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Maintaining World Order through Regimes of State-Building Intervention – A Model for Analysis

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Contents

Abstract

This paper proposes a new analytical framework for a comprehensive and comparative study of international interventions by proposing a dynamic regime model of state-building interventions. Its aim is to outline a way to close certain gaps in the debate on interventions, particularly the fractured nature of many "lessons learned" and the neglect of intervention processes. In its first part, the paper explores the need for such a model in the context of our changing world order since the end of the Cold War. In its second part, the paper suggests that state-building interventions provide a useful new focus for the academic and political debate on international interventions. In its third part, the paper outlines a new analytical framework grounded in regime analysis. This new analytical framework not only includes a dynamic regime model which builds on pervious PIN research, but also proposes the concept of intervention capacity.

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About the Author

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Maintaining World Order through Regimes of State-Building Intervention – A Model for Analysis

Christian Dorsch

1. Introduction

> "*We will actively work to bring the hope of democracy, development, free markets, and free trade to every corner of the world. The events of September 11, 2001, taught us that weak states, like Afghanistan, can pose a great danger to our national interests as strong states.*"
>
> – U.S. President George W. Bush in 2002[1]

International intervention has become a core problem of world politics today. The above given statement by U.S. President Bush highlights the (renewed) impact of the question of intervention on the United States, the most powerful state of the world, whose political scene is currently preoccupied with the U.S.-led intervention in Iraq. It also shows the realization by a larger group of decision-makers that intervention is not only a question of primarily humanitarian concern, as some tried to put it in the current past, but touches on a wider range of interests, ideas and values. Today, because of so many forms of global interdependence, national interests cannot be defined without due consideration to what happens inside other states. This consciousness is complemented by other insights. Iraq was a military invasion that turned into a complex state-building intervention because its success could not be based on military strategy alone. Like all previous interventions after the end of the Cold War, Iraq has shown that international intervention has increasingly turned into a more difficult and uncertain undertaking, which, because of its very nature, faces unique challenges of legitimacy and operational complexity.

The terrorist attacks of September 11, 2001, forced decision-makers and the public in industrialized countries to focus (again) on the fundamental question of the post-Cold War era: in what world do we live in? Now international terrorism and the proliferation of weapons of mass destruction shape not only the discourse on security but dominate much of the rest of the international agenda on an unprecedented level.[2] Interestingly enough though, this strong new focus

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[1] The White House (2002): *National Security Strategy of the United States of America*, Washington DC, published on 17 September 2002, Foreword by President George W. Bush; available electronically at: http://www.whitehouse.gov/nsc/nss.html.

[2] Opinion polls: *World Views 2002*, Chicago Council on Foreign Relations and German Marshall Fund of the United States, covering the United States, Great Britain, France, Germany, Italy, Poland and the Netherlands, available at: http://www.worldviews.org/. For more recent

has just reinforced the need to answer the above given question. This is because international terrorism and the proliferation of weapons of mass destruction are closely connected to another question that has featured prominently on the international agenda since the end of the Cold War: what should the international community do with weak or failed states (plagued by internal violent conflict) and rogue states (governed by authoritarian regimes who threaten the security and values of the international community)? International intervention has increasingly become the preferred answer to this question.

This paper wants to explain the political nature of the most difficult contemporary international intervention, intervention aimed at state-building, and suggest a new analytical answer on the challenges it poses to scholars and policy-makers. Today, we still conceptualize the state as the principal unit for providing order in the world we live in. This is why weak, failed and rogue states pose an important challenge and why most current interventions focus in one way or another on state-building, which means on establishing or reconstructing a state with sovereign rights and duties as defined by the international community. This often requires authors of intervention to assume direct authority in other societies, to an extent unparalleled since the end of colonialism and the ideological struggle of the Cold War. These latter political associations and the current universality of the legal norm of state sovereignty, that means the full political independence of a state from outside authorities unless it has voluntarily consented to accept them, pose a political and moral dilemma for authors of intervention. They have to come up with an answer on how they want to reconcile their undertaking with the peoples' right to self-determination and the norm of state sovereignty, which is supposed to secure international order, the very some goal that the authors eventually have to claim as the legitimate basis of their state-building intervention.

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examples, which already show some changes, see: The Chicago Council on Foreign Relations' Global Views 2004 poll , covering the United States, Mexico and South Korea, available at: http://www.ccfr.org/globalviews2004/index.htm.

In this sense, it should have become clear that providing an answer to the question "who will intervene where, when, how and for what purpose?", will reveal much about the world we live in today. Who is the international community if there is any? How does it decide what is a weak or failed state and what is a rogue state? What are the sovereign rights and duties that are currently attributed to a state? Who holds or claims political authority (legitimacy) and control (power) in the world we live in? Often values and power are treated separately in world politics, but only when they are treated as intertwined, we truly know in which order we live in.[3] Power is not used as a means in itself but to achieve certain goals that are derived from ideas and values, while values that are not backed up by power can hardly provide order when challenged.

Unfortunately, the debate on international intervention has produced much confusion so far, because it had largely focused on the policies for intervention that different schools of political philosophy prescribe or on fragmented analyses of the "lessons learned". I am convinced that who will intervene where, when, how and for what purpose, is an inherently political question that will be decided differently from case to case, not the least because it will depend on the perceptions, values and beliefs of those persons who have the authority and power to order an intervention on behalf of the state or organization they lead.[4] Thus, a general theory of international interventions is of little use and other scholars have failed to produce a generally accepted one. What is more useful is to produce generalizations on the political challenge that current interventions pose to decision-makers and analysts alike. Analysts have called for coherent

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[3] This is analogous to politics in any concrete organized human entity, for example the state. It is worth noting that a similar argument was presented in an original way in Philip Bobbitt (2002): *The Shield of Achilles. War, Peace, and the Course of History*, New York. He argues that on the international level (military) power (he calls it 'strategy') and values ('law') have to be treated intertwined to understand the international order we live in.

[4] For similar arguments, see: Jon Western (2004): Doctrinal Divisions. The Politics of US Military Interventions, in: *Harvard International Review* 26, Spring 2004, pp. 46-50; Karen A. Feste (2003): *Intervention. Shaping the Global Order*, Westport CT (analysing U.S. intervention policies); and Bill McSweeny (1999): *Security, Identity and Interests. A Sociology of International Relations*, Cambridge, especially his chapter 11: Conclusion: Security and moral choice, pp. 198-219 .

intervention strategies, admitting at the same time that any intervention is a product of political negotiation and compromise.

If any intervention is the result of political negotiation and compromise, we should not focus so much on when and how they ought to take place, but the processes that make them happen or not and that lead them to success or failure. I want to argue that if we analyze in a coherent and comprehensive way the political decision-making processes of past international interventions, we can learn a lot more about where the debate on international interventions is leading us and how future international interventions might look like. This can also serve as basis for policy advice to decision-makers and provide additional insights for analysts on what constitutes our current world order. As a result, I want to propose a model of analysis of international interventions for state-building that will be able to produce such useful generalizations on the political processes that are behind interventions. In order to accomplish this, I organized this paper into three respective main parts.

In the first part, I will outline the contemporary context of international intervention. I will argue that despite claims to the contrary, the state has remained the most important concept in world politics, but its terms of reference have changed. In our globalized world, the state has to cope with an extended security concept (human security) that has repercussions on its sovereignty (sovereign responsibility). All this is related to the context of our post-Cold War global order with its changed power and value structure.

In the second part of the paper, I want to show which type of intervention matters most in our post-Cold War order and discuss briefly the analytical debate on international intervention and its gaps. Analysts have produced valuable studies of past interventions and we can build on them. But we still lack a coherent comparative analysis of the political processes behind interventions, in which, as I will argue, the interplay between ideas, interests and power is fundamental. While international intervention aimed at state-building promises to be the most effective and ultimate tool to address the many problems we face in this order, its very nature poses a major challenge to any

policy-maker. I will present a definition of state-building interventions to determine a list of relevant cases on which the analysis can be based. An analysis of the political processes of negotiation promises to show how these factors have interacted and influenced the decisions of policy-makers since the end of the Cold War.

The third part contains the analytical framework I propose. I will argue that such interventions fit the definition of international regimes, which are generally defined as "sets of implicit and explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations."[5] This allows me to adopt a model for regime analysis as it has been developed by the scholars of the "Processes of International Negotiation" (PIN) project at the International Institute of Applied Systems Analysis (IIASA).[6] Through its systemic focus on the evolutionary nature of regimes, we can use the model to analyze the structures and processes of past interventions. If we cross this analysis with one of what I want to call "intervention capacity", that means the legal (international law), conceptual (various general reports and policy documents on the topic) and physical (resources and personnel) framework of intervention as it developed on different levels since the end of the Cold War, we should be able to show which ideas, values, interests and powers shaped the decisions of relevant actors.

It should have become clear from what I have said so far, that my approach to the question of intervention is limited. Due to the nature of the topic, I will work primarily with theoretical concepts of the academic field of International Relations. As within any field of social science, I face the problem of ambiguous terms and concepts. This is why I have to be clear about my basic assumptions with which I frame the problem of intervention. But I do not want to base my argument on any grand theory. Instead, I aim to identify relevant ideas, things and events as they are commonly understood by experts and laypersons alike, adding analytical clarity where necessary and leaving ambiguity where possible.

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[5] Stephen D. Krasner (ed., 1983): *International Regimes*, Ithaca NY, p. 2.
[6] Betram I. Spector and I. William Zartman (eds., 2003): *Getting it done. Post-agreement Negotiation and International Regimes*, Washington DC.

In this respect, I will have to engage in some limited theory building, especially when I present the model for analysis of the processes of regimes of international state-building intervention, but I do not want to build any general theory on intervention.

2. World Order: The Context and Relevance of Intervention

The world we live in – the meaning of 'world order'

As already outlined in the introduction, intervention has become a core problem of world politics because it is related to world order. Indeed, as with any other concept, intervention has only meaning to us when we can place it in its proper context. Explaining this context will eventually allow me to narrow down the concept of intervention, because its common usage is far too broad for any useful analysis. The goal is to produce a definition of intervention that is not only more precise for the purpose of analysis but also relevant enough for the given context.

The context of intervention is provided by what I want to call 'world order', whose traditional name in the academic field of International Relations is 'international system' (or 'international order', respectively).[7] At times I might use both terms synonymously, applying to the latter a broader understanding than simply 'states-system'.[8] I give the term world order some preference not because it might have become somehow fashionable recently to use it again in public debate[9], but because it seems a more comprehensive term to refer to the

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[7] For similar discussion on what should be the term for the subject of the academic field of International Relations, 'international relations' or 'world politics', see John Baylis and Steve Smith (eds., 2001): *The Globalization of World Politics. An Introduction to International Relations*, Oxford 2nd edition, pp. 2-3. For a general discussion of the concept of order in world politics, see Ian Clark (2001): Globalization and the Post-Cold War Order, in: Baylis and Smith (eds., 2001), pp. 634-648. For a discussion of 'world order' as an approach to world politics, see Richard Falk (1987): *The Promise of World Order. Essays in Normative International Relations*, Philadelphia PA. As will become clear in this article, I do not intend to follow the normative approach of this perspective but use 'world order' as an overarching concept that tries to capture how persons, ideas and things are related to each other on a global scale.

[8] In its broader sense it is used for example by: Barry Buzan and Richard Little (2000): *International Systems in World History. Remaking the Study of International Relations*, Oxford.

[9] For three recent examples, see: Robert Kagan (2003): *Of Paradise and Power. America and Europe in the New World Order*, New York NY; Francis Fukuyama (2004): *State Building. Governance and World Order in the Twenty-First Century*, Ithaca NY, or Anne-Marie Slaughter (2004): *A New World Order*, Princeton NJ.

way in which people and things are arranged in relation to each other on a global scale.[10] The problem with the term 'international' is that it often implies to refer to relations between nation-states alone, a pitfall that I want to avoid. This is also the reason why I do not apply the similar term 'international society'.[11] Sometimes I will refer to the term 'international community', another similar term, but it implies more intimacy in the sense of shared values between actors in global affairs and for this reason I will only use it where it is appropriate in this sense.[12]

An important aspect of the term 'world order' is that it implies the absence of chaos in our global affairs and thus makes it easier for laypersons to understand the meaning of 'international anarchy', which is such an important concept for scholars. International Relations scholars commonly assume that we live in an anarchical international system, meaning that the highest political authority in world politics lies with the nation-state, or better those who act on its behalf. Thus, international anarchy does not mean global chaos but the absence of a world government.[13]

This usefulness of the term world order for non-scholars already hints at another advantage; the term allows me to keep some theoretical pluralism in my discussion of the context of international intervention, because it can incorporate assumptions of the traditional mainstream 'structural-realist' and the

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[10] See Clark (2001), p. 637, who describes 'world order' as "this is a wider category of order than the 'international'. It takes as its units of order not states, but individual human beings and assesses the degree of order on the basis of the delivery of certain kinds of goods (be it security, human rights, basic needs for justice) for humanity as a whole." I understand 'world order' as spanning all levels of analysis, not only the individual one, although I agree that its ultimate and most basic level is the human being.

[11] Most famously articulated in Hedley Bull (1977): *The Anarchical Society. A Study of Order in World Politics*, London.

[12] For a detailed discussion of the term in the context of modern international law and United Nations practice, see Don Greig (2002): 'International Community', 'Interdependence' and All That … Rhetorical Correctness?, in: Gerard Kreijen (ed., 2002): *State, Sovereignty, and International Governance*, Oxford, pp. 521-603.

[13] For a discussion of the concepts of anarchy and government, see Helen Milner (1991): The Assumption of Anarchy in International Relations Theory: A Critique, in: *Review of International Studies* 17, pp. 67-85.

'idealist' approaches to world politics.[14] Thus, as I have already stressed in the introduction, world order should be understood as a result of the interplay between power and values.[15] In this sense, I am in agreement with the so-called 'constructivist' approach in International Relations, although I do not want to share the extent of its statism (i.e. to treat the state itself as a unitary actor in international relations).[16] But by no means do I want to deny the importance of the state as a practical and analytical concept in the mind of scholars, politicians and the general public – on the contrary! This will be explained in more detail below but let us first turn to the more practical meaning of world order.

After the end of the Cold War, the term world order became famous, later notorious for a while, when U.S. President George H.W. Bush used it to mobilize support for the preparations of a U.S.-led international intervention to end the occupation of Kuwait, which had been invaded and occupied by Iraq in August 1990.[17] In his State of the Union Address on January 29, 1991, he declared to the American people with respect to the intervention:

> "*What is at stake is more than one small country, it is a big idea – a new world order, where diverse nations are drawn together in common cause to achieve the universal aspirations of mankind: peace and security, freedom, and the rule of law. […] The world can therefore seize this opportunity to fulfil the long-held promise of a new world order – where brutality will go unrewarded, and aggression will meet collective resistance. Yes, the United States bears a major share of leadership in this effort.*"[18]

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[14] Cf. Charles Kegley (ed., 1995): *Controversies in International Relations Theory: Realism and the Neoliberal Challenge*, New York NY, and Stephen Walt (1998): International Relations: One World, Many Theories, in: *Foreign Policy* 110, pp. 29-46.

