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Introduction: Regulatory State Building and the Transformation of Statehood

In the post-Cold War years, but particularly since the September 11 2001 terrorist attacks in the United States (US), the developing state and the functioning of its institutions have become primary security concerns for policymakers in the world’s major states and multilateral organisations. Initially, failed and fragile states were viewed mainly in relation to humanitarian crises, economic development prospects and human rights violations. However, in the course of the 1990s they have come to be seen as constituting considerable risk to states and societies many kilometres away, due to the perception that the absence or poor functioning of governance structures of a particular kind increases the likelihood of transnational risks, such as terrorism, international crime, environmental degradation and disease, to fester unchecked within their borders and eventually migrate elsewhere.

Indeed, for many renowned policymakers and scholars, effective global action to tackle governance ‘black holes’ and build/rebuild failed or fragile states is seen as one of the most pressing issues on the world’s agenda for the twenty-first century. The September 2002 US National Security Strategy paper turned conventional strategic thinking on its head when it stated that: ‘America is now threatened less by conquering states than we are by failing ones’ (White House 2002: 1). Former United Nations (UN) Secretary-General Kofi Annan (2005) said that ‘ignoring failed states creates problems that sometimes come back to bite us.’ Political scientist Francis Fukuyama, who famously proclaimed the post-Cold War era as heralding the ‘end of history’ (Fukuyama 1992), has argued more recently in a less triumphant mood that ‘state-building is one of the most important issues for the world community because weak or failed states are the source of many of the world’s most serious problems, from poverty to AIDS to drugs to terrorism’
(Fukuyama 2005: xvii). Robert Rotberg (2004: 42) posited that state building was ‘one of the critical all-consuming strategic and moral imperatives of our terrorized time.’ Afghanistan’s first post-intervention Finance Minister, Ashraf Ghani, and co-author Clare Lockhart have summarised the prevailing sentiment in claiming: ‘A consensus is now emerging that only sovereign states – by which we mean states that actually perform the functions that make them sovereign – will allow human progress to continue’ (Ghani and Lockhart 2008: 4).

As such, there has been a massive influx of practitioner and scholarly interest in developing suitable and successful approaches to international state building. State building has had to a considerable extent come to replace or greatly transform the earlier concern in the post-Cold War era with ‘building’ the ‘peace’ in post-conflict states and societies (Bendaña 2004). Peacebuilding initially referred to interventions and programs intended to turn violent conflict into peace. In contrast, state building is a term commonly used to refer to the broad range of programs and projects designed to build or strengthen the capacity of institutions, organisations and agencies – not all of which are necessarily part of the state apparatus – to effectively perform the functions associated with modern statehood. While state building interventions (SBIs) are in some cases deployed to deal with violent conflict on a large scale (Barnett et al. 2007), this is not a precondition as state building has taken on a more pre-emptive, risk management form than earlier post-Cold War interventions. Indeed, the state building agenda has now been extended beyond ‘post-conflict’ situations to be regarded as ‘applicable to a wide spectrum of developing countries, both in war and peace’ (Bickerton 2007: 93).

While policymakers, bureaucrats and policy-oriented researchers have been busy conceptualising, reconceptualising and endlessly refining the theory and practice of state building, a substantial body of critical literature has emerged to question and challenge the validity of some of the most basic assumptions of contemporary state building. Authors such as Oliver Richmond (2005), Michael Pugh (2005), David Chandler (2006b), Astri Suhrke (2007) and numerous others have produced powerful critiques of the dominant interventionist paradigm, arguing that the ideologies of liberal (or neoliberal) peace that underpin the objectives of prevailing state building approaches are highly problematic. Reflecting on the poor track record of these interventions in various parts of the developing world, critics have concluded that SBIs are fundamentally incapable of achieving their objective of constructing self-governing and stable states.
Despite the abundance of both policy-focused and critical research, this book has emerged out of dissatisfaction with existing accounts of contemporary state building and its effects. As I elaborate in the first chapter, most approaches to the examination of state building, whether critical or otherwise, implicitly accept the premise that these interventions are, or should be, about building the capacity of the state to govern domestically. Therefore, the literature has tended to conceive and evaluate SBIs in terms of their effects on state capacity or in some cases on state sovereignty. Such perspectives are established upon static institutional, legal and procedural conceptions of statehood and thus tend to downplay, if not wholly mask, the inherently political and ideological underpinnings of all projects of state construction and reconstruction, whether internally or externally driven, as well as the conflict-ridden and dynamic nature of such processes. They also reify rigid dichotomies, such as domestic-external, state-society, formal-informal and public-private, that are drawn along formal institutional and jurisdictional lines. In this manner, the state building literature strips the state of the particular historical context in which it – as well as commonly held perceptions of statehood and sovereignty – has emerged and developed, thereby foreclosing the possibility that the state has never stopped changing.

