



## **Opening the World Order to *de facto* States – Limits and Potentialities for *de facto* States in the International Order**

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### **'Maintaining Security & Stability in the State-building Process'** Mandy Turner, University of Bradford

#### **Introduction**

Thank you for the opportunity to speak at your conference. I have been asked, as a researcher in peacebuilding and conflict resolution, to outline some issues surrounding the maintenance of security and stability in the state-building process. The variety of circumstances under which unrepresented peoples live indicate the difficulty in making generalisations that apply to all. Taiwan, for instance, as pointed out by Scott Pegg in the first Panel, may well face problems due to non-recognition; however, it is a very wealthy country with functioning and efficient state structures, and enjoys a high level of bilateral recognition as well as defence support from the most powerful state in the world: the United States. In fact, I would agree with Pegg's argument that Taiwan is a unique case with little comparative value with other unrepresented peoples. Nevertheless, there are some interesting conclusions we can draw from Taiwan's experience of security and stability in the state-building process, which I will return to in my concluding remarks.

My research and thus what I want to speak to you about today focuses on unrecognised peoples whose fight for recognition has required (or continues to require) armed struggle. For the purposes of this presentation, I have split the state-building process into three different periods – the period of non-recognition/armed struggle; the period which involves the process of recognition/peace process; and the initial period of recognition/peacebuilding – all of which face different challenges in terms of security and stability.<sup>1</sup> I will go through each of these periods in turn, and draw on the experiences of Palestine, East Timor, Kosovo and Bosnia-Herzegovina. And in each setting, I will problematise the concepts of 'security' and 'stability' by asking: 'peace' and 'stability' for whom?

#### **Security and stability in period of non-recognition**

The 'international community', in the form of the UN, recognises the right to self-determination as embodied in Article 1 of the Charter of the United Nations. This 'right' is also enshrined in the Universal Declaration of Human Rights which this year celebrates 60 years since its adoption. Graham Watson, MEP, spoke passionately about self-determination being the key to international stability and security; and

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<sup>1</sup> This is, of course, highly simplified, but helps to differentiate the variety of security and stability problems that face nascent and newly-emerging states.

looks to the UN to build a democratic world order where all peoples are represented.<sup>2</sup> Indeed, Watson calls for an extension of the Wilsonian world order to address what he refers to as the 'democratic deficit' lying at the heart of globalisation and global governance.<sup>3</sup> While this is a noble 'call to arms', there is a deep contradiction which lies at the heart of this plea. For unrecognised peoples, as pointed out by Pegg in the first Panel, the main problem is that the UN is a collective security organisation whose main goal and *raison d'être* is the security and stability of its member states; the same member states that unrecognised peoples are struggling against for recognition.

The United Nations, in fact, should have more accurately been called the United States, but this name was already taken.<sup>4</sup> Article 2 of the UN Charter prohibits challenges to the 'territorial integrity' or 'domestic jurisdiction' of member states. So, for the UN, 'security' and 'stability' means the security and stability of its member states, which is generally at odds with the 'security' and 'stability' of unrecognised peoples. Furthermore, the veto power of the Permanent 5 Members of the UN Security Council (P5), the organ tasked with maintaining international peace and security, ensures that the security interests of the Great Powers are centre stage. As eloquently summarised by Miller (1999), 'central to a collective security concept is a binding obligation to defend a particular status quo against forceful change.'<sup>5</sup> As the struggle for recognition is a key challenge to the international status quo, the ability to achieve recognition is not a 'right' as such and thus not automatic, but depends on other key factors, namely the support of a powerful patron or, alternatively, that the call for recognition does not impinge on the political/strategic interests of the P5. This holds despite the emergence of the doctrine of the international community's 'Responsibility to Protect' (R2P), which some critics argue is a breach of the system of state sovereignty.<sup>6</sup>

For the vast majority of unrecognised peoples, therefore, particularly those who are struggling for recognition and/or independence, security and stability is threatened by the occupier or central state. The problem thus is not with international law per se but with the hostility of existing states to widen out membership of its elite club. The struggle for recognition can take many forms: some violent others non-violent, but the key issue is whether the central state/occupier decides to negotiate with unrecognised peoples/organisations peacefully or crush them forcefully. If and when the central state/occupier reverts to violence, the security of the unrecognised peoples is highly dependent upon the UN or another powerful patron to intervene. If such intervention is not immediately forthcoming, central state violence threatens the security and stability of unrecognised peoples through the destruction of infrastructure and livelihoods, the creation of refugees and IDPs, and mass casualties. 'Security from want' and 'security from fear' – the two aspects of the 'human security' paradigm to which R2P adheres – is thus contravened. Unrecognised peoples live in some of the poorest regions of the world, and this is often exacerbated by central state/occupier violence.