[15] In terms of IR theory, I think the term world order can include great power configurations (bilateral-multilateral-unilateral), which is the focus of realists, norms and rules of international institutions (organizations and regimes), which is the focus of neoliberal institutionalists, and the interplay between social and individual norms, values and beliefs, which is the focus of constructivists. I already stated above my preference for the latter of the three, but that does not mean, that the first two factors do not play a role in explaining decision-making of leaders (as we will see later on, regime theory can incorporate all three approaches).

[16] Initially proposed in: Alexander Wendt (1992): Anarchy is what States Make of it. The Social Construction of Power Politics, in: *International Organization* 46, pp. 391-425, and elaborated in more detail in: Alexander Wendt (1999): *Social Theory of International Politics*, Cambridge.

[17] He used it for the first time in a speech to the U.S. Congress on September 11, 1990, mentioning the creation of a "new world order" as his fifth objective in rejecting the aggression of Iraq against Kuwait.

[18] The full text is available electronically at the *American Presidency Project* of the University of California at Santa Barbara: http://www.presidency.ucsb.edu/site/docs/doc_sou.php?doc=835.

As a consequence, a public debate on this term started.[19] Bush's reference to nation-states ("diverse nations") and interstate aggression did not paint the full picture of what his invoked new world order had to cope with. Obviously he had outlined a primarily political-legal 'new world order' centered on the concept of the traditional nation-state, neglecting or subsuming other areas that would soon rise to prominence, like the economy, culture and the environment. It was pointed out that his envisioned new order was supposed to rest on four main principles which were in conflict with each other: state sovereignty, self-determination of peoples, constitutional and democratic governments in each state, and the universal protection of human rights (as became clear later, the establishment of a free market should be added as a fifth principle and sustainable development could be added as a sixth).[20] A main problem was that obviously the existing nation-state concept could not accommodate all political-legal principles at the same time and that there was no authority beyond the nation-state that could adjudicate between them (given the limitations of international law and international organizations). This soon became obvious when violent nationalist and ethnic conflict erupted around the world on an unprecedented scale since the end of the Second World War. Some then termed the new era sarcastically the 'new world disorder'.[21]

In sum, there was little doubt that the order of the Cold War era was over, but there was much uncertainty about what had replaced it.[22] This uncertainty is

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[19] For a very critical account refusing the notion 'new world order' because there is no real difference to the economic imperialism of the 'old world order', see Noam Chomsky (1996): *World Orders Old and New*, New York.

[20] Cf. e.g. Stanley Hoffmann (1992): Delusions of World Order, in: *The New York Review of Books*, April 9, 1992, p. 37, Michael Barnett (1997): Bringing in the New World Order. Liberalism, Legitimacy, and the New World Order, in: *World Politics* 49, pp. 526-551, and Roland Paris (1997): Peacebuilding and the Limits of Liberal Internationalism, in: *International Security* 22, pp. 54-89.

[21] See for example: James Joyce (1998): New World Disorder, in: *The New York Review of Books*, December 17, 1998, reviewing George H.W. Bush and Brent Scowcroft (1998): *A World Transformed*, New York NY. Jonathan Goodhand and David Hulme (1999): From Wars to Complex Emergencies. Understanding Conflict and Peace-Building in the New World Disorder, in: *Third World Quarterly* 20, pp. 13-26.

[22] Bobbitt (2002), calls the end of the Cold War the end of the 'Long War' (1914-89), an idea and term that was inspired by the British historian Eric Hobsbawm, who had called the 20th century the 'short century', see Eric Hobsbawm (1994): *Age of Extremes. The Short Twentieth*

reflected in the label that we have attached to our times by referring to it as the 'post-Cold War era' – although it can now be argued to have a contender/successor in the term 'war on terror'.[23] Thus, the term world order came somehow out of fashion because of the many instances of disorder that were observable.

'Globalization' became the new buzzword for the more general public as well as scholars and politicians.[24] Globalization was largely seen as covering the economic, social and environmental domains of world politics, less the political-military one.[25] The growing power of many transnational and non-state organizations and the corresponding relative decline of state power in those areas that were usually perceived as being affected by globalization raised serious doubts with many people about the legitimacy of the political processes in these areas. To provide an answer to these challenges, some scholars and politicians turned to the concept and project of 'global governance'.[26] Others withdrew to their Cold War concepts centered on 'national security', which by definition was an exclusive domain of the state, while the rest was left to the 'forces' of globalization and the market.[27]

It is said that the terrorist attacks in the United States of America on September 11, 2001, have changed our world and this holds much truth in

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Century 1914-91, London. This is also in line with Francis Fukuyama's understanding of his 'the end of history' argument, see Francis Fukuyama (1992): *The End of History and the last Man*, London. The underlying idea was that an era of intense conflict had come to an end and shown that the power of economic markets would make liberal democracy prevail over all other forms of government.

[23] For brief discussions of the term, see Lawrence Freedman (2002): A New Type of War, in: Ken Booth and Tim Dunne (eds., 2002): *Worlds in Collision. Terror and the Future of Global Order*, Houndmills, pp. 37-47, and Immanuel Wallerstein (2002): Mr. Bush's War on Terrorism: How Certain is the Outcome?, in: Booth and Dunne (eds., 2002), pp. 95-100.

[24] For comprehensive discussions of globalization, see David Held and Anthony Mc Grew (2003): *Global Transformations Reader. An Introduction to the Globalization Debate*, Cambridge 2nd edition, and Eleonore Kofman and Gillian Youngs (2001): *Globalization. Theory and Practice*, London 2nd edition.

[25] For an analysis of the impact of globalization on the military and warfare, see Mary Kaldor (1999): *New and Old Wars. Organized Violence in a Global Era*, Cambridge.

[26] For early influential works, see Commission on Global Governance (1995): *Our Global Neighborhood. The Report of the Commission on Global Governance*, Oxford, and James N. Rosenau and Ernst-Otto Czempiel (eds., 1992): *Governance without government. Order and change in world politics*, Cambridge.

[27] A strong critique of this reaction from a security perspective is presented in: Paul Rogers (2000): *Losing Control. Global Security in the Twenty-first Century*, London.

many ways, but from a medium-term perspective it makes more sense to see the attacks as a catalyst event that has highlighted changes in our world order since the end of the Cold War. Now observers of globalization and proponents of global governance and national security have all joined again to ask the central question: what is the order of the world we live in today? On what power and values does it rest? Who are the relevant actors in it?[28]

This is such a complex question, that even a broad concept like globalization and a holistic approach like 'global governance' have not been able to give any conclusive answers.[29] Indeed, it seems that to most observers the world has become too complex to comprehend. Of course, in general, this is no new development. Our world has always been complex, not the least because a lot depends on the concepts and ideas we use to understand it. To make things worse, recently a lot of our traditional concepts have been challenged by developments linked to globalization. But there is a common tool available through which we can introduce greater clarity into any effort to understand our world: we can adopt a certain perspective that tells us which issues matter and observe the relevant behavior of actors in it. This is the common mode of operation of most social science disciplines and is usually called issue-areas and levels of analysis.[30] A number of prominent issue-areas can be identified as the discussion of the practical meaning of new world order has shown. On a more general level, they can be listed as follows: military, political, economic, socio-cultural and environmental. As levels of analysis, one can distinguish primarily between the global system (here: world order), the social (organized groups of individuals) and the individual level.[31]

For a political scientist, especially one interested in world politics and world order, the most important unit of analysis on the social level is the state. This is not only because the state is supposed to embody the highest political authority

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[28] See for example: Booth and Dunne (eds., 2002).
[29] Clark (2001) and see supranote 24.
[30] Cf. Peter Willets (2001): *Transnational Actors and International Organizations in Global Politics*, in Baylis and Smith (eds., 2001), pp. 356-383 (he calls issue-areas policy domains in the context of world politics), and Buzan and Little (2000).
[31] This selection is of course biased by the International Relations background of this paper. Cf. Buzan and Little (2000), pp. 68-77.

in our world but also because the activities of the state span to varying degrees over all the relevant issue areas that have been listed above. This is also very much in line with how most ordinary people would look at the state and its relevance in our world. Thus, if we want to understand the world we live in today, we can reasonably focus on the role of the state in this world (without treating it necessarily as a unitary actor, but more as a basic political concept).[32] Below I will discuss the role of the state, which will finally allow me to turn to the question what kind of international intervention matters today and why.

The Continuing Reliance on the State for Projecting World Order

Despite increased global interdependence and the rise of new concepts and transnational actors, the state has remained the dominant concept through which we humans project order among ourselves, irrespective of the various degrees of realization of the state concept in different parts of the world. Of course, the continuing importance of the state does not seem that surprising, given that we still primarily think of our world as a system of states. Usually each of us relates to at least one of these states (in a positive or negative way) and is the citizen of one or more of them. But we have to keep in mind that the state has never been a static concept. It can be argued therefore that it is likely that the state will continue to remain central to our world order despite claims to the contrary.[33] This is not to say that our modern state cannot be complemented or eventually replaced by other concepts, but it remains to be seen how much these would resemble entities throughout history that we have tended to call states.[34]

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[32] For a similar argument, see Clark (2001), p. 645-647.

[33] On the declining importance of the state, see e.g. Martin van Creveld (1999): *The Rise and Decline of the State*, Cambridge. The question of whether the state is in decline is obviously a matter of the definition of the state that one employs. Compare van Creveld's conclusion on the state throughout history with the discussion that I present: "The latter [the modern nation-state] is merely one of the forms which, historically speaking, the organization of government has assumed, and which accordingly, need not be considered eternal and self-evident any more than were previous ones.", p. 415.

[34] Cf. for example Anne-Marie Slaughter's vision of a New World Order in Slaughter (2004). Following the global governance concept, she argues for not seeing the world as being ordered

A major problem in the debate on the relevance of the state is that although the state is an important social reality in our daily lives and an important concept in social sciences, there is little agreement on what exactly a state is or should be. Therefore, I do not want to come up with a generally accepted definition but outline in what way the state matters today. The state we usually refer to today is a distinctively modern concept, less than five hundred years old. Nevertheless, we also tend to apply the term in common language to many political communities of pre-modern times. For the purpose of clarity, analysts often call the latter ones 'early states' or 'proto-states', to keep them distinct form the 'modern state'.[35]

While personal leadership has probably always existed, centralized formal leadership and political rule did not evolve before the emergence of larger societies more than ten thousand years ago.[36] Political analysts who have looked at the state in historical perspective have defined it in an abstract way as "any form of post-kinship, territorially based, politically centralized self-government entity capable of generating an inside/outside structure. This broad category contains several different historical types".[37] Of course, the concept of a politically centralized government is inseparably linked to the concept of the state. For this reason we have to ask what government means. Government usually refers to a system of rule and control with authority over a certain territory. As we will see below, its authority today is primarily based on laws (the nation-state also invokes nationalism and other grounds of legitimacy, like social welfare).

Although philosophers, historians, anthropologists and political analysts have proposed many theories that tried to explain why the first states emerged, we

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through unitary nation-states but governance networks of experts (with a prominent role for government officials).

[35] Cf. the use of these terms by van Creveld (1999), and Buzan and Little (2000).

[36] For a general but comprehensive discussion of how human societies have organized themselves, see Jared Diamond (1999): *Guns, Germs, and Steel: The Fates of Human Societies*, New York NY, pp. 265-292. He comes up with a simple classification of how human societies evolved. He distinguishes bands, tribes, chiefdoms and states. Diamond himself points out that this is an oversimplification and that many societies moved on a spectrum between these four types, especially the latter three. In this sense, his classification consists of 'ideal-types' in the Weberian sense.

still know little for certain on this point.[38] Probably each case of state formation was a combination of some of the factors that different theories suggest, because no theory can explain all historic cases of state formation. Population growth must count as a major factor in the evolution of a central government because kinship ties could not provide an effective order for the increased interactions among strangers who were not related by blood or adoption. This created in a sense a public sphere that had not existed before and the related new complexity and uncertainty in human interactions favored communities that developed a hierarchical government to provide certain public goods, such as internal order and outside defense.

It has to be pointed out that for thousands of years, stateless societies and societies with different types of states coexisted in our world and this changed only rather recently.[39] Now almost the whole globe is formally split up into territorial entities called states.[40] It is important to stress the difference that is usually made between the pre-modern and the modern state, because it has implications on how we should look at the significance of intervention in our current world order. The distinction is not so much made in terms of strength or scope of the state but in terms of its legal status, both internally and externally.

In contrast to its predecessors, the modern state is commonly understood as having juridical sovereignty over a territory and its population. Juridical sovereignty means that a state claims that there exists no legal (and related political) authority that is above it and that it possesses a legal personality of its own in relation to other states, "which means that it has rights and duties and may engage in various activities as if it were a real, flesh-and-blood, living individual."[41] Indeed, a state itself can be authorized internationally only by other states through recognition of its sovereignty. Therefore, the state is being

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[37] Buzan and Little (2000), p. 442.
[38] For a brief discussion of some theories, see Diamond (1999), pp. 282-288.
[39] Buzan and Little (2000), p. 4.
[40] Except for large parts of the oceans, the continent of Antarctica and a few disputed post-colonial territories, like Western Sahara, Gaza and the West Bank.
[41] The quote is taken from van Creveld (1999), p. 1. The doctrine of sovereignty ('summa potestas') was for the first time explicitly formulated by Jean Bodin in his 1576 book "De

understood as an absolute abstract organization, which means that it is not seen as being identical with either rulers or ruled. As a further consequence, all other human organizations must be authorized by the state if they want to hold any rights within that state's territory. This logic applies to individuals, too, except in liberal state theory, where the sovereignty of the state is derived from its individual citizens. Along these lines, Max Weber's famous definition of the state provides an abstract analytical concept that we can work with. According to Weber, the main feature of the state is its claim of a monopoly on the legitimate (i.e. legal) use of physical force within a given territory.[42] In conclusion, it can be said that the enforcement powers based on legal independence within a given territory are the essence of the modern state.

This is our formal legal concept of the state today and the way it is enshrined in international law, the normative framework that is supposed to regulate the rights and obligations of states among each other. The Charter of the United Nations provides evident example of this formal legal understanding and is of special interest to us because it is sometimes called the "constitution of the international community".[43] Today, the United Nations has achieved universal membership, at least with respect to those states who enjoy full sovereign status.[44] For our discussion, the most relevant provisions of the United Nations Charter are:

Republica", cf. Robert Jennings (2002): Sovereignty and International Law, in: Kreijen (ed., 2002), pp. 27-44.