By focusing on the links between state building and capacity building, state building and sovereignty, or capacity and sovereignty, the literature on state building misses the crucial political nature of contemporary SBIs – the ways in which they affect the distribution, production and reproduction of political power in intervened states – and is therefore unable to explain, rather than describe, the possible trajectories of such interventions. Even the most incisive and thought-provoking critiques of contemporary state building, such as Richmond’s or Chandler’s, end up essentially explaining what SBIs do not do – build a legitimate and functioning Weberian state – rather than provide an analysis of what form of political rule is actually produced through these interventions.

In contrast, the regulatory approach I outline in this book is from the outset concerned with historicising and problematising the state. I seek to correct the somewhat mystifying and unhelpful disjuncture between the literature on state building, which purports to have the state as its main object of analysis, and the literature on state theory and governance. Following Poulantzas (1973, 1978) and Jessop (1990), I begin from the premise that the state is not an amalgam of institutions and actors governing a particular territory, but a site of social and political conflict. I argue that SBIs represent a new mode of governance, or a new form of political rule, that rather than merely build the capacity of the
state is in actual fact transforming the very nature of statehood in both intervened and intervening countries, leading to the emergence of a transnationalising and transnationally regulated state. This new, complex and contested form of statehood does not find adequate expression within traditional readings of international relations and international law and its true nature is obfuscated by the prevailing methodological nationalism of existing accounts of state building, which take the state as a given and its ‘performance’ as their object of enquiry.

Contemporary SBIs are premised on the perception that the absence or poor functioning of domestic governance institutions of a particular kind represents an unacceptable security risk to the intervening states and their societies. Therefore, managing risk in the longer term is seen to require the ‘strengthening’, indeed the transformation, of domestic governance structures and their outputs in intervened states. However, despite the ambitious and far-reaching nature of such objectives, their implementation rarely involves ruling intervened states directly. Rather, SBIs are set up to shape political outcomes primarily by circumscribing the spectrum of political choices available to domestic leaders, by means of transforming the governing architecture of intervened states from within; that is, they seek to shift policymaking into transnationalised or transnationally regulated spaces of governance opened up within or near the domestic governance apparatus of intervened states and into the hands of experts and managers who are not politically or popularly accountable. While such emerging governance arrangements are inherently asymmetrical, in that they are structured to privilege particular political outcomes and interests over others, SBIs almost without exception preserve the formal-legal sovereignty and territorial integrity of intervened states. In other words, rather than taking over intervened states, state builders attempt to regulate the way their governments govern. Indeed, SBIs are simultaneously found outside the state, in the shape of more traditional forms of diplomatic-international interactions and agreements between sovereign governments or multilateral organisations. This unique ‘multilevel’ character of SBIs – within and without the state at the same time – is important to understand and theorise in order to make sense of the potential trajectories of particular interventions and the broader implications of this mode of governance for the global order.

Crucially, rather than manifestations of an already consolidated post-Cold War global order – defined by either Westphalian pluralism or new imperialism – SBIs are part of the very process by which the global order is being defined, resisted, extended and modified. Because
this process is very much contested, learning about the nature, scope, trajectories and limitations of interventions in the world’s ‘fringes’ is a particularly useful way of understanding the dynamics of the emerging post-Cold War global order and its implications for states, societies and political agency more broadly. Indeed, this study demonstrates that SBIs are dynamic and often innovative forms of rule that can produce political outcomes that greatly diverge from those anticipated by their planners and implementers. The ‘inside-out’ approach adopted here stands in contrast to more prevalent ‘outside-in’ perspectives in international relations that seek to understand interventions and interventionism in relation to pre-conceived and static conceptions of the global order and national politics.

