intervention can also lead to new sovereignty claims among the frustrated groups in the population. A similar situation may arise in the case of longer-term supportive interventions. The more obvious and visible the intervention is the likelihood increases that long-term intervention may be denounced as some kind of postcolonial syndrome. IMF structural adjustment plans, for example, that have now become more and more customary may indeed create resistance to that strategy. Thus, a necessary condition for prevention (short or long term) to be successful requires that the different political groups where third parties are intervening consider these interventions collectively as legitimate. In a potentially violence prone society or in a society where violence had occurred that condition is unlikely to be satisfied. A sufficient condition is that the means used are effective and sufficient. That condition as well is unlikely to be satisfied as the reluctance of the states to raise their expenditures for development aid to the 0.7 per cent of their GDP shows.

Dilemma 3: Prevention as a strategy presupposes that if short-term non-coercive measures fail, then short-term coercive measures will follow. In other words the earlier such measures are taken, the less visible, the less costly and the less risky they are as violence has not yet broken out. This presupposes a good early warning intelligence system that actually leads to early reactions. As the case of the US shows, the knowledge about the attack of the World Trade Centre was available but ignored. That is a lack of institutional capacity for reaction. But the lack of willingness may also come into play, independently or jointly. The genocide in Rwanda is another illustration of that particular problem. The Clinton administration simply refused to take action even though the information was

there that the genocide would take place. The conclusion is that even if the means of effective prevention are possibly better invested in pre-conflict situations this is not thus far the preferred option. At the same time coercive intervention does not necessarily follow if violence breaks out, and if that option is chosen it is much more costly and the chances of failure are much higher, thereby contributing to the loss of legitimacy of prevention.

Dilemma 4: For the same reasons, prevention is much more efficient and less costly when it can be deployed in a context of weak social violence. But the weaker the social violence, the less salient is the threat that could lead to preventive action. The prevention policy runs the risk to be deemed excessive and unjustified by parts of the international community and the population concerned. Whereas this applies to the shorter term perspective the analogous problem prevails with respect to long-term prevention. The link between population growth, urbanisation, HIV/AIDS and resource scarcity has been well documented in the study by Cincotta et al.⁶⁷ in their report on *The Security Demographic*. Where these conditions are simultaneously present the probability of violence rises. Thus, from a longer-term perspective this knowledge should lead to a massive investment in combating AIDS in particular in Africa. But that is not the case. It is unclear whether this is in effect due to lacking capacities or the willingness to act. Paradoxically then social violence may be easier to legitimise any kind of coercive short term intervention even though more costly and risky whereas at the same time reducing to practical irrelevance long term prevention as both a vision and a legitimate strategy to create the envisaged world order. Long-term or positive prevention is difficult to achieve because it implies a high mobilisation of resources with an unknown return on investments. Functionally speaking, however, prevention is much more efficient in the long term since it protects against violence and its destructive effects. But this proposition which goes generally uncontested is still in need of hard empirical evidence which we do not have. The promise of human security which is believed to be a good investment for strengthening both national and international security is no more than that.

Dilemma 5: In principle multilateral prevention reduces the costs of intervention, makes it more efficient, enhances its legitimacy, and makes the use of power more widely acceptable. The appointment of a special representative of the Secretary-General in a troubled region or even a selective policy of prevention, such as small weapons disarmament in Salvador or Mozambique are clear evidence of this efficiency. Multilateral prevention activities shorten at the same time the rewards that the individual states expect to get from their own interventions. But again power comes into play. Major powers in general, the US in particular, do not seem to be willing to give the UN the means to perform with greater efficiency and independence.⁶⁸ Only under specific conditions can major power consensus be achieved as was the case in the Iraq invasion and annexation of Kuwait.

Dilemma 6: Thus far we have not addressed the issue of popular support for any government involved in short-term coercive interventions or in long-term supportive intervention. We will only touch briefly upon two aspects. First a majority of the population may want to see its government intervene to stop a genocide which

67. Richard P. Cincotta, Robert Engelman and Daniele Anastasion, *The Security Demographic – Population and Civil Conflict After the Cold War*. (Washington D. C.: Population Action International, 2003).

68. The so-called Brahimi Report is illuminating: United Nations (Brahimi Report), *Report of the Panel on United Nations Peace Operations* (A/53/305-S2000/809). (accessed 15 June, 2004)

the government will not. Second, a government may want to invest heavily in long-term supportive interventions but it will not get the support because of the internal economic conditions. In other words, both the capacity and the willingness to act may depend on both popular support and the lack thereof. One could put it that way: democracies trying to democratise the world may well fail because they are democracies. Again, the legitimacy of prevention may suffer, the vision that goes with it remain just that: a Kantian dream of a peaceful world society.

Prevention: Organised Hypocrisy or a Viable Strategy for World Order?