[42] Max Weber (1946): *From Max Weber. Essays in Sociology*, New York NY. Of course, one has to be aware that this is again one of Weber's ideal types and that 'legitimate use of physical force' refers to the 'legal use of physical force' in the context of Weber's work, because he identifies three types of legitimacy for social and political rule: tradition, charisma and rationality, the latter being linked to bureaucracy. The modern state rules through its bureaucracy, in which specialist civil servants apply rational laws, based on which they enforce the state's claim on the monopoly of the legitimate use of physical force. Further, the rule of the modern state is related to the increasing rationalization of social life and together both represent two key elements of what Weber identified as a process of modernisation (as such, starting from individualistic assumptions, Weber comes to structuralist and deterministic conclusions in his rationalization theory).

[43] For this argument, see Bardo Fassbender (1998): The United Nations Charter as Constitution of the International Community, in: *Columbia Journal of Transnational Law* 36, pp. 529-619. It also has a discussion of how one could argue that these principles and norms affected non-member states of the United Nations.

[44] There are a few state-like, self-governing territorial entities, which have some sovereign rights but do not have full sovereign status, like The Holy See (Vatican), Niue and the Cook Islands.

- "The Organization is based on the principle of the sovereign equality of all its Members [only states]." (Article 2, Paragraph 1)
- "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." (Article 2, Paragraph 4)
- "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII." (Article 2, Paragraph 7).[45]

This has of course important implications for our discussion because from the principle of sovereign equality follows a norm of non-intervention. Thus, nothing can be imposed on a state unless it has given its prior consent – except any enforcement action to maintain international peace and security within the United Nation's collective security system (the given reference to Chapter VII).[46] This leads us to the general meaning of state sovereignty as it is understood by traditional international lawyers: "sovereignty equals independence and consists of the bundle of competences which have not already been transferred through the exercise of independent consent to an international legal order."[47]

Again, one has to keep in mind that this global system of states is a historical phenomenon and that the modern sovereign nation-state system has gone through several evolutionary steps in the last five hundred years.[48] It is a popular myth among international lawyers and international relations scholars to

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There are other de facto states, like Taiwan (Republic of China, recognized by some states), Northern Cyprus (recognized by Turkey only) and Somaliland (recognized by no state), which might enjoy sovereign rights to varying degrees. There are also disputed post-colonial territories, such as Western Sahara and the Occupied Territories in Palestine.

[45] For a discussion of the historical and philosophical background and the subsequent and contemporary practice of interpretation, including its problems, see Bruno Simma (ed., 2002): *The Charter of the United Nations. A Commentary*, Oxford, 2nd edition, pp. 63-171.

[46] But it can be argued that the state has still given its prior consent to Chapter VII powers by being a party to the UN Charter. The given conclusion does of course exclude a consideration of the concepts of 'jus cogens' and 'erga omna' obligations. For a discussion of both, and their relevance for the notion 'international community', see Don Greig (2002).

[47] Anthony Carty (1997): *Sovereignty in International Law: A Concept of Eternal Return*, in: Laura Brace and John Hoffman (eds., 1997): *Reclaiming Sovereignty*, London, p. 101. This definition is of course reflecting a positivist perspective on international law.

[48] Cf. Bobitt (2002), van Creveld (1999), and Buzan and Little (2000).

assume that this state system was born when the European princes and monarchs mutually recognized their sovereign equality in the Peace of Westphalia in 1648, because the historical record shows that equal sovereignty has never been an absolute and static concept, neither legally nor empirically.[49] What is of interest for our considerations on world order is that there is now a truly global system which can provide world order, because ultimate power and legitimacy are attributed to one unit, the modern state, which covers basically the whole globe.[50] As pointed out above in the discussion of Bush's new world order, the problem is that this international state-system does neither provide a coherent nor hierarchical world order. As Stephen Krasner put it in his study of the crucial concept of sovereignty:

> "*The muddle in part reflects the fact that the term 'sovereignty' has been used in different ways, and in part it reveals the failure to recognize that the norms and rules of any international institutional system, including the sovereign state system, will have limited influence and always be subject to challenge because of logical contradictions (nonintervention versus promoting democracy, for instance), the absence of any institutional arrangement for authoritatively resolving conflicts (the definition of an international system), power asymmetries among principal actors, notably states, and the differing incentives confronting individual rulers. In the international environment actions will not tightly conform with any given set of norms regardless of which set is chosen. The justification for challenging specific norms may change over time but the challenge will be persistent.*"[51]

Before the 1990s, the deficiencies of the international state-system were often neglected because the Cold War and the decolonization movement caused most policy-makers and analysts to focus on the formal legal concept of the state, which was supplemented by a largely militarized security concept. Escalating interstate conflict between military forces with nuclear capabilities was seen as the biggest threat to international peace and security. Thus, norms of territorial integrity and sovereign equality offered a way to reduce the

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[49] Cf. Andreas Osiander (2001): Sovereignty, International Relations and the Westphalian Myth, in: *International Organization* 55, 251-288, Jennings (2002), especially pp. 31-33 and Stephen D. Krasner (1999): *Sovereignty. Organized Hypocrisy*, Princeton NJ.

[50] This is not to say that this state-system is not challenged by other human entities or ideas and ideologies.

[51] Krasner (1999), p. 3.

chances for international conflict between the nuclear powers. Limited military and other interventions by the two superpowers, the United States and the Soviet Union, were accepted as necessary exceptions to the nonintervention norm because they were seen as efforts to keep the balance of power between the two military blocs.[52] Parallel to the Cold War ran the decolonization movement, whose leaders also focused on the formal concept of legal sovereignty because it gave them international legitimacy without applying any other requirements but to interact with other states on the international level. It further allowed them to argue that every state was entitled to have its own socio-economic development policies and to oppose the norms of the dominant liberal international economic order based on free trade, which they saw as discriminatory.[53]

In conclusion, before the 1990s, a state was more or less equated with a government which could declare its ideological affiliation with one of the two superpowers or stress its neutrality; but how a state was governed internally was of secondary importance as long as it did not threaten to provoke a direct military confrontation between the two superpowers. In this sense, the Cold War seemed to provide a rather stable world order based on conflict and competition, nuclear deterrence and a balance of power.[54] Thus, the formal concept of the state focusing on the recognition of juridical sovereignty dominated in international relations, although it did hardly reflect the reality of world politics.[55] This made it possible to treat the state as a unitary actor represented through its government.

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[52] Cf. Adam Yarmolinsky (1968): American Foreign Policy and the Decision to Intervene, in: *Journal of International Affairs* 22, pp. 231-235, Karen A. Feste (1992): *Expanding the Frontiers. Superpower Intervention in the Cold War*, New York NY, and Robert S. Litwak and Samuel F. Wells, Jr. (eds., 1988): *Superpower Competition and Security in the Third World*, Cambridge.

[53] For a detailed discussion of the decolonization movement and its impact on states in the Third World, see Robert H. Jackson (1990): *Quasi-States. Sovereignty, International Relations and the Third World*, Cambridge. For a recent discussion focused on Africa, see Gerard Kreijen (2002): The Transformation of Sovereignty and African Independence: No Shortcuts to Statehood, in: Kreijen (ed., 2002), pp. 45-107.

[54] For general discussions of the Cold War superpower order, see Bull (1977) and Paul Keal (1983): *Unspoken Rules and Superpower Dominance*, London.

[55] For a more detailed discussion of this topic, see Michael Barnett (1995): The New United Nations Politics of Peace: From Juridical Sovereignty to Empirical Sovereignty, in: *Global Governance*, vol. 1, 1995, pp. 79-97. See also Krasner (1999).

In practice though, real states do not necessarily reflect this unitary image, which faces empirical problems. First, governments of states consist of different bureaucracies, often with different agendas in foreign policy, like the ministry of foreign affairs and the ministry of defence, and parliament often plays a role in making crucial decisions in democratic states.[56] Further, there have always been transnational actors within a state which actively influence or engage in world politics.[57] Finally, sovereign equality of states was often overruled by power differences between states. While states might have been supposed to have the same rights and obligations, history has shown that powerful states could claim special rights and request special obligations from other states.[58]

As already discussed above, the end of the Cold War coincided with the end of decolonization and to many it seemed the global state-system would be able to provide from now on a stable world order because the whole globe was covered by states, whose most effective form of government was, as many argued, liberal democracy. But as we have further seen, the focus of world politics soon shifted to intrastate wars in the 1990s and this put in doubt the state as a concept to provide world order, because some states obviously collapsed under internal conflict and outside states could not effectively help to prevent or end these internal conflicts.[59] The state was also put in doubt by policies based on neoliberal economic theory which stressed the market over the state and the technological and economic dynamics of globalization, which undermined the capacity of the state to deal with transnational actors. Thus, some doubts about the usefulness of the state to guarantee world order seemed appropriate.

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[56] Cf. Edward Rhodes (1994): Do Bureaucratic Politics Matter?, in: *World Politics* 47, pp. 1-41 (of course one can argue that it was Max Weber who first pointed at the role of the bureaucracy, see supranote 42).

[57] Cf. Thomas Risse-Kappen (ed., 1995): *Bringing Transnational Relations Back In: Non-State Actors, Domestic Structures, and International Institutions*, New York NY. Robert Putnam's concept of "two-level games" is one effort to systematically integrate transnational actors and domestic structures into rationalist IR theory. See Peter Evans, Harold Jacobson and Robert Putnam (eds., 1993): *Double-Edged Diplomacy: International Bargaining and Domestic Politics*, Berkeley CA.

[58] Gerry Simpson (2004): *Great Powers and Outlaw States. Unequal Sovereigns in the International Legal Order*, Cambridge.

But the state has seen a kind of a comeback in the last years because of a lack of viable legitimate alternatives for projecting world order.[60] It was recognized that markets alone cannot effectively function without the state providing them with a stable framework of law and order. In the late 1990s, economic leaders and analysts came to the conclusion that "institutions matter". Thus, economists have taken a new look at states' capacity to provide these institutions.[61] It was further understood that one of the biggest sources of global political instability and insecurity were weak, failed and rogue states.[62] The failure of some states to provide the most basic order internally had negative effects on the security of neighboring and far-away states (to name only three related aspects: refugee flows, terrorism and the proliferation of weapons of mass destruction). Thus, based on notions of interdependence, the traditional military security concept was broadened in the last three decades to cope with new transnational threats and actors.[63] A prime example of this development was the debate on humanitarian interventions that started in the early 1990s and the fight against global terrorism. It has thus become the 'new conventional

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[59] Cf. I. William Zartman (ed., 1995): *Collapsed States. The Disintegration and Restoration of Legitimate Authority*, Boulder CO.

[60] Alfred van Staden and Hans Vollaard (2002): The Erosion of State Sovereignty: Towards a Post-territorial World?, in Kreijen (ed., 2002), pp. 165-184.

[61] See e.g. World Bank (1997): *The State in a Changing World*, Oxford.

[62] On the term "failed states", see Gerald B. Helman and Steven Ratner (1992): Saving Failed States, in: *Foreign Policy* No. 89 (1992/1993), pp. 3-20. The term "rogue states" was introduced into the international public debate by the government of the United States, who also has primarily used it. The term has remained controversial (U.S. President George W. Bush's term 'axis of evil' is obviously an offspring of this term). For the origin of the term, see Robert S. Litwak (2000): *Rogue States and U.S. Foreign Policy: Containment After the Cold War*, Baltimore MD.

[63] See e.g. International Commission on Intervention and State Sovereignty (2001): *The Responsibility to Protect*, Ottawa (hereafter: ICISS). The ICISS published a Report and a Supplementary Volume. This report can see itself in a long tradition of reports striking a similar tone on a broader concept of human security, cf. so-called Brandt Report 1980; Palme Report 1982; Brundtland Report 1987; and Commission on Global Governance (1995). This argument was also taken up by political analysts, most famously by Barry Buzan (1983): *People, States and Fear. The National Security Problem in International Relations*, Chapel Hill NC. Later the book saw a second extensively revised edition with a new subtitle (1991) *People, States and Fear. An Agenda for International Security Studies in the Post-Cold War Era*, Boulder CO.

wisdom', as Francis Fukuyama put it recently, that strong states and 'good governance' matter in our world.[64]

Political scientists think that the institutions that constitute a strong state can be created based on internal demand generated by large parts of the population, or at least parts of the elite, or based on external involvement. The first option often arises in the context of crises or extraordinary circumstances, while the second option usually takes the form of conditional foreign assistance or even direct intervention in the internal affairs of a state and its society.[65] The problem with the external involvement is that it might not be successful without internal demand and that we simply cannot transfer institutions and knowledge that work in one place to another place that has a different cultural and historical background.[66] Or as Fukyuma expressed it, "Formal rules can be readily changed as a matter of public policy; cultural rules cannot, and while they chance over time, it is much harder to direct their development."[67] This problem is of course aggravated in weak, failed or rogue states because either the state cannot or does not want to create an internal culture that promotes security for its own people and other people around the world. In those states, even indirect and passive intervention like conditional foreign assistance and sanctions, not to mention other traditional modes of diplomatic influence, often seem to be a bad tool to bring about change.

For all these reasons, direct active intervention has often become a preferred instrument in world politics and authors of intervention are required to assume direct authority in other societies, to an extent unparalleled since the end of colonialism and the ideological struggle of the Cold War. These latter two political associations and the current universality of the principle of state sovereignty pose a political and moral dilemma for authors of intervention. The

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[64] Fukuyama (2004), pp. 28-29. For a critical account of these developments from a postcolonial perspective, see Antony Anghie (2000): Civilization and Commerce. The Concept of 'Governance' in Historical Perspective, in: *Villanova Law Review* 45, pp. 887-911.
[65] Cf. Fukuyama (2004), pp. 43-57.
[66] Cf. Michael Woolcock and Lant Prichett (2002): *Solutions When the Solution is the Problem. Arraying the Disarray in Development*, Washington, DC.
[67] Fukuyama (2004), p. 39. This of course is in line with the constructivist approach and my argument that both power and values (read 'culture') matter.

authors have to come up with an answer on how they want to reconcile their undertaking with the peoples' right to self-determination and the principle of state sovereignty – which is supposed to secure world order, the very some goal that the authors eventually have to claim as the legitimate basis of their state-building intervention.

We can thus conclude that the state has long been an important concept in human history to project order in our world, especially since the modern state with its claim of the monopoly of the legal use of physical force within a given territory emerged and spread around the globe. But as so many times in history, its terms of reference have changed. Now it increasingly matters how a state is governed internally because it can threaten not only the security of its own people but that of other states as well. It is argued that a stable and more secure world order requires strong states, at least with respect to some core state functions. State-building, the "creation of new government institutions and the strengthening of existing ones"[68], became one of the key issues in world politics. We have to evaluate the question of international intervention against this background and I will show below that since the end of the Cold War most interventions aimed in one way or another at state-building.

