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The Neocolonial Impasse of Post-Conflict Peacebuilding

Between Western Liberal Normativity and the Marginalization of Economic, Social and Cultural Rights

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ABSTRACT

This thesis critically examines the effectiveness, sustainability and legitimacy of modern peacebuilding in post-conflict societies with regard to neocolonial power dynamics. Post-Cold War peacebuilding is based on the premise that democracy and market liberalization are universally applicable and peace-promoting principles. However, this approach has been criticized for substantially relying on a Western normative bias that prioritizes civil and political rights, and lacks context-sensitive engagement with affected societies. This thesis contributes to existing critiques by emphasizing how the neocolonial peacebuilding framework is linked to the Western marginalization of economic, social and cultural rights – an aspect that has received relatively limited attention in the literature to date. Based on a conceptual methodology focusing on critical literature and discourse analysis, it argues that the current peacebuilding framework perpetuates Western normative hegemony and largely relies on unsuitable and unjustified measures which structurally prevent more durable peace solutions within post-conflict societies. Challenging the equal status between civil-political and socioeconomic rights, the thesis advocates for a peacebuilding approach that prioritizes the promotion of economic, social and cultural rights. It concludes that the effectiveness, sustainability and legitimacy of a socioeconomic-inclusive peacebuilding approach depends on its ability to confront existing global power asymmetries as well as Western neocolonial normativity.

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1. Introduction

This thesis investigates the effectiveness, sustainability and legitimacy of contemporary post-conflict peacebuilding from a neocolonial perspective. It examines how Western hegemony and colonial legacies continue to discursively and performatively dominate the current peacebuilding framework. By analyzing how peacebuilding, through a Western liberal normative lens, remains centered on a heteronomous and paternalistic approach to post-conflict rebuilding, the thesis argues that contemporary peacebuilding undermines the self-determination of conflict-afflicted societies and fails to achieve durable peace. It further explores how Western normative approaches to peacebuilding structurally favor the promotion of civil and political rights at the expense of supporting economic, social and cultural rights, and how this marginalization of socioeconomic matters leads to further depriving local communities of the necessary means to exercise their self-determination. By way of critically challenging the equal standing of both human rights categories – *i.e.* civil and political rights on the one hand, and economic, social and cultural rights on the other – the thesis advocates for the prioritization of a socioeconomic-inclusive approach to peacebuilding. It concludes that the effectiveness, sustainability and legitimacy of such an approach will depend on its capacity to credibly challenge existing international power dynamics as well as the Western hegemony and normative prerogative underlying it.

Since the end of the Cold War, peacebuilding has become a critical pillar in international efforts to contribute to sustainable conflict resolution and to foster long-term post-conflict statebuilding, and is generally regarded as aptly mediating the fragile transition period from conflict to peace. Today, peacebuilding is usually approached from a liberal point of view, focusing primarily on promoting democratic institutions, market liberalization and individual liberties. The contemporary peacebuilding framework is thus prioritizing civil and political rights, and commonly downplaying the significance of economic, social and cultural rights in post-conflict settings. However, in view of the typically largescale socioeconomic suffering traversing post-conflict societies, including *inter alia* extreme poverty and social disruption, the sole emphasis on democratic institution-building risks trivializing underlying structural issues, and potentially fails to address the veritable sources of conflict.

By trying to implement political models which seem to work well in Western liberal democracies but are not necessarily applicable in other contexts marked by multilevel vulnerabilities, peacebuilding operations often remain centered on Western and international interests. They consequently frequently turn

out to be ineffective and are often faced, *e.g.* with rejection from post-conflict societies. Even worse, they may indeed contribute to further destabilization and relapse into conflict, calling into question international attempts to achieve sustainable peace after conflict. Besides concerns about the effectiveness of Western blueprint models of peacebuilding as well as about the sustainability of such peace efforts, the means and methods usually applied by peacebuilders, and inscribed in a neocolonial paradigm, cast doubt over the legitimacy of the current peacebuilding framework, especially with regard to self-determination. Accordingly, the thesis examines the research question of how neocolonial power dynamics undermine the effectiveness, sustainability and legitimacy of the contemporary peacebuilding framework in post-conflict societies. By approaching peacebuilding through a neocolonial lens, the thesis intents to contribute to an understanding of a more inclusive and context-sensitive peacebuilding framework and calls for a reconsideration of the normative foundations which peacebuilding interventions rest upon.