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<sup>2</sup> Address to UNPO conference by Graham Watson, MEP and Chairman of Alliance of Liberals and Democrats in Europe, 15 May 2008.

<sup>3</sup> Watson, Graham, 'Advocating a United Nations Parliamentary Assembly' in *The Case for Global Democracy*, 2007. <http://www.alde.eu/fileadmin/files/Download/UNPA.pdf>

<sup>4</sup> I am grateful to Scott Pegg for this point.

<sup>5</sup> Miller, Lynn H, (1999), 'The Idea and the Reality of Collective Security', *Global Governance* 5: 303-332; p303.

<sup>6</sup> International Commission on Intervention and State Sovereignty, 'The Responsibility to Protect', 2001, <http://www.iciss.ca/report2-en.asp>

Ensuring security and stability for unrecognised peoples in this initial period is thus dependent upon a peace process and a UN (or regional security organisation) peacekeeping force, or at least the threat of one being deployed, to underpin and protect the period of recognition and state-building. The main aim here for the unrecognised people is to ensure that their cause and the violence against them is represented in the media and is debated in the UN and other inter-governmental organisations. Direct appeals to the UN were and continue to be common methods used by peoples/organisations struggling for recognition. It has been widely acknowledged that the Kosovo Liberation Army (KLA) deliberately attacked Serbian soldiers and civilians to provoke further repression thus forcing NATO to intervene. This is a high-risk strategy that only works if the P5 *want* to intervene. The Palestinians have been using this strategy for many decades, for instance, with little success.

### **Security and stability in the period of recognition/peace process**

The main issue in this period is negotiating a coherent and legitimate peace process with the support of *all* the major parties – and making sure that they adhere to its conditions. Those who do not are generally referred to as ‘spoilers’; spoilers will take many different forms, with many different agendas, and thus will require different methods to manage them.<sup>7</sup> ‘Custodians of the peace’, defined by Stedman as “international actors whose task is to oversee the implementation of peace agreements”<sup>8</sup> are key to ensuring the peace and, more crucially for those struggling for recognition, the security and stability of the weaker party in the peace negotiations.<sup>9</sup> The ‘custodians of the peace’ were key in ensuring the survival of Kosovo, East Timor and Bosnia-Herzegovina. The NATO force, KFOR, and the UN transitional administration, UNMIK, ensured this in Kosovo. In East Timor this was ensured by the Australian-led UN force, INTERFET, and the UN transitional administration, UNTAET. And Bosnia-Herzegovina was protected by UNPROFOR (then IFOR and EUFOR) and the UNMIBH.

Since the end of the Cold War, the UN has been increasingly willing to intervene in situations of conflict and set up international administration. However, this inevitably involves handing over sovereignty to an outside power, which raises a number of questions and problems. The first question to ask is whether or not the local population is unable to govern itself and whether it is appropriate and legitimate for a foreign trustee to do so instead. However, for reasons of time, I will not discuss these here, but refer people to my forthcoming chapter.<sup>10</sup>

Interesting for us here, is that in the case of Palestine, the ‘custodians of the peace’ were less willing to directly intervene, allowing the dominant powerful neighbour and occupier, Israel, to shape the peace process in their favour. The Oslo Accords of 1993 were weak, and while they allowed for the institutions of the Palestinian Authority (PA) to be constructed, Israel was left with stifling and devastating control over

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<sup>7</sup> Stedman, Stephen John. (2007) “Spoiler Problems in Peace Processes”, *International Security*, 22 (2): 5-53.

<sup>8</sup> Stedman (2007):12

<sup>9</sup> Although, as I suggest later in the paper, these ‘custodians of the peace’ are not neutral – they have their own agendas.

<sup>10</sup> Turner, Mandy, ‘Lessons from the international community’s engagement in East Timor for the occupied Palestinian territories’, in S Rad and M Sabour, *Palestine: Past, Present and Future*, forthcoming, Institute of Palestinian Studies.