3. The Debate on Intervention: The Need to Focus on State-Building

The Gaps in the Debate on International Intervention

After the end of the Cold War, intervention became one of the key topics of world politics, as it is reflected in the evergrowing literature on intervention and the debate on various ongoing, past or possible interventions. This should not be surprising because it should have become clear by now that providing an answer to the question "who will intervene where, when, how and for what purpose?" will reveal much about the world we live in today. Who is the international community if there is any? How does it decide what is a weak or failed state and what a rogue state? What are the sovereign rights and duties

[68] Ibid., p. ix. Karin von Hippel used a similar definition: "Nation-building, which really means state-building […], signifies an external effort to construct a government that may or may not be

that are currently attributed to a state? Who holds or claims political authority (legitimacy) and control (power) in the world we live in?

Below I want to outline the main events and the key points of the debate on intervention. I will argue that we still lack a coherent comparative analysis of the political processes underlying the interventions since the end of the Cold War. I will further argue that state-building intervention has become the most crucial and challenging form of intervention – in a sense it has also become the most common form of intervention and can be used as concept to understand international interventions in general in our post-Cold War era.

One main problem of international intervention is that it has always been intimately connected to the question of world order and that it has always been around in different forms. As one observer put it some thirty years ago, "Intervention has been a recurrent feature of the history of international politics. It has not, however, been a constant or unchanging phenomenon."[69] As a result, there is much confusion about what exactly constitutes an international intervention. For the moment, I do not intend to clarify the concept of intervention, this will follow later, but I want to show the reader how intervention has always been a feature in the history of the modern states-system.

As I stated above, despite the symbolic value of the Peace of Westphalia for the creation of a European states-system that was based on sovereign equality, there have of course always been differences between more powerful and weaker states.[70] While the Peace of Westphalia took away religion as a reason to go to war between Catholic and Protestant princes and states, states still had the sovereign right to go to war for other reasons (e.g. dynastic claims and territorial aggrandizement). This was even more so because the two Treaties of

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democratic but preferably is stable.", Karin von Hippel (2000): *Democracy by Force. US Military Intervention in the Post-Cold War World*, Cambridge, p. 10.

[69] Oran R. Young (1968): Intervention and International Systems, in: *Journal of International Affairs* 22, p. 178.

[70] The Peace of Westphalia consisted of two major treaties and a number of related treaties, the two major treaties were: the Treaty of Osnabrück between the Holy Roman Empire and Sweden, and the Treaty of Münster between the Holy Roman Empire and France and their respective confederates and allies. A related important agreement was that of the Peace Implementation Congress in Nürnberg 1649/50.

the Peace of Westphalia envisioned a first collective security system, declaring that "the peace concluded shall remain in force and that all parties to it 'shall be obliged to defend and protect every article of this peace against anyone, without distinction of religion'."[71] Although this collective security system was never implemented, it would remain a powerful idea and much reference would be made to it, including using it as a legitimate basis for intervention.

Along similar lines, later treaties made references to peace that could serve as justification for intervention. One famous example is the Peace of Utrecht in 1713, in which England, France and Spain acknowledged the "Maxim of securing for ever the universal Good and Quiet of Europe, by equal weight of Power, so that many being united in one, the Balance of the Equality desired, might not turn to the Advantage of one, and the Danger and Hazard of the Rest."[72] But the most famous treaties of this type were concluded around the time of the Vienna Congress at the end of the Napoleonic Wars.[73] They created a system of congresses between the Great Powers, the 'Concert of Europe', to secure peace.[74] The Concert was supplemented by the so-called 'Holy Alliance', which was an effort by the rulers of the conservative empires to preserve the old social order against the liberal ideas which had been spreading since the French Revolution.[75] The Alliance was based on a vague agreement

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[71] Leo Gross (1948): The Peace of Westphalia, 1648-1948, in: *The American Journal of International Law* 42, p. 24.

[72] In the letters patent that accompanied Article VI of the treaty. As quoted by Bobbitt (2002), p. 129.

[73] In the Secret Protocol at Langres of 29 January 1814, the four Allied Powers (Great Britain, Prussia, Russia and Austria) committed themselves to upholding the balance of power in the name of Europe forming a whole. This was later confirmed in the public Treaty of Chaumont of 10 March 1814 and the public First Treaty of Paris of 30 May 1814 (a series of seven treaties between France and its enemies, supplemented by secret articles drawn up by the four Allied Powers). Article 1 of the Langres Protocol read: "relations from whence a system of real and permanent Balance of Power in Europe is to be derived, shall be regulated at the Congress upon the principles determined upon the Allied Powers themselves". Quoted by Simpson (2004), p. 96. The Congress System was later joined by France as the fifth Great Power.

[74] The Second Treaty of Paris of 20 November 1815 provided in Article VI for the establishment of this Concert by stating the agreement of the four Allied Powers to "regularly, 'consider measures … the most salutary for the repose and prosperity of nations and for the maintenance of the peace in Europe'.", as quoted by Simpson (2004), p. 114. This was later reaffirmed at the Congress at Aix-La-Chapelle in 1818.

[75] The Alliance was created by a Treaty signed by Russia, Prussia and Austria on 26 September 1815. Eventually almost all European princes, except the English King (for constitutional reasons), the Pope and the Osman Sultan (for religious reasons), joined it.

that the European sovereigns should act in accordance with Christian principles. Like the Congress System, the Alliance eventually failed to provide peace and stability in Europe, but both arrangements allowed the Great Powers to conduct interventions in weaker states.

Thus, it can be claimed that there have always been tensions in the legal order of the European states-system at least since 1815, if not earlier, because the Great Powers would claim special rights and duties running contrary to the idea of sovereign equality. Even in those times during the 19th century when the European states seemed to respect each other's equal sovereignty, they could do so because they intervened and competed as colonial powers in non-European areas.[76] One analyst of the international legal order put it this way:

> "*These Great Powers occupy a position of authority within each of the legal regimes that has arisen since 1815. Sometimes these regimes are constructed around loose affiliations of interested Great Powers (the Vienna Congress), at other times the roles of the Great Powers is laid out in the detailed provisions of an originating document (the United Nations Charter). In each instance, these powers have policed the international order from a position of assumed cultural, material and legal superiority. A key prerogative of this position has been a right to intervene in the affairs of other states in order to promote some proclaimed community goal.*"[77]

Recalling our discussion on the modern state, we can conclude that the legal principle of sovereign equality only received its absolute character when it was combined with a general prohibition on the use of force in the United Nations Charter. The latter norm came up in the late 19th and early 20th century and was made the cornerstone of the United Nations Charter, resulting in the norm of nonintervention (article 2, paragraphs 4 and 7).[78] But as we have also already seen, the norm of nonintervention was never fully observed for political reasons during the Cold War, indeed, "The Cold War is largely a long and complicated intervention story."[79] Geopolitical and ideo-political reasons even affected the

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[76] Antony Anghie (1999): Finding the Perpheries. Sovereignty and Colonialism in the Nineteenth-Century International Law, in: *Harvard International Law Journal* 40, pp. 1-81.
[77] Simpson (2004), p. 5. I will return to the concept of an international legal regime later in this paper.
[78] See page 17 above.
[79] Feste (1992), p. 1.

decolonization movement and were used as justification by developing states to intervene among each other.[80] Thus, the end of the Cold War raised the question whether intervention would become less or more likely, now that the ideo-political superpower competition was gone.

Contrary to the Cold War, it is difficult to write a comprehensive and concluding history of the post-Cold War interventions yet. Even if one would accept September 11, 2001, as the date of a transition to a new era, the 'war on terror', many pre-September 11 interventions are still not concluded. Therefore one should be careful to treat September 11 as a hard point of transition and rather put it in a medium-term perspective, focusing on the continuities in our post-Cold War world. With the new unipolar international system, a debate started whether it would be a new empire, the United States, which would rule the world, or whether the world would finally form an international community represented and governed through the United Nations.[81] The U.S.-led multilateral intervention that repulsed the Iraqi aggression against Kuwait and U.S. President George H.W. Bush's related "new world order", were only the beginning of the debate. The subsequent failure of the United Nations and its individual member states, including its most capable one, the United States, to develop a coherent policy with respect to interventions, led to new regional and global initiatives, increasing the complexity of the debate on intervention.

What followed after the Cold War was what some cynics called the "new world disorder". While it was possible to end some long-standing violent conflicts, for example in Central America, Cambodia, Namibia, Mozambique and South Africa through monitoring peace agreements and assisting in democratization, other conflicts, for example Angola and Afghanistan, exposed a more complex and intractable nature when the cover of the Cold War was lifted and the former 'proxy wars' could not be explained through superpower

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[80] I. William Zartman (1968): Intervention Among Developing States, in: *Journal of International Affairs* 22, pp. 188-197.

[81] Cf. Charles A. Kupchan (2001): Empires and Geopolitical Competition. Gone For Good?, in: Crocker, Hampson, and Aall (eds., 2001), pp. 39-52; Anthony McGrew (ed., 1995): Empire. The United States in the Twentieth Century, London; and Dimitris Bourantonis and Jarrod Weiner (eds., 1995): *The United Nations in the New World Order. The World Organization at Fifty*, New York NY.

rivalries anymore. The renewed mixture of nationalism with the principle of self-determination led to the collapse of two big Socialist federations, the Soviet Union and Yugoslavia, causing much violent conflict in Europe, the Caucasus and Central Asia. In Africa, meanwhile, some states still had to struggle with their colonial legacies and weak state structures. New civil wars broke out in such weak states and those wars were able to sustain themselves without being fed by superpower rivalries. This happened for example in Liberia and Sierra Leone. "Ethnic conflict" became the new term that dominated the international debate.[82]

The international security framework was ill-adapted to deal with such internal conflicts after its long focus on interstate war. The principle of state sovereignty under international law and the lack of strategic interest by powerful states hampered any decisive peace-enforcing interventions at the periphery of the developed world. The United Nations tried to deal with this problem. In 1992, the UN Secretariat under Secretary-General Boutros Boutros-Ghali drafted an "Agenda for Peace", proposing policy tools for maintaining peace and security in the new post-Cold War world.[83] The policy document included besides traditional peacekeeping, which was conducted with the consent of all parties concerned, a new type of peacekeeping based on enforcement actions under Chapter VII. It included further the concepts of peace-building and preventive diplomacy. These concepts provided the basis for what some observers called the "new interventionism" of the United Nations.[84] The traditional international legal framework was stretched more and more to cover

[82] Michael E. Brown (ed., 1993): *Ethnic Conflict and International Security*, Princeton.
[83] United Nations (1992): *An Agenda for Peace. Preventive Diplomacy, Peacemaking and Peace-Keeping. Report of the Secretary-General*, New York NY, UN Document A/47/277 and S/24111 of 17 June 1992. The report was commissioned by the first meeting of the Security Council at the level of the heads of state and government on 31 January 1992 (S/23500). It was later followed by a supplemented second edition in on 3 January 1995 (A/50/60-S/1995/1).
[84] James Mayall (ed., 1996): *The New Interventionism 1991-1994. United Nations Experience in Cambodia, Former Yugoslavia, and Somalia*, Cambridge.

intrastate conflicts and UN peace missions increased in number and size at an unprecedented level.[85]

The rise in peace operations was based on two developments. First, some warring parties did not trust each other and requested international supervision of the implementation of their peace agreements. Secondly, the humanitarian catastrophe of such brutal and bloody ethnic conflicts was brought into the homes of a growing global TV audience ('CNN factor'), creating moral public pressure (NGOs have a prominent role here) on politicians to do something to stop or alleviate the suffering.[86] The latter was the case in Bosnia and Somalia. Those missions started as a primarily humanitarian mission that was later expanded to cover peace enforcement goals. U.S. military leaders have coined the term "mission creep" for such expanding missions (often in reference to Vietnam).[87] When the mission in Somalia turned into a bloody debacle for the American forces supporting the UN mission in 1993, other generals spoke of the "Mogadishu Line", beyond which peacekeeping becomes open war.[88]

The Somalia fiasco led to a withdrawal of the United States from UN peacekeeping missions and was followed by the failures of the UN missions in Rwanda and Bosnia (especially Srebrenica).[89] These failures damaged the legitimacy of the United Nations' peace operations dramatically and, as a reaction, the United Nations Secretariat established in 1995 the 'Lessons-Learned Unit' (today it is called 'Peacekeeping Best Practices Unit' or PBPU) at

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[85] Ramesh Thakur and Albrecht Schnabel (eds., 2001): *United Nations Peacekeeping Operations. Ad Hoc Mission, Permanent Engagement*, Tokyo, and David Malone (ed., 2004): *The UN Security Council. From the Cold War to the 21st Century*, Boulder CO.

[86] Cf. Michael E. Brown (ed., 1996): *International Dimensions of Internal Conflict*, Cambridge.

[87] As Richard Holbrooke, the chief U.S. negotiator for Bosnia recalled later: "In recent years, the military had adopted a politically potent term for assignments they felt were too broad: 'mission creep'. This was a powerful pejorative, conjuring up images of quagmire. But it was never clearly defined, only invoked, and always in a negative sense, used only to kill someone else's proposal.", in: Richard Holbrooke (1998): *To End a War*, New York NY, p. 216.

[88] A phrase used by Sir Michael Rose, the British commander of the UN forces in Bosnia. Michael Rose (1999): *Fighting for Peace. Lessons from Bosnia*, London, p. 354.

[89] Cf. Alan J. Kuperman (2001): *The Limits of Humanitarian Intervention. Genocide in Rwanda*, Washington DC, and Frederick H. Fleitz (2002): *Peacekeeping Fiascoes of the 1990s. Causes, Solution and U.S. Interests*, Westport CT.

the Department of Peacekeeping Operations.[90] Another result of these failures was that new approaches to intervention were developed. Actually, the Economic Community of West African States (ECOWAS) had already acted in such a fashion earlier. When the Security Council had failed to deal with the civil war in Liberia in 1990, ECOWAS sent, without legally required Security Council authorization, a peacekeeping force (ECOMOG) to enforce an armistice there. Similarly, NATO under U.S.-leadership began to act more and more independently in Europe, as the intervention in Bosnia in 1995 and in Kosovo in 1999 showed. Especially the latter intervention was very problematic because it was not originally covered by a mandate of the Security Council. The intervention in East Timor in 1999 was also initiated by a regional coalition, although it remained within the UN framework.

Some people questioned whether from now on peace would be enforced through regional organizations or the sole remaining superpower, the United States, instead of the United Nations (which might just authorize but not implement the intervention).[91] Since then, the European Union has made efforts to develop its own intervention capabilities and so has the African Union.[92] While it can be argued that the credibility of United Nations peace missions has been restored to a considerable degree by now, especially through missions like East Timor and Sierra Leone (with massive British help), but also through internal reform efforts such as the 'Brahimi Report'[93], it is also true that the Security Council's legal monopoly to authorize and conduct interventions has been undermined.[94] The post-September 11 U.S.-led interventions in Afghanistan and Iraq have just further highlighted this point.