Sovereignty, as a central institution of the international system, presupposes functioning territorial states integrated both internally as well as externally. Prevention is a kind of blueprint for building the new world order intended to reduce if not to eliminate the use of collective violence both within and between states. As we have tried to show this requires a reinterpretation of sovereignty in particular by establishing the linkage between internal and external sovereignty. At the core is not only the obligation of states to abstain from the use of force between them but also to abstain from using it against their citizens. This obligation of the former corresponds to basic rights of the latter which the strategy of prevention postulates as a generalised obligation of all states to act if the basic rights of a specific population are violated. The idea as such is appealing in that by redefining internal sovereignty in the terms of a collective obligation of all states to preserve it in a specific way necessarily leads to a qualification of the Westphalian sovereignty principle: non-intervention still holds as long as internal sovereignty prerogatives are not abused by the rulers. Consequently prevention intends to maintain or re-establish strong territorial states some of which have already collapsed. This envisaged change in terms of new legitimate state practices is hypocritical in Krasner's terms in that existing state practices are challenged. It is hypocritical if state practices relating to the different dimensions of sovereignty are considered to be static, that is unchangeable. If however state practices change, which has been the case throughout history, those states advocating new practices may be considered hypocrites because they reject the prevailing norms and principles. But one might better call them innovators. Short and long-term prevention in combination with coercive and supportive intervention does indeed represent, at least at the conceptual level, such an innovation if, as we have shown, that strategy actually becomes common state practice, and thus legitimate.

In the abstract these expectations are plausible. In the remainder we can but offer a few speculative theoretical arguments as to why this highly appraised strategy of establishing or re-establishing international order runs the risk of becoming a kind of real organised hypocrisy. We would go even further by arguing that under the present conditions prevention may become even the catalyst for a new polarisation in the international system. Immediately after 1990 there seemed to emerge the necessary consensus among the major powers in the Security Council of the United Nations that they have a collective responsibility to intervene in war-torn countries in which consensus has broken down. The misnomer 'war on terror', coined after the murderous attack on the World

Trade Center in New York, reflects this change. It is not a war but a mobilising label. That war has become the central issue for the United States. But not only the last military superpower but also others like the United Kingdom have made of the fight against terrorism the unifying focal point of their security strategies of which prevention is the constitutive component.

Whereas a consensus prevails that the fight against terrorism is central today, that consensus evaporates quickly once it comes to agreeing who and where the terrorists are. These conflicting interpretations will have different consequences for action. But even if there is agreement as to the danger represented by specific groups or specific states there is an additional source of potential disagreement about the means to be employed. The fight against terror has indeed revealed disagreement on both counts. The potential for a new kind of polarisation in the international system is very likely between those willing to fight evil and those who will not. Short-term coercive intervention is therefore likely to be blocked at the level of the United Nations Security Council which in turn provokes unilateralism by either one or a few countries. This is then the best way to discredit prevention as a strategy in general, short term coercive intervention and long-term supportive intervention in particular. This may indeed justify in part the conclusion that prevention used as a means to pursue individual national security interests lacking support and legitimacy may indeed be hypocritical as the overall vision embedded in the strategy of prevention is at best subsumed under specific national interests.

But a more general argument can be made as well as to why prevention may be hypocritical for two reasons. First of all, even disregarding the fact that only a limited number of states have the means to intervene militarily in the short term, the capacity to do so is relatively small compared to the violent conflicts where intervention would be justified. But not only may the limited resources prevent states from intervening but also rational calculations as to the probability of success. This is, among others, stressed by the authors of the Barcelona Report elaborating the European Security Strategy. Even though individual rationality may suggest a policy of long-term prevention such an approach is unlikely to be sustained if implemented at all. Second, even if such a strategy is chosen, it may produce the perverse effect of nurturing rather than mitigating conflict in the states where such a policy is practiced (Iraq is telling in this regard). Third, the states themselves are responsible for the root causes of instability and fragmentation. At the same time there is neither consensus with respect to the vision of preferred order nor do the states have the capacity required, even if they were willing, to work towards a world order where collective violence within and between states is absent.

What is feasible, however, is a selective short-term approach of prevention whether legitimised or not. Some states may be willing to intervene militarily, some may also consider this type of prevention as legitimate but it seems likely that it will be evaluated according to the political power needs. The new monitoring coming from the international public sphere, public opinion, media and NGOs may contain these risks and reconstruct the prevention policy by reducing the pressure of the dilemmas. But the expectations linked to a world order, in which such a broad based approach to prevention seems to be futile. These expectations are likely to be deceived: lacking the universal acceptance of the norm of intervention, lacking the capacity for prevention, and finally lacking the willingness

to intervene based on normative considerations alone the end result is that prevention may turn out to be just another unintended form of organised hypocrisy.

The willingness and capacity to invest in war-torn, weak or failed states are definitely limited. This means that prevention as a strategy can only be pursued on a selective basis which may indeed reinforce new lines of polarisation among those who profit from that strategy and those who do not. And it seems not out of reach that by the same token the UN will further be weakened. Quite a different matter is whether our knowledge base is sufficiently solid to allow for the design of a predictable outcome of programmes designed to contribute to good governance, a functioning economy, an integrated social system and a stable polity in the long run. Due to this necessary selectivity the final result may indeed be to discredit the very concept itself. In that sense one could speak of prevention as organised hypocrisy unless it can be shown that it is actually a working type of collective security system intended to bring about eternal internal and external peace in the international system. We fear that such a strategy is not sustainable.