While the contemporary peacebuilding framework is comprehensively described and critically examined in the literature, especially with regard to liberal paternalism – but including also criticism of the neocolonial attitudes inherent in Western normative concepts related to peacebuilding – there appears to be a research gap in connection with the historical and ongoing marginalization of economic, social and cultural rights in post-conflict settings. This thesis maintains, however, that the neglect of a socioeconomically sensitive approach to peacebuilding is both a result of as well as a reinforcement of neocolonial hegemony, and further compromises or undermines the effectiveness, sustainability and legitimacy of peacebuilding operations. Whereas the focus on civil and political rights, and particularly a liberal reading of peacebuilding, is usually called out as hegemonic, and is rather mainstreamed as such in the literature, the sidelining of economic, social and cultural rights is typically not thought of as relating to Western normative hegemony. Therefore, there is an academic interest in seeking to point out this gap and to contribute to a more complete understanding of the full scope of hegemonic peacebuilding dynamics. Comprehending the Western normative bias linked to the trivialization of economic, social and cultural rights is crucial, so the thesis argues, in order to understand the deeply rooted foundations and implications of neocolonial peacebuilding attitudes, and to fully grasp the limitations of the current peacebuilding framework. It further suggests that an improved peacebuilding framework must take issue with the neocolonial power disequilibrium in order to provoke genuine change and enable local self-determination.

Methodologically, the thesis is based on critical and conceptual literature and discourse analysis, focusing on the normative, legal and political dimensions of post-conflict peacebuilding. With a view to investigating Western liberal norms and power dynamics through a critical lens, the thesis draws from international legal and policy documents, and from interdisciplinary literature related to international law, political theory and philosophy, as well as postcolonial and peace and conflict studies. While it relies on regional case-based examples to illustrate the practical implications of the current peacebuilding architecture, the main focus is not an empirical one but lies on the transversal normative and structural analysis of the theoretical concepts and ideologies involved in peacebuilding. Rather than researching how peacebuilding unfolds in a specific context, the emphasis is on how peacebuilding is shaped and conceptualized internationally, and how the dominant rhetoric can be dismantled generally.

Insofar as the research is restricted to a normative-theoretical approach, and does not draw, *e.g.* from fieldwork experience or other substantive empirical data, the practical applicability of the findings in specific contexts may be limited. It is also acknowledged that the thesis is primarily centered on Western academic literature, posing the conundrum of criticizing Western epistemological domination while chiefly operating within that same epistemological frame. The thesis also fails methodologically to give voice to local stakeholders and directly affected communities, and therefore risks being guilty of the same paternalistic and heteronomous attitudes that it seeks to denounce with regard to peacebuilding. While being critical of the established peacebuilding framework, it is beyond the scope of this thesis to offer substantive alternatives, concrete principles for reform or practical guidelines.

Insofar as the thesis is concerned with how peacebuilding is tectonically constituted, and attempts to foreground the fundamental principles and biases underlying post-conflict peacebuilding, it relies on a simplified representation of Western normativity as stemming from an abstract conglomerate, schematically incarnated by "the West" or "the Global North" in generic terms. While acknowledging that, evidently, the respective state positions are more nuanced than portrayed throughout the thesis, the high level of abstraction is due to the systemic analysis of neocolonial relationships, and is deemed justified insofar as the analysis does not seek to make individual accusations, but is rather referring to structural issues more broadly. Equally, the picture of post-conflict societies is admittedly more complex than depicted in this thesis, and a society's will is likely to be more dispersed and less univocal than illustrated here. This obviously complexifies reflections, *e.g.* about self-determination, when conceding that the latter is frequently not expressed with the universality schematically assumed in this thesis. However,

such a reductionist view remains consistent with the thesis goal of systemically addressing the relationship between hegemonic peacebuilding actors on the one hand, and dominated post-conflict communities on the other.