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[90] United Nations (1995): *Comprehensive Report on Lessons-Learned from United Nations Operation in Somalia, April 1992-March 1995*, Friedrich-Ebert-Stiftung, Germany; Life and Peace Institute, Sweden; Norwegian Institute of International Affairs; in Cooperation with the Lessons-Learned Unit of the Department of Peace-Keeping Operations, New York.
[91] Michael Hirsh (2000): Calling all Regio-Cops. Peacekeeping's Hybrid Future, in: *Foreign Affairs* 79, pp. 2-8.
[92] Michael C. Pugh and Waheguru Pal Singh Sidhu (eds., 2003): *The United Nations & Regional Security. Europe and Beyond*, Boulder CO.
[93] United Nations (2000): *Report of the Panel on United Nations Peace Operations (Brahimi Report)*, New York NY, UN Document A/55/505 and S/2000/809 of 21 August 2000.
[94] Cf. Malone (ed., 2004).

Since Kosovo 1999, there have been efforts by coalitions of states to justify interventions on humanitarian grounds and self-defence, if the Security Council would not authorize them. It is hardly questioned that self-defence understood in the traditional way can provide a legal basis for intervention, but humanitarian grounds are more contested. This is why United Nations Secretary-General Kofi Annan had called for a debate on humanitarian intervention in 1999 and the Canadian government answered it by sponsoring an international expert panel on this question, which produced the report 'Responsibility to Protect'.[95] Recently the doctrine of preemptive self-defence of the administration of U.S. President George W. Bush has stirred new controversy because it expands the traditional understanding of self-defence.[96] In sum, the complex debate will continue.

From this short historical outline of major interventions and key points of the debate on intervention since the end of the Cold War, we can see what a complex and confusing level the discussion on intervention has reached. This is also reflected in the plethora of literature that has been published on this topic.[97] The complexity and confusion is aggravated by the fact that much of the literature consists of single case studies or on fragmented analyses of the "lessons learned". Furthermore, much of the debate (including recently on humanitarian intervention) has focused on policies for intervention that different schools of political philosophy prescribe[98] and it can be argued that international legal studies fall into this category as well.[99]

While all these studies are valuable, they are not sufficient and have to be complemented by comprehensive comparative case studies to introduce more

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[95] ICISS (2001).
[96] White House (2002).
[97] Cf. the Bibliography Section of ICISS (2001), Supplementary Volume, pp. 227-336; it has to be pointed out that much more has followed in the last four years.
[98] For an introduction to this literature, see Stanley Hoffmann (2001): The Debate about Intervention, in: Crocker, Hampson, and Aall (eds., 2001), pp. 273-283. The ICISS (2001), Supplementary Volume, includes a comprehensive discussion of many aspects of intervention.
[99] As we have seen above, the legal framework of sovereignty and nonintervention are of course key to this perspective, this is why intervention is usually discussed under the heading of 'use of force'. Examples are: Anthony Clark Arend and Robert J. Beck (1993): *International Law and the Use of Force*, London, Christine Gray (2001): *International Law and the Use of Force*,

clarity into the general debate on intervention. But there have been a number of important thematic comparative case studies that have been more interested in the operational complexities of intervention and I can draw from those for my discussion. While they might still adopt a certain perspective and not necessarily focus explicitly on intervention, their nature is general enough to contribute to a more comprehensive discussion of intervention in our post-Cold War World. Of particular value are comparative or general studies of peace negotiations and implementation[100], United Nations peace operations[101], international administrations, state-building, post-conflict reconstruction and democratization.[102]

Despite of these available comparative studies, I want to argue that we still lack a coherent comparative analysis of the political processes underlying interventions[103], because I am convinced that who will intervene where, when, how and for what purpose, is an inherently political question that will be decided differently from case to case, not the least because it will depend on the perceptions, values and beliefs of those persons who have the authority and power to order an intervention on behalf of the state or organization they lead.[104] Thus, a general theory of international interventions is of little use and other scholars have failed to produce a generally accepted one. What is more useful is to produce generalizations on the political challenge that current interventions pose to decision-makers and analysts alike.

Oxford, and Simon Chesterman (2002): *Just War or Just Peace? Humanitarian Intervention and International Law*, Oxford. Another less traditional view is given by Simpson (2004).

[100] See e.g. Stephen John Stedman, Donald Rothchild and Elizabeth M. Cousens (eds, 2002): *Ending Civil Wars. The Implementation of Peace Agreements*, Boulder CO; and William Zartman (ed., 1995): *Elusive Peace. Negotiating an End to Civil Wars*, Washington DC.

[101] See e.g. Thakur and Schnabel (eds., 2001), and Malone (ed., 2004).

[102] See e.g. Mats Berdal and Richard Caplan (2004): The Politics of International Administration, in: *Global Governance* 10, pp. 1-5 (the whole issue of the journal is dedicated to this issue); Simon Chesterman (2004): *You, The People. The United Nations, Transitional Administration and State-Building*, Oxford. See further von Hippel (2000), and Robert C. Orr (ed., 2004): *Winning the Peace. An American Strategy for Post-Conflict Reconstruction*, Washington DC; and Charles T. Call and Susan E. Cook (2003): On Democratization and Peacebuilding, in: *Global Governance* 9, pp. 233-246 (again, the whole issue of the journal is dedicated to this topic).

[103] Karen Feste's study is limited to U.S. foreign policy, see: Feste (2003).

[104] For similar arguments, cf. Western (2004), Bill McSweeny (1999), and Yarmolinsky (1968).

Although it has become commonly accepted that state sovereignty is not an absolute principle, it is most contested when the norm of non-intervention is overruled. The question whether and how to intervene has become so complex that the prescriptive studies of political philosophical schools do not provide decision-makers with final answers. As two scholars put it recently, "Political scientists, policy analysts, and philosophers have found no dearth of words in addressing the issue of whether and under what circumstances intervention is the appropriate solution to the dilemma posed by a collision between the values of local sovereignty and international responsibility."[105] The problem is that the decision to intervene is not the final stage but just the beginning of a process. This is what the implementation literature is concerned with.

Analysts have called for coherent intervention strategies but at the same time they had to admit that any intervention is a product of political negotiation and compromise.[106] This has always been the case, but it can be argued that it has become more difficult in the past decade. As a result of the end of the Cold War, competitive interventions between the superpowers were replaced by interventions which take rather the form of joint-problem exercises or cooperative interventions. This in turn has brought in a growing numbers of actors in each intervention, covering different tasks, sometimes with overlapping areas of responsibility and authority. This development has required more coordination among the different actors, a considerable challenge in itself, irrespective of the difficulty of the situation they intervene in.[107] This challenge is multiplied by the fact that interventions have grown into truly multidimensional undertakings because they have to deal with the limited resources available, the complex nature of internal conflicts and the uncertainties of the new world order.

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[105] Donald A. Sylvan and Jon C. Pevehouse (2002): Deciding whether to Intervene, in: Keren and Sylvan (eds., 2002), pp. 56-74, quote taken from page 57. Both authors analyze under what circumstances US and French elites were likely to choose to recommend intervention in Central Africa in 1994 and 1996.

[106] Michael W. Doyle (2002): Strategy and Transitional Authority, in: Stedman, Rothchild and Cousens (eds, 2002), pp. 71- 88. On page 74 he writes: "Transitional authority must be constructed through painstaking negotiation […]."

[107] Bruce D. Jones (2002): The Challenges of Strategic Coordination, in: Stedman, Rothchild and Cousens (eds, 2002), pp. 89- 115.

If any intervention is the result of political negotiation and compromise, we should not focus so much on when and how they ought to take place, but the processes that make them happen or not and that lead them to success or failure. We can thus establish that no intervention is a linear event whose effectiveness could be measured based on the compliance with the agreement that provided for the intervention (peace agreement, resolution or declaration). Two analysts of peace implementation processes found that "[i]n order to reserve the capacity to flexibly adapt to these changing conditions [of implementation], planers want mandates to be more ambiguous than they might be in a simpler more traditional mission."[108] As a result, constant and extensive post-agreement negotiations are required to secure a continued international engagement until all problems that hinder the achievement of the intervention's goal are overcome.

I want to argue that if we analyze in a coherent and comprehensive way the political decision-making processes of past international interventions, we can learn a lot more about where the debate on international interventions is leading us and how future international interventions might look like. This can also serve as basis for policy advice to decision-makers and provide additional insights for analysts on what constitutes our current world order. To achieve this, I want to propose a model of analysis of regimes of state-building interventions that will be able to produce such useful generalizations on the political processes that are underlying interventions. But first I will explain why I think that a focus on state-building interventions will tell us much about post-Cold War interventions in general.

State-building intervention as the key challenge for maintaining world order

As outlined above, the state is still the most important concept to project order in our world and as a consequence it is still states, or better coalitions of states (also as members of international organizations), that intervene in other states. Do these intervening states represent the international community if

[108] George Downs and Stephen John Stedman (2002): Evaluation Issues in Peace

there is any? How do these states decide what a weak or failed state is and what a rogue state? How is the tension between intervention and sovereign equality reconciled, especially given that there is no central hierarchical structure within or above the states-system. What are the sovereign rights and duties that are currently attributed to a state? Who holds or claims political authority (legitimacy) and control (power) in the world we live in? Which actors influence the decisions of states to intervene?

Before I can propose a way to answer all these questions related to our current world order, I have to determine what I mean when I talk about intervention. Intervention has been used in so many ambiguous and contradictory ways, that as a result, "intervention has come to be treated as synonymous with influence."[109] Along similar lines, the International Commission on Intervention and State Sovereignty (ICISS) recently remarked, "[t]he actual meaning of the term 'intervention' can be derived from the contexts in which it occurs, in addition to the purposes for which it is invoked."[110] The ICISS' discussion of intervention is a good guide on the topic. But I do not want to adopt the Commission's own definition, because it ultimately rests on one specific purpose of intervention, which it defines as "action taken against a state or its leaders, without its or their consent, for purposes which are claimed to be humanitarian or protective."[111] This limitation of purpose is no surprise, because the Commission's goal was to discuss "humanitarian intervention" – a term it avoids in its discussion for political reasons. Instead it refers in its definition to the terms "humanitarian purpose" and "protective purpose". The former means assisting people at risk and latter protecting people at risk.[112]

I want to work with the broader definition that the Commission also came up with, defining intervention as "various forms of nonconsensual action that are

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Implementation, in: Stedman, Rothchild and Cousens (eds, 2002), p. 47.
[109] James N. Rosenau (1968): The Concept of Intervention, in: *Journal of International Affairs* 22, p. 166.
[110] ICISS (2001), Supplementary Volume, p. 16; for the Commission's discussion of the concept of intervention, see ICISS (2001): Report, pp. 7-9 and ICISS (2001): Supplementary Volume, pp. 15-26.
[111] ICISS (2001), Report, p. 8.
[112] Ibid., p. 9.

thought to directly challenge the principle of state sovereignty".[113] This is a useful general definition but we need to discuss its aspects to understand it. As one scholar put it, "The criteria for an operational definition seem plain. It must be broad enough to identify those phenomena that are generally associated with the term and yet not so broad that it fails to discriminate them from other aspects of international politics."[114] Thus, it should be both, relevant and precise. Further, two basic and interrelated distinctions have to be made with respect to intervention: first, the distinction between the common-sense and operational meanings of intervention, and second, the distinction between intervention as an empirical phenomenon and an analytic concept.[115] The short narrative of intervention in the modern states-system indicated already many ways the term intervention is used. As a result, facing various forms of the use of the term intervention in daily language, "the political analyst must be especially conscious of the technical meanings he ascribes to [intervention]."[116] The ordinary dictionary meaning of intervention is 'to interfere' but this has to be put in the context of the 'states-system'.

The criteria of the above given general definition of the ICISS are helpful but we need to discuss their meaning because they are not unproblematic. The criterion "various forms of nonconsensual action" should be understood as to refer to "organized and systematic activities", excluding "haphazard and inadvertent activities".[117] This is rather implicit in the above given definition but refers back to what the ICISS had observed before and what has been stated above – authors of intervention will claim certain purposes. The term "nonconsensual action" is more problematic because it is difficult in reality to draw a sharp line between persuasion (voluntary consent) and coercion (forced consent). The question is then who can make an authoritative judgment on the nature of a particular action. This is where "thought to directly challenge the principle of state sovereignty" points to a practical answer on this question. But

[113] ICISS (2001), Supplementary Volume, p. 15.
[114] Rosenau (1968), p. 166.
[115] Ibid., p. 173.
[116] Ibid., p. 174.
[117] For this point, see Young (1968), p. 178.

even this phrase does not provide us with an obvious answer, because who is going to decide how it is going to be applied?

In my discussion of the relevance of the state in our world, I have already made reference to international law and the United Nations as the prescriptive normative framework for interstate relations. Thus, an intervention is obviously any action running contrary to principle of sovereign equality and the principle of nonintervention as it is defined in the Charter and understood in the practice of the member states of the United Nations.[118] Unfortunately, while the legal framework on intervention is rather clear, its application is not. The International Court of Justice (ICJ) summarized the legal debate on intervention the following way in the so-called Nicaragua Case:

> "*the principle [of non-intervention] forbids all states or groups of states to intervene directly or indirectly in internal or external affairs of other states. A prohibited intervention must accordingly be one bearing on matters in which each state is permitted, by the principle of state sovereignty, to decide freely. One of these is the choice of a political, economic, social and cultural system, and the formulation of foreign policy. Intervention is wrongful when it uses methods of coercion in regard to such choices, which must remain free ones. The element of coercion, which define and indeed forms the very essence of prohibited intervention, is particularly obvious in the case of an intervention which uses force, whether in the direct form of military action, or in the indirect form of support for subversive or terrorist activities within another state.*"[119]

Thus, in a legal sense, coercion is the defining aspect of intervention, although certain aims or results add additional weight. Thus, it seems we are back at square one in the debate of the ICISS's general definition, because it again comes down to nonconsensual actions. The ICJ included indirect forms of interventions. As one scholar interpreted the statement of the ICJ, he said that this reflects the "new consensus about an enlarged concept of intervention under general international law".[120] The classical international law definition of intervention was a rather narrow one and the term "had been most commonly

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[118] For a discussion of this, see Gray (2001), pp. 24-83.
[119] As quoted by ibid., p. 55. One can obviously debate the significance of a distinction between a 'principle' and a 'norm', but it should be clear that both are intended to have legal consequences, at least in the reading of the Court and the drafters of the United Nations Charter.
[120] Simma (ed., 2002), p. 154

defined as 'dictatorial interference', thus implying the necessary presence of a use of force or similar form of 'imperative pressure'."[121] In general it is legally accepted that any legitimate government can invite outside assistance. But if it does so while it is involved in an internal conflict, then it can only do so if the conflict is below the level of civil war. This begs the question who decides which government is legitimate and how to classify each particular conflict. Of course, different perceptions can exist on what one particular action might represent – a certain action might represent assistance for the recipient government and the donor state, but the opposition or other states might see it as intervention.