Examining SBIs as a novel form of political rule – or a new mode of governance – that challenges traditional conceptions of statehood throws up a set of questions that is mostly overlooked by the prevailing tendency to examine these interventions in terms of their institutional outputs at the national or in some cases sub-national levels of governance. This book sets out to explicitly examine the ways in which SBIs affect the production/reproduction and distribution of political power in intervened states: Who rules? How do they rule? What social and political conflicts are engendered or exacerbated by SBIs, and how are they managed? And finally, what alliances and coalitions support or resist such power relations? It is structured to address these issues by developing a theoretical and conceptual framework for examining contemporary SBIs, as well as by providing three case studies that each examines a different dimension of the ways in which these interventions transform the state – both the intervened and the intervening.

After critically evaluating the literature on state building and outlining the theoretical premises of this book in Chapter 1, I proceed in Chapter 2 to provide a conceptual framework for understanding the complex governance terrain opened up by SBIs and its relationships with other levels of governance, above and below the state. SBIs are conceptualised as multilevel regimes – sets of social and political relationships, institutions and ideas – that exist simultaneously inside and outside intervened states. However, SBIs never operate in a social, political, institutional and ideological vacuum – intervention regimes tend to coexist and come into conflict with other regimes within the state, which have different support-bases and ideational underpinnings. Such conflicts may have transformative effects on all regimes within the state and hence on the nature of political rule.
In Chapter 3 I examine the historical conjuncture within which this mode of governance has emerged. Four interrelated historical developments are identified as particularly pertinent – the perceived failure of the UN-led humanitarian interventions of the 1990s; the evolution in market-led approaches to development towards greater focus on the state and the quality of institutions as determinants of successful development outcomes; the ongoing transformation of the Western state after three decades of neoliberalisation and the associated shift away from government and the politics of interest-representation to governance and the politics of values; and finally, the supposed emergence of existential global-transnational risks and the reorientation of policy-making towards managing and containing risks of various kinds. By relating SBIs to broader historical processes the third chapter demonstrates that these interventions are not exceptional responses to crisis situations, reflecting localised lapses in state capacity and governance, but a new and dynamic mode of governance in the global political economy that is transforming the state from within. In this way SBIs constitute an important pillar in the architecture of an emerging anti-pluralist, hierarchical and increasingly authoritarian liberal global order.

In the fourth chapter I proceed to examine more closely the political and ideological nature of SBI regimes, by interrogating the relationship between processes of state transformation in the intervening states and the kinds of actors – public and private – that participate in these interventions and their functions. In particular, I focus in Chapter 4 on the role of what I call metagovernance actors, who are often concentrated in the core executive of states and multilateral organisations, in providing the broad set of rules that structure diffuse intervention regimes. As the discussion makes clear, whether public power is in the hands of public or private actors is less significant than the shifts in the location and purpose of state power that we have seen through ongoing processes of state transformation-neoliberalisation. These shifts have led to the reframing of public policy, not as an inherently political matter pertaining to conflicts between competing and often irreconcilable interests, but as a matter of ‘expertise’ and ‘good’ management.

The following three chapters are structured as thematic, in-depth case studies. The case studies are concentrated in the Asia-Pacific region, yet the processes I identify and the conclusions I draw from these examples have broader relevance and implications, as I will later explain. Chapter 5 follows on directly from the theme of the transformation of intervening states and its implications for intervention...
objectives and organisation. The chapter focuses on the recent transformation and expansion of the Australian Federal Police (AFP) from a domestic law enforcement agency into transnational state building as a way of understanding the emergence of a new regional ‘frontier’ of the Australian state, located within Australia’s neighbouring states of the Southwest Pacific and Southeast Asia. Within this new frontier, whose fluctuating outlines the AFP not only polices but also to a considerable extent defines, Australian security is portrayed as contingent on the quality of the domestic governance of the region’s developing states, thereby creating linkages between the hitherto domestic governing apparatus of the Australian state and those of other countries. This allows for the rearticulation of the problems affecting intervened states and societies – indeed, their very social and political structures – in the depoliticised terms of the breakdown of ‘law and order’ and the absence of ‘good governance’, which not only rationalises emergency interventions to stabilise volatile situations, but also delegitimises and even potentially criminalises oppositional forms of politics. The AFP’s transnational policing activities also open up a field of governance within the apparatus of intervened states that exists in separation from international and domestic law, thereby leaving intact the legal distinction between the domestic and international spheres and circumventing the difficult issue of sovereignty. As a result, police obtain discretionary ordering powers, without dislodging the sovereign governments of those countries.