The thesis engages in explaining and criticizing the liberal peacebuilding paradigm that understands international post-conflict response mainly as an agenda which promotes civil and political rights. It then investigates the Western hegemonic neglect of economic, social and cultural rights in peacebuilding, in order to advocate for the need to substantially include the latter rights in peacebuilding policies and activities. First, the thesis proceeds by analyzing the definitory, historical and normative underpinnings of modern peacebuilding (Chapter 2), in order to, second, identify the structural constraints liberal peacebuilding encounters with regard to its paternalistic, standardized and liberalized approach (Chapter 3), before, third, turning to interrogating the limits of a post-liberal peacebuilding framework which remains entrapped in Western normativity (Chapter 4). It is then devoted to, fourth, delineating the historical reasons and neocolonial logic behind the marginalization of economic, social and cultural rights (Chapter 5), in order to, fifth, call for a prioritized and decolonial inclusion of socioeconomic rights in peacebuilding (Chapter 6).

2. The Foundations of Modern Peacebuilding

2.1 Definition, Objectives and Normative Challenges

The United Nations (UN) define peacebuilding as a "long-term process" which "aims to reduce the risk of lapsing or relapsing into conflict by strengthening national capacities", in order to foster "sustainable peace and development".[1] Peacebuilding usually involves the intervention of international actors into the conflict-struck region and is characterized by a multilayered approach operating at many levels of the society, state and government in question. Concerned with a positive account about how state and societal rebuilding should look like, its objectives go beyond a mere negative understanding of peace as non-presence of conflict:

> Peacebuilding […] can be defined as a deliberate strategy of external and/or domestic actors, aimed at moving a country away from the mere absence of armed conflict and towards preventing the outbreak of renewed collective violence. Peacebuilding includes ideational and value-oriented shifts, socioeconomic policies, governance-related reforms and new arrangements for the distribution and control of power.[2]

Together with peacekeeping and peacemaking, peacebuilding is part of a larger tripartite UN peace agenda tasked with maintaining global peace and security. Overlapping and being interconnected with one another, the three fields are not always selective and clearly separable, although they are associated with different levels within peace processes. While peacekeeping refers to the operational level and usually to an international mandate within which different peace efforts can be executed and promoted, peacemaking relates to the diplomatic level which usually aims at negotiation, mediation and possibly agreement among different stakeholders, whereas peacebuilding concerns the structural level and involves processes relating to the tectonic (re)organization of post-conflict societies as well as the normative and systemic underpinnings necessary to create the conditions for enduring and long-lasting peace.[3] Despite the UN occupying a norm-setting function in conceptualizing peacebuilding and policymaking, respective operations are also carried out by other multilateral organizations such as the European Union (EU), by national development agencies, or through other bilateral agreements.

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[1] United Nations Peacekeeping, *Terminology*.
[2] Tobias Debiel and Patricia Rinck, 'Rethinking the local in peacebuilding: Moving away from the liberal/post-liberal divide' in Tobias Debiel, Thomas Held and Ulrich Schneckener (eds), *Peacebuilding in Crisis: Rethinking Paradigms and Practices of Transnational Cooperation* (1st ed., Routledge 2016), 240.
[3] United Nations Peacekeeping (n 1).

Despite their formal commitment to sustainable positive peace, many international peacebuilding mandates seem structurally incapable of achieving those goals by imposing supposedly universal standards which do not appear to be necessarily compatible with the already existing societal structures in post-conflict societies, and therefore frequently seem unable to provide and implement the structures necessary for long-term stabilization and peace. The normative standards usually understood as having universal value and as being indispensable in the context of peacebuilding chiefly relate to democratization and a concomitant institutionalism which are commonly seen as essential in state(re)building strategies. Thus, principles predominantly inherent to Western liberal democracies have prompted the international doctrine of liberal peacebuilding, based on the idea that liberal democracy is invariably favorable to all societies, and should therefore form an integral part in the conceptualization and practical realization of statehood. If necessary, such standards should even be implemented by means of international intervention in post-conflict situations, in order to externally induce liberal and democratic state structures. However, despite the UN's pronounced objective of strengthening national capacities, the latter often seem to be neglected in favor of applying a Western blueprint, *i.e.* a framework reliant on forceful assimilation rather than situational understanding and consolidation. The UN, in its norm-setting function with regard to peacebuilding, thus also explicitly seems to allow coercion and the use of force, inscribed in many Security Council mandates, in order to pursue democratization aims.[4]