As the discussion of the importance of the state in today's world showed, state sovereignty can have different meanings but the one most commonly invoked is international juridical sovereignty.[122] Based on the concept of international legal sovereignty, I propose the following new narrow approach to conceptualizing intervention as direct intervention in order to be able to operationalize the concept for analysis. According to juridical sovereignty, a state has the legal right to invite or consent to other states or international organizations (or even companies) taking up certain functions within its territory. The resulting involvement of outside actors would not be considered as an intervention unless the invitation was the result of previous coercion by outside actors and/or the effects of the action violate the concept of state sovereignty because the outside actors can, based on the intervention/invitation, directly impose decisions within the government authority structure of that state. Thus, if outside actors get involved without having exercised coercion and they do not assume at least part of direct government authority, we should talk of influence instead of intervention. Coercive measures falling short of direct physical enforcement measures within the territory of the target state and therefore do not directly affect the government authority structure of the target state should be called indirect intervention. If outside actors have the authority and power to enforce decisions affecting directly government authority structures, then we

[121] Ibid., p. 152, quoting Opppenheim and Kelsen.
[122] See Krasner (1999), pp. 3-42. He distinguishes four types of sovereignty: international legal sovereignty, Westphalian sovereignty, domestic sovereignty and interdependence sovereignty.

should talk about direct intervention. Each possible case has to be checked on its particular circumstances to see if it qualifies as a direct intervention, the kind of intervention I am interested from now on.

My approach can be complemented by another approach that stresses the two commonly accepted characteristics of intervention, first, its 'convention-breaking nature', that means a "form of behavior [that] constitutes a sharp break with then-existing forms", and secondly, its 'authority-oriented nature', that means an action that is directed at changing or preserving the structure of political authority in the target society".[123] These two characteristics can actually be applied to the general definition above, but let us first elaborate on the first characteristic:

> "*The first of these characteristics highlights widespread agreement on the finite and transitory nature of interventions. Virtually all the historical cases cited in the literature are conceived to have a beginning (when the conventional modes of conduct are abandoned) and an end (when the conventional modes of conduct are restored or the convention-breaking mode becomes conventional through persistent use). Their consequences for the target society may be profound and enduring, but once the consequences become accepted and established, the behavior is no longer regarded as interventionary even if the presence of the intervening actor in the target society remains undiminished.*"[124]

Of course, the problem remains in the sense that it is "not necessarily self-evident when a conventional mode of behavior has been broken, or when the unconventional behavior has persisted long enough to have established a new convention."[125] But if we now relate these two characteristics to the above general definition, we can see how it can help us interpreting the criterion "that are thought to directly challenge the principle of state sovereignty".

Thus, intervention today challenges the conventional understanding of state sovereignty and aims at the political authority structure of the target society as it is defined by state sovereignty. This is actually also a way to deal with the "various forms of nonconsensual action" criterion, because some intervention come about through invitation, that means the effected society or state might

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[123] Rossenau (1968), p. 167.
[124] Ibid.

originally have given its consent for outside actors to assume authority within their society or territory. What matters is that later on, the affected society does not need to or cannot consent anymore to the actions of those outside actors it has invited. It should be noted that today wars of conquest or over disputed territory are not considered intervention because they not only challenge directly the principle of state sovereignty but can threaten the very existence of a state.

In line with my discussion of intervention above, we can therefore adopt a narrow interpretation of the general definition of intervention as it was proposed by the ICISS and I understand intervention as direct intervention into the government authority of another state. This interpretation is also useful because certain forms of indirect intervention, like economic or diplomatic sanctions, have become more generally accepted because they in turn can be justified through state sovereignty or are regulated through international organizations and treaty regimes, such as the International Monetary Fund for fiscal policies, the World Trade Organization for trade policies and the Vienna Convention on Diplomatic Relations for diplomacy. Unfortunately, there is no time here to discuss the interesting issue of indirect intervention further in this paper.

Accordingly, in my understanding "various forms of nonconsensual action that are thought to directly challenge the principle of state sovereignty" means that an intervention has to be an action that through its nature and effects challenges directly the government authority structure of the affected state because some outside actors temporarily take over functions that are usually performed by a state's government. This definition covers several forms of intervention, like humanitarian intervention, peace-enforcement, peace-maintenance, state-building and regime change.

Now we can put this analytical concept of intervention into our post-Cold War context as I have discussed it earlier and conclude that the most crucial and challenging intervention is state-building intervention because it challenges directly the principle of state sovereignty, although it claims to ultimately serve this principle. In a sense, state-building intervention has also become the most

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[125] Ibid., p. 171.

common form of intervention and can be used as concept to understand international interventions in general in our post-Cold War era, as the list of cases on first glance will show below. State-building promises to be the most effective and ultimate tool to address the many problems we face in our world order but its very nature, affecting directly state sovereignty, and complexity poses a major challenge to decision-makers who want to or have to intervene.

I propose this definition of state-building intervention: A state-building intervention is any action through which states or international organizations establish and maintain a partial or full transitional authority within a state or state-like entity in order to allow that entity to eventually exercise full state sovereignty as defined by the international community. Let me now explain the crucial elements of this definition.

First, I want to outline how the term state-building relates to other common terms that one can find in the literature on interventions. State-building is synonymous with 'nation-building' but the latter is rather a misnomer, because it means actually state-building.[126] The notion of the 'nation-state' is the underlying reason for that misnomer. The terms 'peace-building' and 'peace-maintenance' are in practical terms largely synonymous with state-building, because the purpose of state-building is usually centred on strengthening state capacity as a means for maintaining peace.[127] This can also be called "post-conflict reconstruction", which usually aims at public institutions after a violent conflict.[128] But 'peace-building' and the other terms can of course be understood in a broader way, not only aiming at the state as a means to provide peace but at other social organizations and individuals as well. Again, a similar approach can also be applied to 'democratization', which can be largely synonymous with state-building in practical terms because the most common first threshold of democratization are elections organized by the state – although this is of course

[126] von Hippel (2000), p. 10; and Fukuyama (2004), pp. 134-135.
[127] Cf. Roland Paris (2004): *At War's End. Building Peace After Conflict*, Cambridge; and Jarat Chopra (1998): Introducing Peace-Maintenance, in: *Global Governance* 4, pp. 1-18.
[128] Cf. Orr (2004).

not the final indicator, if we remember the debate that culture can play with respect to public institutions.[129]

In line with the general understanding of intervention that I have adopted above, intervention does not cover simple monitoring, verification, mediation, etc., but some direct exercise of government authority. Its effects must be to "establish and maintain a partial or full transitional authority" because otherwise it would represent either territorial conquest or colonial rule. Intervention can thus be synonymous with invasion and occupation if it aims at state-building and not conquest or establishing a protectorate. Authority refers to any constitutional function that usually the government of a state would exercise, including the right to make decisions in one or more areas and to enforce them. In this respect "any action" can mean actions like military, law enforcement, setting-up elections, drafting laws on various issues, etc. The authority can be partial or full because it can cover only a certain territory within a state or different degrees of authority over policy domains (e.g. public security).

With respect to the authors of an intervention, I include both states and international organizations to reflect the obvious practice of the post-Cold War World. The authors of an intervention can be identified through the offices that embody this transitional authority, their source of authority and political guidance. In the case of the most prominent international organization in this area, the United Nations, it is usually that the Secretary-General is authorized by Security Council to establish the mission conducting the intervention. The Security Council also provides the exact mandate of that kind of intervention. In other cases, different sources of authority and guidance are possible. For example, combinations of authority shared between the United Nations, regional organization, ad hoc coalitions of states, or simply unilateral exercise of authority by one state.

I include not only states in the definition but also state-like entities because it allows to cover Namibia, Western Sahara and East Timor, which were post-

[129] Cf. Call and Cook (2003).

colonial territories occupied/annexed by another state and had never reached sovereign status before. This also applies to Kosovo, which was a territorial entity within the Federal Republic of Yugoslavia (now: Serbia and Montenegro) and has never reached sovereign status before and it is still the official position that it might never do so. The phrase “in order to allow that entity [state or state-like entity] to eventually exercise full state sovereignty as defined by the international community” is obviously a very ambiguous formulation but this was my intention. It is supposed to make clear that it is up to the international community (primarily the authors of the intervention, but also the wider state community where it was not a legally unproblematic intervention by a coalition of states) to decide when that criteria is met. The criteria might be stated either in terms of some open-ended broad goals or some clearly specified conditions.

Below you find a list of all cases of post-Cold War interventions which seem to fit at first glance my definition of state-building intervention (see Table 1). It covers most of the well debated cases of intervention. It does not include a number of famous international peace operations, though, for example El Salvador, Angola and Mozambique. The reason is that although the scope and complexity of these missions and the involvement of international actors in these missions surpassed traditional peace-keeping operations, they did not have any authority to interfere directly with the government authority structure of those states. They only had a mandate to influence the negotiations between the conflict parties through monitoring, verification, mediation, providing assistance and making recommendations.

The table also excludes cases were military enforcement action was taken for humanitarian and peace-making purposes only, that means, where no intention existed to strengthen the institutions of the respective state. This excludes for example UNPROFOR in Bosnia (before the Dayton Peace Accords). Another case not covered is an all out civil war with foreign forces on both sides, as it has been taking place in much of the Democratic Republic of Congo in the last years. Although this case obviously constitutes a form of direct intervention on both sides of the conflict, it is not directly aimed at state-building but more at political and territorial control and is rather a competitive interstate

Table 1: Post-Cold War Cases covered by the Definition of State-Building Intervention*

Target (Mission)	Time	Aspects of Direct Intervention	Status
Namibia (UN)	1989-90	each step had to be done to the satisfaction of the UN Secretary-General's Special Representative – veto power	completed-success
Panama (US)	1989-90	US unilateral intervention aimed at regime change and democratization	completed – success
Lebanon (Syria)	1989-	Ta'if Agreement 1989; Syrian Army to assist in helping Lebanese army to extend the state's authority; later Syrian reinterpretation	ongoing – success close
Liberia I (ECOWAS and UN)	1990-93	ECOWAS enforced armistice, later joined by UN mission (until 1997)	completed-success
Western Sahara (UN)	1991-	"the Special Representative of the Secretary-General would have sole and exclusive responsibility over all matters relating to a referendum"	ongoing – failure so far
Cambodia (UN)	1992-93	Paris Agreements 1991, United Nations "all powers necessary" to ensure the implementation of the Agreements, 1992-93	completed-success
Somalia (UN)	1992	from protecting humanitarian assistance to establishing a "secure environment"; declared goal of nation-building was never achieved	abandoned-failure
Rwanda (UN)	1993-94	Arusha Accords 1993, "Neutral International Force" to "Guarantee the overall security of the country"	abandoned – failure
Haiti I (UN)	1994-2000	"sustaining a secure and stable environment" for elections, several successor missions, scaled down to assisting an guiding police"	completed – success
Bosnia-Herzegovina II (NATO, UN, etc.)	1995-	complex international implementation authority structure based on Dayton Accords	ongoing – uncertain
Eastern Slavonia (Croatia) (UN)	1995-98	full blown executive authority, to prepare reintegration of region into Croatia	completed - success
Central African Republic (Regional and UN)	1997-2000	MISAB – force of Central African states, supplemented by MINURCA UN-mission; also French initially involved; providing security in capital area, later assist elections	completed – success
Kosovo (NATO and UN)	1999-	UNMIK: full blown authority	ongoing – uncertain
East Timor (regional and UN)	1999-2002	UNTAET: full blown authority	completed – success
Sierra Leone (ECOWAS, UN and Britain)	1999-	"to assist the efforts of the Government of Sierra Leone to extend its authority, restore law and order and stabilize the situation progressively throughout the entire country"; have to take into account previous ECOMOG mission and later British intervention force	ongoing – success close
Afghanistan (U.S.-led coalition, ISAF)	2001-	ensure enviroment although in limited territory, also UN presence and US-led coalition fighting Taliban and Al-Qaida	ongoing – uncertain
Iraq (U.S.-led coalition)	2003-	after US-led 'Coalition Provisional Authority', now coalition troops left for providing security	ongoing – uncertain
Haiti II (UN)	2004-	"to ensure a secure and stable environment"	ongoing – uncertain
Burundi (UN)	2004-	"ensuring a secure environment for free, transparent and peaceful elections to take place"	ongoing – uncertain

* This is a list of cases assembled at first glance. It does not claim to be comprehensive yet. It is based on Information gained through a quick review of UN-mandated missions and general knowledge. More comprehensive research is necessary to authoritatively complete this list.

because more research is required for that, but I think it already includes the most prominent cases.

I now want to argue that we can learn a lot more about the political processes of intervention if we treat each of these cases of state-building intervention as an international regime and apply a model or regime analysis. The model will allow us to account on a comparative basis and in a comprehensive and coherent way for the political processes underlying all of these interventions.

4. Introducing Regime Analysis: Regimes of State-Building Intervention[130]

Closing the analytical gap through regime analysis

I want to show that is useful to treat interventions as international regimes and how it can help us to close the analytical gap of the debate on international intervention as I have outlined it above. Regime analysis allows us to focus on the political processes underlying international interventions. The application of the regime concept to international interventions signifies an extension of the traditional scope of regime theory in International Relations. An 'international regime' in International Relations has nothing to do with authoritarian government, as the common understanding of 'regime' would suggest – although this meaning might be applicable to some extent to regimes of international intervention. Regime theory understands international regimes as a special case of international institutions. It is part of an evolution in which students of international relations shifted their focus systematically away from formal institutions (i.e. international organizations) toward broader forms of institutionalized behavior.[131] This new research program was intended to fill analytical gaps between the realist and liberal approaches of international relations and to tackle more successfully the puzzles of cooperation and institution-building. Indeed, the research program of international regimes has

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[130] This part of the paper draws from my unpublished Master's Thesis at the University of Erlangen-Nuremberg, Germany: Christian Dorsch (2001): *International Intervention in Bosnia after Dayton. The Formation of a New Type of Regional Security Regime?*, Erlangen, especially pp. 18-33.

[131] Cf. Friedrich Kratochwil and John Ruggie (1986): International Organization: The State of the Art on an Art of the State, in: *International Organization* 40, pp. 753-775.

shown “remarkable integrative capacity”, bringing not only neorealists and neoliberals together but constructivists as well.[132] As a result though, there is no single theory of international regimes and regime analysis reflects different strands of International Relations theory.