Palestine's borders, economy and security. Israel ensured it retained majority military control over the West Bank and Gaza, which were policed by the Israeli Defence Force, not a UN peacekeeping force. This was the ultimate cause of the crisis into which Palestine was plunged in the early 21<sup>st</sup> century. The potential benefits of a UN international administration include the end of devastating Israeli incursions into the West Bank and Gaza; an end to the factional fighting between Hamas and Fatah; and end to the economic collapse and human suffering, and the aversion of further social breakdown and civil unrest. The risk, of course, is that even if opposition to a UN peacekeeping force and administration – likely to come predominantly from Israel and the US, but also from some sections of the Palestinian nationalist movement – could be overcome, its task of ensuring security for Israel and establishing a viable Palestinian state would be impossible without a comprehensive peace plan which overcame the traditional points of impasse such as the fate of illegal Jewish settlements, the right of Palestinian refugees to return, the status of Jerusalem, the division of territory, and Israel's stranglehold over the Palestinian economy.<sup>11</sup> The Oslo Accords, as argued by the late Edward Said, was about 'security' and 'stability' for Israel, not the Palestinian people.<sup>12</sup>

While there are indeed problems in East Timor, Bosnia-Herzegovina and Kosovo, at least their security and stability has and will continue to be ensured by the 'custodians of the peace'. Not so in the case of Palestine; who enjoy neither security nor stability and are unlikely to do so unless and until they can ensure the support of a powerful patron who can balance the asymmetry they face from their occupier. For East Timor, no member of the P5 had any great strategic interest in Indonesia retaining control, while Australia did have an interest in seeing East Timor become independent. For Bosnia-Herzegovina and Kosovo, three out of the P5 had an interest in ensuring that Serbia did not retain control over all of the former Yugoslavia. The Palestinian cause suffers from being directed against a strategic US ally. This is the reality for many unrecognised peoples.

### **Security and stability in the period of peacebuilding**

If and when an unrecognised people get to the stage of peacebuilding there are a number of security and stability challenges they face. But this is where the concepts of 'security' and 'stability' again become problematic: 'security' and 'stability' for whom? Ensuring the security and stability of the state (and thus political and business elites) is assigned priority above the security and stability of the people. There are, of course, security and stability interests common to both, particularly those 'external' to the state, such as defence against a powerful neighbour. There are, however, enough differences when we turn to internal state security – state security often stands in opposition to human security, and thus both can become a source of instability and insecurity to the other.

There are three issue areas which are central concerns for security and stability in this phase: the demilitarisation of the society; peacebuilding; and development. After struggles for recognition and self-determination, the security and stability of the new state is highly dependent on its ability to rapidly build a monopoly over the legitimate

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<sup>11</sup> See Turner, Mandy., (2006) "Building Democracy in Palestine: Liberal Peace Theory and the Election of Hamas", *Democratization* 13(5).

<sup>12</sup> Said, Edward, (2004) *From Oslo to Iraq and the Roadmap*, Bloomsbury: London.

use of physical force. In order to achieve this, it is necessary to destroy or pacify all other sources of physical force through the disarming and demobilisation of militias, 'freedom fighters' and other non-state actors. Often these ex-combatants will make up the core of a nascent security sector, making the linking the two processes of DDR and security sector reform (SSR) necessary. This is a hefty undertaking, which has not often been carried out successfully. In fact, the way in which this is treated has repercussions for stability as indicated by the unrest caused by discontented ex-combatants in East Timor in 2006; although state security was ensured by the presence of UN police and peacekeepers. In Kosovo, there were an estimated 20,000 combatants at the end of the conflict (in a population of 2 million),<sup>13</sup> while in Bosnia there was an estimated 400,000 out of a population of 4 million.<sup>14</sup> Both countries were awash with weapons which needed to be decommissioned or destroyed. In Bosnia-Herzegovina, the development of a professional single army was a long process of unifying and reducing the three armies which had represented the three different ethnic groups. In addition to centralising military control in the state, the development of the rule of law and the end of impunity are key concerns for the population after conflict. In the case of Palestine, despite a European Union-sponsored SSR programme, powerful armed militia groups make it difficult for the Palestinian Authority to exert sovereignty and thus ensure security for its neighbour, Israel, which in turn has an impact on the PA's security and stability when Israel takes military action against both the Palestinian state and its civilians. In this context, the UN merely watches helplessly from the sidelines.