Such strategies not only cast doubt over the detrimental effects of peacebuilding concerning its practical capacity to yield sustainable peace and stability, but equally over the legitimacy of trying to achieve liberal democratic structures via such paternalistic and procedurally oftentimes authoritarian means (not to mention the legitimacy of postulating liberal democratic ideals as universally desirable at all). While liberal democracy is essentially founded on principles relating to pluralism and autonomy, it appears that liberal peacebuilding precisely violates the self-determination of societies in and post conflict – paradoxically in order to procure that very self-determination to those societies. This conundrum in turn prompts further questions with regard to the Western normativity with which issues relating to statehood and peace are approached, as well as the demoting attitude towards local particularities and political structures that perhaps underlie such normativity. Couching peacebuilding and intervention along the lines of an implicit superiority-inferiority dichotomy where Western values are not only perceived as morally superior in the abstract, but where Western powers are also supposedly tasked with practically "assisting"

[4] Jonas Wolff, 'Peacebuilding and democracy promotion' in Tobias Debiel, Thomas Held and Ulrich Schneckener (eds), *Peacebuilding in Crisis: Rethinking Paradigms and Practices of Transnational Cooperation* (1st ed., Routledge 2016), 83.

inferior societies and states to achieve the same degree of excellence, seems problematic insofar as such a distribution of roles reaffirms Western hegemonic claims of saviorism and possibly reinforces neocolonial power dynamics that violate self-determination all along the line.

2.2 Post-Cold War Peacebuilding and Statist Colonial Continuities

Modern peacebuilding developed from peacekeeping – the older subdiscipline of the UN peace agenda. First-generation peacekeeping, usually authorized by the UN Security Council, was primarily exhausted by impartial monitoring and mediating capacities whose exercise typically presupposed host-state consent and usually excluded the use of force.[5] Mostly employed in interstate conflicts rather than civil war contexts, classical peacekeeping was a proponent of the pluralist doctrine, reflected in the primacy of sovereignty and cooperation as well non-interference, and focused on the effective conflict management between two or more states.[6] With its focus on pacification instead of rebuilding, first-generation peacekeeping was thus fundamentally different from the vocation of liberal peacebuilding which, in its support for a specific political ideology, seems less neutral than the previous generation. For instance, after the end of the British Raj in 1947, *i.e.* the British colonial rule over the Indian peninsula, the UN Security Council established the UN Military Observer Group in India and Pakistan (UNMOGIP) which was tasked with overseeing the agreed ceasefire line regarding the disputed states of Jammu and Kashmir between India and Pakistan. Limited to unarmed and neutral monitoring, this peacekeeping operation did not aim at imposing peace through political transformation, but instead to formally stabilize a bilateral conflict.

The different approaches pursued by first-generation peacekeeping on the one hand, and contemporary peacebuilding on the other, might also be explained by the shift in context that seemingly occurred, namely between classical peacekeeping operating mainly in interstate conflicts as opposed to liberal peacebuilding intervening primarily in a domestic civil war context. Modern peacebuilding is indeed supposed to reflect a more holistic approach exceeding mere conflict management, centering on "a wide

[5] Patryk I Labuda, 'UN Peacekeeping as Intervention by Invitation: Host State Consent and the Use of Force in Security Council-Mandated Stabilisation Operations' (2020) 7 Journal on the Use of Force and International Law, 331.
[6] Edward Newman, Roland Paris and Oliver P Richmond (eds), *New Perspectives on Liberal Peacebuilding* (UN University Press 2009), 6.

range of social, economic and institutional needs", including within sectors such as security, development, humanitarian assistance, as well as governance and the rule of law.[7] While present peace agendas may theoretically include socioeconomic principles in their framework, actual policies and operations often differ widely from such prospects. Especially the Post-Cold War peacebuilding framework seems to have rekindled neocolonial power dynamics, particularly with regard to state sovereignty.