Chapter 6 focuses on intervention regimes. It examines the limits of the interveners’ efforts to routinise political outcomes by constraining the political choices of domestic leaders through the example of the Regional Assistance Mission to Solomon Islands (RAMSI) – an extensive and expensive Australian-led state building exercise, under the auspices of the Pacific Islands Forum (PIF). RAMSI has often been lauded a great success and a model for good practice for other state builders to follow, in that its activities have managed to halt violent conflict and foster a return to economic growth in the small Pacific archipelago state. In contrast, it is argued that RAMSI’s achievements are established upon an unstable political coalition that has emerged due to the unsustainable availability of high levels of foreign investment in logging and fishing and a housing and services boom in the capital, Honiara, created by the arrival of many well-paid RAMSI employees and contractors, as well as upon the capacity of RAMSI officials to mobilise superior coercive force when fissures emerge. Ultimately, I argue that rather than providing a blueprint for good governance as it is meant to do, RAMSI
remains a form of crisis management, putting out ‘spot-fires’ when those emerge.

Finally, Chapter 7 examines the history of international intervention in Cambodia since the early 1990s, focusing on the development, characteristics and interrelations of two apparently opposite regimes within the state – the regimes of state building and patronage – as a way of learning about the nature of the state forms emerging through the heightened transnationalisation wrought by contemporary state building. Clashes between the two regimes have been common, at times over contentious issues that threaten the central role of the patronage system in determining the distribution of power in Cambodian public life. However, Cambodian Prime Minister Hun Sen and his associates have become adept at using the state building agenda with its emphasis on building ‘effective’ institutions as a way of displacing and transforming social and political conflicts in Cambodia into technical matters now framed and managed in the context of the ‘international’ relationship between the Cambodian government and its development partners. Although the donors’ shifting emphasis since the late 1990s from political liberalisation to state building has presented Cambodia’s ruling cabal with new challenges, primarily by opening up non-competitive, ‘administrative’, channels for contesting arbitrary executive power, it has also provided new opportunities for regime consolidation. Indeed, the two seemingly conflicting regimes of patronage and intervention are highly compatible in their disempowering effect on the emergence of meaningful political and civil oppositions. This is because both regimes, implicitly or explicitly, advance anti-competitive and hierarchical visions of social and political organisation as essential for Cambodia’s stability and future development, as well as act, in different ways, to curb unregulated political mobilisation. I conclude the chapter by arguing that since the conditions supportive of ‘effective’ governance, as it is understood by interveners, do not exist in Cambodia and are unlikely to emerge in the foreseeable future, international state building, by attempting to take policymaking out of politics and the political process, has ironically ended up strengthening a radically different and repressive political order.

In sum, this study ventures beyond the dominant but ultimately sterile preoccupation with whether SBIs are capable of achieving their objectives or not by presenting and developing an analytic framework that enables us to critically evaluate and explain the effects and trajectories of these interventions. SBIs are examined as dynamic, new forms of political rule in the global political economy that are transformative
of the state. By deploying the analytical and conceptual tools elaborated herein, we are able to determine how these interventions affect key issues relating to the exercise and distribution of power in today’s world: Who exercises it and how? Who supports it? And who resists it, how and why? Ultimately, my investigation establishes that contemporary state building – whether successful or otherwise in achieving its stated objectives – is associated with the emergence of increasingly authoritarian, hierarchical and anti-competitive forms of political rule within and between states.
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