The concept of international regime was drawn from international law and emerged in the academic field of International Relations in the mid-1970’s, when new ‘liberals’ in the United States, focusing on international political economy and interdependence, challenged realism.[133] But the concept is not identical with the concept of legal regimes in international law because the existence of an international regime does not presuppose a binding legal instrument.[134] Regime analysis became the cornerstone of the neoliberal research program and a focal point of the whole discipline. The authors of a collection of articles for a special issue of the journal International Organization agreed on a common definition of regimes, which identified them as social institutions. This definition became known as the so-called ‘consensus definition’[135] and was presented by Stephen Krasner in his introduction to the special issue: “Regimes can be defined as sets of implicit and explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations.”[136] According to Krasner, regime theory began with a simple causal scheme, which “assumed that regimes could be conceived of as intervening variables standing between basic causal variables (most prominently, power and interests) and outcomes

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[132] Volker Rittberger (ed., 1993): *Regime Theory and International Relations*, Oxford, p. xiii.

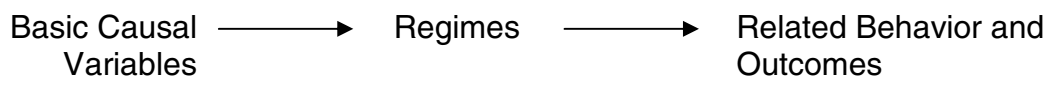
[133] Cf. Peter Katzenstein, Robert Keohane and Stephen Krasner (1999): *International Organization and the Study of World Politics*, in: *ibid.* (eds.), pp. 18-23.

[134] Unfortunately most IR scholars are usually satisfied with the notion that international regimes and international legal regimes are not identical. The given short distinction is taken from Rittberger (ed., 1993), p. 10; In a similar way, Andrew Hurrell (1993): International Society and the Study of Regimes. A Reflective Approach, in: Rittberger (ed., 1993), pp. 49-72, especially 54-57. According to Hurrell: “Perhaps the most important difference that marks regime theory from international law and older notions of international society concerns *the reason why states obey rules that are usually unenforced and mostly unenforcebale*.”, p. 54f. (emphasize added), and for him this reason is functionalism: “The core claim is that regimes are created and that states obey the rules embodied in them *because of the functional benefits they provide*.”, p. 56 (emphasize added).

[135] Andreas Hasenclever, Peter Mayer and Volker Rittberger (1997): *Theories of International Relations*, Cambridge, p. 8.

and behavior."[137] His scheme is given below in Figure 1. This also caused regime analysis to focus for a long time on regime formation and regime effectiveness, neglecting regime evolution.

Figure 1: Regimes as Intervening Variables in IR



Source: Stephen Krasner (ed., 1983): International Regimes, Ithaca NY, p. 5.

Achieving and maintaining consensus on a common definition of international regimes has not been easy. The so-called 'consensus definition' was an important step for the research program, but it did not bring an end to the conceptual debate. Scholars critical of regime analysis emphasized the complexity and ambiguity of the definition. Susan Strange saw it as "yet one more woolly concept that is a fertile source of discussion simply because people mean different things when they use it."[138] Indeed, a decade later, Robert Keohane called the consensus definition "enormously important and valuable" as basis for the attempt to reorient International Relations, but had to admit that its complexity and ambiguity made it "subject to confusing differences of interpretation."[139]

All these conceptual discussions have led to a new 'operational version' of the consensus definition, which includes a formal and a behavioral dimension.[140] Keohane's amended "lean definition" bears the mark of this new consensus: "[…] regimes can be identified by the existence of explicit rules that are referred to in affirmative manner by governments, even if they are not

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[136] Krasner (ed., 1983), p. 1.
[137] Krasner (ed., 1983), p. 5.
[138] Strange (1983), p. 342-343.
[139] Robert Keohane (1993): The Analysis of International Regimes. Towards a European-American Research Program, in: Rittberger (ed., 1993), pp. 21-45, quote taken from p. 27.
[140] See Marc Levy, Oran R. Young and Michael Zürn (1995): The Study of International Regimes, in: *European Journal of International Relations* 1, p. 273, footnote 6.

necessarily scrupulously observed."[141] Based on this, I have proposed the following definition: "international regimes are sets of explicit principles, norms, rules, and decision-making procedures that are referred to in affirmative manner by actors in a specific issue-area of international relations, even if they are not necessarily scrupulously observed."[142] As a consequence, a regime might be based on legal regimes or non-binding declarations. Levy, Young and Zürn have developed a typology of regime definitions based on the conceptual debate around formality and the behavioral aspect ("convergence of expectations").[143] It is displayed below in Table 2. From the discussion above, it should be clear that my operational definition of regimes focuses on 'dead-letter regimes' and 'full-blown regimes'. After identifying them, we might be able to identify 'tacit regime' based on successful or failed cooperation that cannot be explained otherwise.

Table 2: A Typology of Regime Definitions

FORMALITY	**CONVERGENCE OF EXPECTATIONS**	
	Low	*High*
Low	no regimes	tacit regimes
High	dead-letter regimes	classic regimes [or "full-blown regimes"]

Source: *Marc Levy/Oran Young/Michael Zürn* (1995): The Study of International Regimes, in: European Journal of International Relations 1, p. 272.

It is important to stress two uncontroversial, yet crucial implications of the regime concept.[144] These implications answer some of the criticism mentioned above. First, international regimes are international institutions and should be studied as such, i.e. they have rather stable sets of rules, roles and

[141] Keohane (1993), p. 28.
[142] Dorsch (2001), pp. 25-26.
[143] Ibid., p. 272-273.

relationships. Second, international regimes and international organizations are neither synonymous nor co-extensional (i.e. refer to the same entities). Often regimes are accompanied by organizations designed or employed to support them. Contrary, rather universal organizations can host several regimes. There are two points that can help to distinguish between organizations and regimes: (1) Organizations are concrete entities for a certain purpose, have formal procedures, bureaucratic structures and leadership, which permit them to react to events on their own (at least to some extent), while regimes are conceptual creations and consider broader forms of institutionalized behavior, which include informal and habitual elements. (2) International organizations like the United Nations do not have to be limited to special issue-areas of international relations, whereas regimes are issue-specific by definition. In sum, there is an analytical distinction between international regimes and international organizations, but the study of regimes should not be artificially separated from the study of formal organizations, because, as outlined, regimes and organizations are often connected.[145]

Regime analysis has not proven to be a "passing fad", as one of its strongest opponent, Susan Strange, once called it.[146] Students of international regimes admit that it might have lost some of its "earlier charm", due to its failure to produce a single robust theory to account for international cooperation, but stress that there is still strong interest in the concept because substantive questions of regime analysis count among the major foci of International Relations in both Europe and North America: What accounts for the emergence of instances of rule-based cooperation in the international system? And how do international institutions (such as regimes) affect actors in world politics? A vast literature on research conducted over various issue-areas reflects the interest in regime theory. Hasenclever, Mayer and Rittberger, a group of German International Relations scholars, identify three broad perspectives on international regimes in their comprehensive review of the regime analysis

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[144] See Levy, Young and Zürn (1995), p. 270.
[145] Kratochwil and Ruggie (1986), pp. 771-774.

literature.[147] They call these perspectives 'schools of thought'[148] and classify them according to the explanatory variables they emphasize as 'power-based', 'interest-based' and 'knowledge-based' theories of international regimes. This distinction reflects the recent debate between rationalists (realists and neoliberals) and constructivists (which Hasenclever, Mayer and Rittberger call 'cognitivists') in mainstream International Relations.

For constructivists, knowledge is crucial because intersubjective knowledge provides the link between the environment and actor behavior. Constructivists rely on a sociological perspective of international relations,

Table 3: Schools of thought in the study of international regimes

	REALISM	*NEOLIBERALISM*	*COGNITIVSIM* (esp. "strong cognitiv.")
Central variable	Power	interests	knowledge
*"Instituionalism"**	Weak	Medium	strong
Meta-theoretical orientation	Rationalistic	rationalistic	sociological
Behavioral model	concerned with relative gains	absolute gains maximizer	role-player

* This means, to what degree do institutions influence actors' behavior in international relations?

Source: Hasenclever, Mayer, and Rittberger (1997): *Theories of International Regimes*, Cambridge, p. 6.

which, according to Alexander Wendt, comprises two 'basic tenets': "(1) that the structures of human association are determined primarily by shared ideas rather than material forces, and (2) that the identities and interests of purposive actors

[146] Susan Strange (1983): Cave! hic dragones: a critique of regime analysis, in: Krasner (ed., 1983), p. 338.
[147] Hasenclever, Mayer and Rittberger (1997), especially pp. 1-7.
[148] They refer with the term of "school of thought" to ideas, "i.e. to sets of theories, rather than people: schools of thought, in our parlance, are constituted by contributions which share certain assumptions and emphases in making sense of regimes, rather than by contributors. They are intellectual, not sociological, entities.", *ibid.*, p. 8.

are constructed by these shared ideas rather than given by nature."[149] Thus, constructivists ask how actors' preferences, which neorealists and neoliberals take as given, are shaped. Table 3 below displays Hasenclever, Mayer and Rittberger's classification of regime analysis. It is a useful guide for the theoretical discussions of the regime concept and what research in regime analysis can focus on.

At this point it is time to summarize and repeat some of the main criticism of regime theory.[150] The lack of a precise theory is one of the main criticism of regime theory. Many see it as a necessary consequence of the consensus definition, which was able to attract so many scholars from different schools of thought. As Crawford put it, "the usability of the well-known Krasner definition seems to be correlated directly to its lack of analytical precision."[151] The ambiguities of the concept were already discussed above. Its critiques follow from these difficulties that regime theory will produce little long-term contributions to the knowledge of the discipline. The state-centric approach of regime theory is another important point raised by critiques, but there have been systematic attempts to include non-state actors within regime theory.[152] Furthermore, critiques accuse regime theory of being value-biased because it puts order and status quo above justice in the international system, thus, neglects the issue of distributive justice.[153] While the issue of justice had indeed been neglected, it was never fully absent and more recently there are even systematic efforts to integrate the aspect of justice into regime theory.[154]

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[149] *Wendt* (1999), p. 1.
[150] The "classic" among the critical pieces on regime theory is still *Strange* (1983), see more recently Robert Crawford (1996): *Regime Theory in the Post-Cold War World: Rethinking Neoliberal Approaches to International Relations*, Dartmouth; in condensed form: Robert Crawford (2000): *Idealism and Realism in International Relations. Beyond the Discipline*, New York, pp. 103-116.

[151] Crawford (2000), p. 106.
[152] See Virginia Haufler (1993): Crossing the Boundary between Public and Private: International Regimes and Non-State Actors, in: Rittberger (ed., 1993), pp. 94-111, and Michael Zürn (1993): Bringing the Second Image (Back) In: About the Domestic Sources of Regime Formation, in: Rittberger (ed., 1993), pp. 282-311.
[153] *Strange* (1983), pp. 344-351, and *Crawford* (2000), pp. 109-112.
[154] For a very clear example of the first, see *Krasner* (1993). For a recent systematic effort, see Andreas Hasenclever, Peter Mayer and Volker Rittberger (2000): *Is Distributive Justice a Necessary Condition for a High Level of Regime Robustness?*, Tübinger Arbeitspapiere zur

In sum, regime theory seems to suffer from shortcomings of International Relations as a whole and a pluralism of theoretical explanations that is familiar to the whole discipline. After all, it is only an analytical concept that tries to help to understand important real world phenomena. Even Crawford, one of the most proponent critiques of regime theory had to admit, "[t]hat regimes do refer to substantive phenomena in international politics is undeniable, but it remains difficult to establish whether regimes are pervasive, or relatively exceptional, aspects of international relations."[155]

Finally, I want to present a selection of real world phenomena that regime theory has been applied to. Regime analysis focused mainly on four types of issue-areas: communication regimes, economic regimes, environmental regimes and security regimes.[156] The first three types are very much at the heart of neoliberal approach because they mostly represent clear transnational problems and shared interests among states. Security regimes focused on issues of non-proliferation of nuclear weapons and the ABM-Treaty, but also got down to security regimes on a smaller scale, like the Berlin regime of the Allies during the Cold War and NATO conventional forces levels in central Europe.[157]

There have been applications of regime theory to issue-areas that are related to our topic, regimes of international intervention. The clearest one is the so-called 'Berlin regime' of the four Allied Powers after the Second World War. Although it became soon dysfunctional in many ways, it continued to function in many other ways.[158] This is probably the first example of the concept of regime being applied to a direct intervention. Another area is very closely linked to regimes of intervention, peace implementation regimes, because some peace treaties can provide the basis for direct interventions. This application derives of course from the classical use of the legal regime concept in international law: international treaty regimes. But not all of such treaties have to allow direct

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Internationalen Politik und Friedensforschung, Nr. 36, Tübingen, it can be downloaded at http://www.uni-tuebingen.de/ir.

[155] *Crawford* (2000), p. 108.

[156] Richard Little (2001): International Regimes, in Baylis and Smith (eds., 2001), pp. 304-306.

[157] Volker Rittberger (ed., 1990): *International Regimes in East-West Politics*, London.

[158] Gudrun Schwarzer (1990): The Berlin Regime, in Rittberger (ed., 1990).

interventions. The most recent example of the use of the concept to a peace process which did not constitute a direct intervention is the 'peace implementation regime in Nicaragua'.[159] I have suggested a more systematic application of the regime concept to direct interventions, when I argued that we could identify a new type of security regime: regimes of international intervention. In an application of regime analysis to one case study, the international level of the peace implementation process in Bosnia and Herzegovina, I have shown the usefulness of this extension of the regime concept to a new issue-area.[160]

According to the operational definition of a regime as I have adopted it above – "international regimes are sets of explicit principles, norms, rules, and decision-making procedures that are referred to in affirmative manner by actors in a specific issue-area of international relations, even if they are not necessarily scrupulously observed" – I can derive three steps of identifying a regime of international intervention. First I have to present the international agreement(s) ("sets of explicit principles…") the regime is based on and which also outline(s) the regime content and it components, especially its principles and norms. In a second step, I have to outline the structure of the regime, i.e. its organizational form, which in turn also reflects its rules and decision-making procedures. Finally, I have to conduct a check if the international actors in the issue-area refer to the regime in an affirmative manner.