The Post-Cold War paradigm shift unveils a paradox concerning the Westphalian state system. On the one hand, the new era of peacebuilding, framing itself from now on in liberal terms, weakens the Westphalian concept of non-intervention[8] and compromises domestic sovereignty for the benefit of democracy promotion which is deemed legitimate, even when done in a coercive manner. On the other hand, liberal peacebuilding "entrapped in methodological nationalism"[9] remains centered on statehood as the adequate and only framework within which peace can and should be achieved, rendering it difficult to think of peacebuilding processes in more local terms and at an infrastate level. By focusing on states as the only legitimate political entity, powerful Western states reaffirm their hegemony, "with many perpetuating the essentially colonial origins of their statehood".[10] The continuation of the Westphalian state approach in liberal peacebuilding, as well as the constant reaffirmation of statehood as the default norm, are inscribed in a colonial legacy that reasserts the hegemony of powerful states *vis-à-vis* so-called "failed" states. Whereas, prior to the Cold War, they were largely perceived as the main source of aggression, powerful states now seem to have become the supposedly benevolent supporters of global peace and the indispensable facilitators of conflict resolution. With that also comes the suspicion of perhaps a neocolonial moral hierarchy, implicitly conventionalizing charitable conduct as new currency of power and domination. It is by shifting the attention towards "failing or conflict-prone states" as grave contemporary threat[11] that powerful states seem to have turned around the narrative of the formerly malicious superpowers that now have become benefactors for the "developing", less powerful part of the world.

The relationship between colonialism and sovereignty as well as its implications for self-determination are indeed particularly relevant in the case of peacebuilding through intervention. During the heyday of

[7] ibid., 7.
[8] ibid., 5.
[9] Debiel and Rinck (n 2), 247.
[10] Oliver P Richmond and others, 'Power or Peace? Restoration or Emancipation through Peace Processes' (2021) 9 Peacebuilding, 10.
[11] Newman, Paris and Richmond (n 6), 9.

colonialism, sovereignty was a concept that was geographically, culturally and intellectually reserved to Western Europe, and a quality which was initially not recognized of states of other continents, believed to be inferior on all those levels. A sovereign state was synonymous to "a state that has succeeded in unifying a particular European territory, military, political and cultural, under its sovereignty".[12] In contrast, "the concept of sovereignty that was applied in Asia and Africa was diametrically opposite, schemed to work for the commercial and political advantage of European colonisers".[13] However, as a variety of new independent states have emerged since the period of decolonization – states that finally could claim equal status after having fulfilled the naturally entitling political requirement of becoming sovereign – they were denied the same privileges with reference to supranational principles which were all of a sudden invoked by the formerly colonizing states as being naturally valid and superior to the state power itself.

Peacebuilding, insofar as it is substantially concerned with the normative foundations for peace, may run the risk of relapsing into a similar kind of reasoning by offhand applying the norms underlying Western states to conflict-struck states and peace processes. Generally, the political and moral standing of comparatively younger and postcolonial states as *pari passu* states with Western democratic (and in their eyes accomplished) states largely appear to depend on the conformist willingness of formerly colonized states to accommodate their political systems to the sociopolitical axioms featured in the formerly colonizing Western states. In fact, since the period of decolonization, many states that newly emerged have not only been economically dependent on their former colonizers, but appear to structurally resemble the European state system and legal regime – first, because Western-instructed elites frequently took over the political power after the state gained independence, and second, out of a fear for isolation if the new states' domestic governments did not follow the Western political norm:

> Their legal system was the unasked gift of their 'colonial past' and the new political heads of states sought to align themselves in the new international order – largely because they were educated in Western institutions and they could not imagine an indigenous and isolated political existence in an ever integrating world.[14]

[12] Prabhakar Singh, 'From "Narcissistic" Positive International Law to "Universal" Natural International Law: The Dialectics of "Absentee Colonialism"' (2008) 16 African Journal of International and Comparative Law, 60.
[13] ibid., 61.
[14] ibid., 69.