The wider process of peacebuilding includes, amongst other things: justice and reconciliation, particularly for war crimes and against impunity; turning armed liberation movements into political parties committed to swapping their guns for the ballot box; state-building and democratisation; and the resettlement of refugees and IDPs. These processes are all necessary to ensure state security and human security, however, the methods through which they are carried out are not neutral but are guided by a particular conception of peacebuilding, which some have referred to as 'the liberal peace'.<sup>15</sup> The 'liberal peace' involves imposing the same economic and political structures on post-conflict societies that are *perceived* to exist in the west. I say *perceived* because this 'ideal-type' of free market democratic state has never actually existed outside the fantasies of a World Bank ideologue. In the west, the state has always intervened in the economy (as indicated by the support recently given by western states to banks to weather the credit crunch), and there has always been a level of 'safety net' welfare provision for the poor and unemployed. But these facts are largely ignored by the 'custodians of the peace' as they impose their blueprint for the 'good society'.

This brings me on to the third central concern for security and stability in this phase: development. For human security and stability, job creation and poverty reduction are the key issues to address. This is usually conducted in societies suffering from destroyed, crumbling or under-funded infrastructure and social welfare systems; and where many are reliant on the informal economy for survival. In Bosnia, for instance, while statistics are unreliable, it has been estimated that the informal economy could

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<sup>13</sup> Turner, Mandy, 'DDR in Kosovo', 2006, unpublished policy paper for DFID project 'DDR in the Interests of the Poor', Centre for International Cooperation and Security, University of Bradford.

<sup>14</sup> Turner, Mandy, 'DDR in Bosnia', 2006, unpublished policy paper for DFID project 'DDR in the Interests of the Poor', Centre for International Cooperation and Security, University of Bradford.

<sup>15</sup> See, for instance, the work of Michael Pugh, Neil Cooper, Oliver Richmond, or Mark Duffield.

count for as much as 50-60% of GDP.<sup>16</sup> This has two implications: firstly that the state is being deprived of taxation; and secondly that the development policies being pushed as part of the 'liberal peace' are failing the population. There may well be a 'negative peace' in these countries now the guns have been silenced (although this is also questionable given the recent unrest in the Balkans and East Timor), but a 'positive peace' has yet to be built.<sup>17</sup> Some researchers have suggested that unless the 'custodians of the peace', who are also the major peacebuilders (or at least fund them and shape their policies), are willing to put more funding into reconstruction – a modern-day Marshall Plan – then it would be best that they reduce involvement and let newly-created and post-conflict states construct their own policies in line with their individual needs.<sup>18</sup>

## Conclusion

I started by splitting the state-building process for unrecognized peoples into three phases with different security and stability threats under each. This was in order to problematise the concepts of 'security' and 'stability'. In the first phase, that of seeking recognition, the security of the occupier/central state is the key focus of the 'custodians of the peace' given the overarching principle of state sovereignty which still dominates the current world order despite R2P. The security and stability of the unrecognized people is constantly under threat until a powerful patron intervenes to support them. In the second phase, the phase of recognition, the security and stability of the nascent state is only ensured if the peace process is 'fit for purpose' and is backed up by military force or the threat of military force if either side contravenes it. In the third phase, the phase of peacebuilding, 'security' and 'stability' is again not clear cut as the requirements of the state are different to the requirements of the people. Unrecognised peoples' campaigns for recognition, therefore, are highly dependent on the strategic interests of the P5, which explains why the Kosovans, East Timorese and the Bosnians have received support from the 'custodians of the peace', but not the Palestinians. This also explains why Taiwan is in a limbo land, but is also rather safe: while its security is ensured by the US, further international recognition is sidestepped in deference to Chinese sensitivities. The only hope the Palestinians have (and other peoples deemed not important enough for patronage), is that campaigning through the media and international bodies will force a change in attitude from the 'custodians of the peace'.

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<sup>16</sup> Alexander, J *et al*, "From Barracks to Business: An Evaluation of IOM's Transitional Assistance Program to Former Soldiers in Bosnia and Herzegovina", April 2004, Columbia University.

<sup>17</sup> That is, the absence of structural or cultural violence.

<sup>18</sup> Pugh, Michael, Cooper, Neil and Turner, Mandy, (2008) *Whose Peace: Critical Perspectives on the Political Economy of Peacebuilding*, Palgrave (forthcoming).