Proposing a dynamic model of regime analysis

Simply applying the traditional regime analysis framework of International Relations will not bring us much closer to our goal, because it is usually seen as too static to cover the underlying political processes. We need to adopt a dynamic regime model. Usually, the traditional focus of research has been on regime formation and compliance. This has to do with regime theory's Cold War background, where regime impact and regime compliance was measured

[159] Caroline A. Hartzell (2002): Peace in Stages. The Role of an Implementation Regime in Nicaragua, in: Stedman, Rothchild and Cousens (eds, 2002), pp. 353-382.
[160] Christian Dorsch (2001).

against the role of hegemonic states.[161] One also has to recall the impact of the neorealist-neoliberal debate on the research agenda. The main thrust of all the research was "do regimes matter?". In all this research though, some topics have been neglected, like regime sustainability, related regime operation, regime adaptation, and regime transformation. How would a regime remain vital to the interests of their stakeholders? The evolutionary process of regimes was often neglected, despite that "[r]egimes are born through negotiation processes, and they evolve through postagreement negotiation processes."[162]

Indeed, one of the biggest criticisms of regime theory was its static nature. As one observer put it in the context of security studies, "[a]pplied specifically to the problem of security, it is not clear how much further this concept [international regime] takes us in understanding the dynamics of security relations than the early twentieth century idea of collective security, or indeed the 'concert' system following the Congress of Vienna in 1815."[163] To overcome this deficit is what the research of the Processes of International Negotiations (PIN) project at the International Institute for Applied Systems Analysis (IIASA) aimed at. Recently they have proposed to provide a more accurate or dynamic account of international regimes.[164] They want to build on the body of work already available while correcting it. They think they can profit from a clearer understanding of regimes and that the passage of time allows to study the evolution of regimes. As William Zartman put it, "[r]egime building is ongoing negotiation."[165] Negotiations on an initial agreement are followed by postagreement negotiations on regime implementation and adaptation. All these negotiations are two dimensional because they take place on an international level between the states and organizations involved and on a domestic level within states and organizations.

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[161] Bertram I. Spector and I. William Zartman (2003): Regimes and Negotiation. An Introduction, in: Spector and Zartman (eds., 2003) p. 7.
[162] Ibid., p. 4.
[163] McSweeny (1999), p. 49.
[164] Spector and Zartman (eds., 2003).
[165] I. William Zartman (2003): Negotiating the Rapids. The Dynamics of Regime Formation, in: Spector and Zartman (eds., 2003), p. 14.

Zartman complains that much of the current studies of regimes "miss the basic nature of a regime as a living thing, established in response to a problem of cooperation under conditions of uncertainty and evolving – indeed, expanding and contracting – as part of a continual re-creation process."[166] Indeed, in my previous study of the regime of the Dayton Peace Process for Bosnia, I found it most striking how the regime had evolved as an exercise of joint problem-solving. I was also struck by the largely informal processes and procedures that governed the regime and led to some necessary adaptations of the regime. It was difficult for me to fully account for this observation with the traditional focus of regime analysis.[167] Thus, my case study of the international intervention regime in Bosnia after Dayton confirmed the need for a more dynamic regime model.

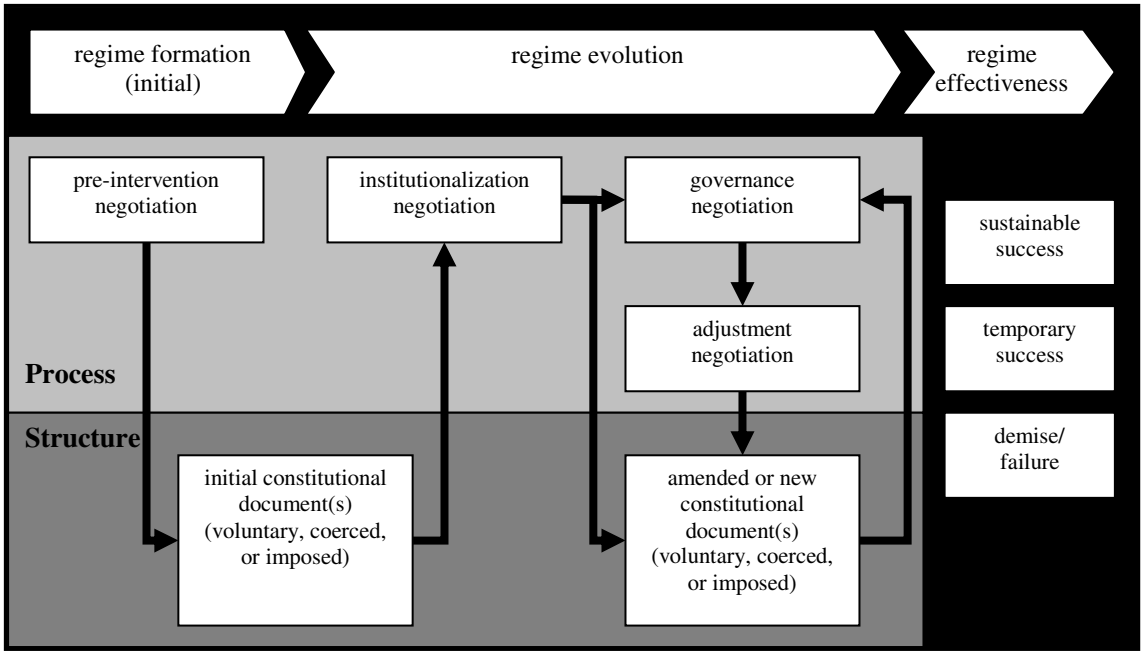
Now the PIN group has come up with such a dynamic regime model and I am sure it will serve well renewed interest in regime analysis. I intend to incorporate it in my proposal for a comprehensive and coherent comparative analysis of all state-building interventions since the end of the Cold War. In a similar way as "[m]ost of the regime literature focuses on *why* states cooperate and neglects *how* states cooperate in conceptual terms"[168], much of the literature on intervention focuses on why states intervene and neglects how states intervene in conceptual terms. Indeed, how do states sustain their cooperation on such a difficult and contested task as an international intervention? I want to address this problem by looking at the political processes underlying international interventions, especially how and on what basis decision-makers decided to intervene, to build a regime of intervention and to sustain and adapt it.

Bertram Spector has proposed a dynamic regime model with eight components, a 'conceptual framework' as he called it. Six of those components regard regime dynamics (postagreement negotiation), one the initial regime formation process (preagreement negotiation) and another the measurement of

[166] Ibid., p. 16.
[167] Cf. Dorsch (2001).
[168] Zartman (2003), p. 16.

regime effectiveness.[169] He splits the six regime dynamics components along two dimensions, the international and the domestic one.[170] While I find this model extremely useful, I want to abandon the international – domestic distinction in proposing my own adapted model (see Figure 2 above). The reason is that Spector developed his model with a focus on environmental regimes, in which steps like ratification, domestic rule-making and domestic enforcement are incredibly important – and a similar argument can be made about communications regimes, economic regimes and security regimes on weapons control – but for regimes of international interventions, such steps are less significant under these headings. This does not mean that the domestic level does not matter, on the contrary, I just want to account for it in a different way. Below, I propose my conceptual framework for analyzing international intervention regimes, or more specifically state-building intervention regimes as discussed above.

Figure 2: Conceptual Framework of Intervention Regimes



[169] Bertram I. Spector (2003): Deconstructing the Negotiations of Regime Dynamics, in: Spector and Zartman (2203), pp. 52-87.
[170] This is obviously in line with Robert Putnam's argument, cf. supranote ?.

I think this new dynamic model as I propose it will be a good conceptual framework for an analysis of international regimes. I abandoned the international-domestic level distinction that Spector used and replace it with an actors-issue-matrix that I want to use as an overlay to the process stages of the dynamic regime model (see Figure 3 below). With this matrix, I want to introduce all levels-of-analysis and areas-of-analysis that are relevant to state-building interventions since the end of the Cold War. The levels of analysis are more or less the standard levels used in International Relations adapted to the issue-area of this paper, international interventions.[171] I think it is most useful to start on the global level and see what it can account for in all of the four issue-areas that are relevant for any state-building intervention and then go down through all other levels to the individual level. The issue-areas that I have given have been identified in this or a similar way by a number of comparative studies.[172] Public security includes issues like external defence, disarmament and demobilization, border control and police. Governance and participation includes things as drafting a constitution, appointing transitory governments, holding elections and establishing democratic freedoms. Justice and human rights includes post-conflict justice, the rule of law and the guarantee of fundamental human rights. The economic and social well-being includes humanitarian assistance, public infrastructure, the market and the availability of goods, education and so on.

Figure 3: Actors-Task-Matrix Overlay for Processes of Dynamic Regimes

Direction of analysis ↓		Public security	Governance and participation	Justice and human rights	Economic and social well-being
	Global				
	Regional				
	States				
	Lobby Groups				
	Individuals				

[171] See e.g. James E. Dougherty and Robert L. Pfaltzgraff, Jr. (2001): *Contending Theories of International Relations. A Comprehensive Survey*, New York NY, 5th edition, pp. 28-32.
[172] Cf. Orr (ed., 2004) and Stedman, Rothchild and Cousens (eds, 2002).

As can be seen in Figure 2 above, I am want to address three analytical phases of regime dynamics as they have been discussed in the regime literature. The first phase is regime formation, which includes the process of preagreement negotiations on the agreement that provides the basis for the intervention and the agreement itself as a constitutional document. The constitutional document will provide for the regime components. The second phase is regime evolution, which starts of with the implementation of the agreement through building the regime institutions, followed by operational governance of the intervention and adjustments as necessary, resulting in an amended or new agreement, again embodied in an constitutional document. The governance and adjustment stages can form a rather continuous feed-back loop. It has to be understood that all negotiations are considered to be multidimensional and can go through all the levels of analysis as they have been proposed above. The final analytical phase is regime effectiveness, which cannot really be separated from the regime evolution phase except for analytical purposes. Three categories of measuring effectiveness seem appropriate. First, a sustainable success, that means if the state-building intervention can come to an end, leaving a strengthened and viable state behind. Secondly, a temporary success, that means if the state-building intervention is able to continue and adapt to new challenges without having created a fully viable state yet. Thirdly, a demise or failure of the regime, that means, that the outside actors disengage from the regime, even completely withdraw from it without having created or improved a viable state in that moment.

The analytical framework as I have outlined it above can be operationalized for research through an analytical approach focusing on the three phases I have explained above. First, one should start with an analysis of the structure and the process of pre-intervention negotiations. What is the nature of the conflict and the target society/state? What are the interests of relevant states and organizations, and what is the available ‘intervention capacity’ (I will explain this concept below) at the relevant point in time? How did the negotiation process go? One should give a relevant account of events, apply the actors-issue matrix

to it and analyze the resulting agreement. Secondly, one should analyze regime structure (its components) and the processes of regime evolution. In the constitutional documents and related practice of the regime (peace agreements, resolutions, declarations), we can identify the regime components (principles, norms, rules and decision-making procedures) and designated key actors. Later changes to the regime structure can be shown by analyzing amended or new constitutional documents. There should be an account of the relevant institutionalization, governance and adjustment negotiation processes, including accounts of events on important decisions and actions. We can use the actors-issue-matrix to introduce all relevant levels-of-analysis and sectors-of-analysis and we should account for the impact of changes in what I call 'intervention capacity' (see below). Thirdly, one should analyze regime effectiveness. What is the impact of the regime on the target society and the international community? Is the regime a sustainable success, temporary success or failure/demise? What are the related changes in 'intervention capacity' that take place because of the regime?

'Intervention capacity' is a new analytical concept that I propose to account for the factors that can have influenced the decision-makers in their negotiations on intervention regimes. I want to distinguish three areas of 'intervention capacity'. First, the legal framework: what does universal and regional international law, as well as domestic law, say about the options for a particular intervention? Second, the conceptual framework beyond law: what were the perceived options for a particular intervention. We can identify this conceptual framework in various related policy documents and analyze what they say and what they are expecting. Finally, the material framework, that means the availability of material and financial resources as well as trained personnel for any intervention.

I am confident that based on this conceptual framework, the analytical gap in the debate on interventions since the end of the Cold War can be closed. Research applying this analytical framework should be able to shed new light on the political processes underlying international interventions. It should help to explain not only why, but also how policy-makers decide to intervene, or not to

intervene, and maintain, or fail to maintain, the intervention until it has achieved a certain goal. As explained, I see this goal as state-building. I think a coherent and comparative analysis of regimes of state-building interventions will allow us to make generalizations on some important trends in our evolving world order since the end of the Cold War. For example, maybe we can identify a new tacit meta-regime on international intervention, but maybe not.

5. Conclusions: A Research Proposal

This paper wanted to explain the political nature of the most difficult contemporary international intervention, state-building intervention, and suggest a new analytical approach to answer the challenges it poses to scholars and policy-makers. It explained the continued relevance of the state for our conceptualization of world order and why state-building intervention has become such an important tool in maintaining world order. Such state-building interventions assume direct government authority in other societies, to an extent unparalleled since the end of colonialism and the ideological struggle of the Cold War. These latter political associations and the current universality of the legal principle of state sovereignty pose a political and moral dilemma for authors of intervention. Interveners have to come up with an answer on how they want to reconcile their undertaking with the peoples' right of self-determination and the norm of state sovereignty, which is supposed to secure international order, the very some goal that the authors eventually have to claim as the legitimate basis of their state-building intervention. In this sense, it should have become clear that providing an answer to the question "who will intervene where, when, how and for what purpose?", will reveal much about the world we live in today.

Unfortunately, the debate on international intervention has produced much confusion so far, because it has largely focused on the policies for intervention that different schools of political philosophy prescribe or on fragmented analyses of the "lessons learned". But there is no general theory of intervention that fits all cases and "who will intervene where, when, how and for what purpose?" is an inherently political question that will be decided differently from

case to case. This is not the least so because it will depend on the perceptions, values and beliefs of those persons who have the authority and power to order an intervention on behalf of the state or organization they lead. Often values and power are treated separately in world politics, but only when they are treated as intertwined, we truly know in which order we live in. Power is not used as a means in itself but to achieve certain goals that are derived from ideas and values, while values that are not backed up by power can hardly provide order when challenged. Thus, what is more useful is to produce generalizations on the political challenge that current interventions pose to decision-makers and analysts alike.

Because any intervention is the result of political negotiation and compromise, we should focus on the processes that make them happen or not and that lead to their success or failure. I want to argue that if we analyze in a coherent and comprehensive way the political decision-making processes of past international interventions, we can learn a lot more about where the debate on international interventions is leading us and how future international interventions might look like. To conduct such research, I proposed a dynamic model of regime analysis because we can understand interventions as international regimes. This model still needs to be applied to a better researched list of case studies. Another question is to what extent it can also cover external involvement which does not result in an intervention effecting directly the government authority structure of the target society. Furthermore, it should also be worthwhile to develop a set of hypothesis based on previous conceptual and comparative case studies.[173] In sum, research based on my proposed analytical framework should not only tell us more about past and current interventions from a coherent and comprehensive comparative perspective, but also indicate more general trends for ongoing and future interventions.

I should end my paper with a word of warning on the effective value of my proposed model of analysis. In accordance with the political nature of the

question of intervention as I have outlined it above, the political analyst might thus face failure in providing effective policy options when he or she turns into a policy advisor who is competing with policy options based on other assumptions, analysis or ideology. The futile but well-grounded efforts of many experts in Washington, D.C. before the Iraq intervention are just the latest example.[174]

[173] For example Spector and Zartman (eds., 2003), Orr (ed., 2004) and Stedman, Rothchild and Cousens (eds, 2002).
[174] James Fallows (2004): Blind into Baghdad, in: *The Monthly Atlantic* 293, January/February 2004, pp. 53-74.

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