When taking into account that donor countries frequently lay out vesting conditions for providing (financial) assistance – a practice that still seems relevant in peacebuilding today, *e.g.* through democracy conditionalities – the political conformity with them seems perhaps less motivated by genuine belief in their norms and moral principles than by the existential dependence on their assistance. In fact, the oppression exercised by Western imperialism also had important repercussions for the colonies' ideological emancipation from the colonial powers, frequently causing the political elites of national independence movements to sympathize with Western colonial doctrines rather than with their own population, and to apply the inherited "fear of otherness" to their own categories of normality and abnormality.[15]

The state thus continues to be envisaged as a guarantor for stability which explains why peacebuilding is often assimilated with statebuilding and the pursuit of "a sovereign state with territorial integrity and inviolable boundaries".[16] However, blindly applying the Western state model as a blueprint to a post-conflict context where statehood is not a priority, or where territorial integrity is highly contested, may complicate matters rather than contribute to their improvement. At the same time, peacebuilders appear to be reluctant to embark on an expansionist route regarding the Westphalian system and may seem disinclined to encourage the emergence of state entities within that system, for instance in the case of Kosovo: "International presence has become an instrument of great powers which aim to maintain the configuration of the existing Westphalian system by preventing the formation of new states."[17] Such a *status quo* approach is arguably irreconcilable with the self-determination of affected societies and their potential eagerness for independence. Giving exceptional weight to the current state of affairs is also a product of understanding peace primarily as stabilization, a praxis which is often concomitant with striving towards restoration, *i.e.* reinstating the *status quo ante* prior to the conflict, rather than extending the scope to alternative paths of conflict resolution. Furthermore, stabilization seems to be a well-maintained relic of colonialism:

> Stabilisation praxis has a long hinterland as far back as the imperial and colonial period, and reflected practices associated with counterrevolution and counter-insurgency, in that it seeks to stabilise the state to maintain the systemic status quo.[18]

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[15] Julia Suárez-Krabbe, 'Race, Social Struggles and "Human" Rights: Contributions from the Global South' (Brill | Nijhoff 2015), 92.
[16] Newman, Paris and Richmond (n 6), 12.
[17] Richmond and others (n 10), 5.
[18] ibid., 9.

Western rhetoric moreover frequently creates the impression that state sovereignty comes in degrees and is measured on the basis of how much and how well other states adhere to the teleology of democracy or economic expansionism, displayed as the natural and solely logical model to follow. Where the standards are not met, international intervention is, from a Western perspective, virtually required to lead those states deviating from the Western norm to the right path. Through admittedly sincere intentions of pursuing peacebuilding measures to stabilize regions with political unrest, intervening countries seem to downgrade their sovereignty when they do not mimic the Western antetype thereof. While, *e.g.*, largescale human rights violations may arguably serve as legitimate ground for peacebuilding missions, recent events indicate that they often fail to substantially improve the human rights situation of local communities, much less mediate greater political stability.

In fact, recent international withdrawal from the Hindu Kush or the Sahel region rather suggest that these operations achieve quite the opposite effect of stabilization. In 2023, France ended its ten-year anti-jihadist Operation Barkhane in the Sahel, *inter alia* by withdrawing troops from Niger, its former colony, following a military coup and rising anti-French resentment. The same year, the UN completed its decade-long Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) after a military coup in 2020. Since the withdrawal, the Russian paramilitary Wagner group has taken over former UN bases in Mali. Similarly, the longtime NATO International Security Assistance Force (ISAF) and later Resolute Support Mission (RSM), both carrying out military operations in Afghanistan, were abruptly dropped in 2021, initiated by the radical US troop withdrawal, and followed by the immediate political takeover of the Taliban. None of those missions can be deemed successful – a diagnosis which could be due both to the limited capacity for westernization of political regimes, and the willingness of local authorities to rebel against the presence of foreign international powers within their countries. It seems that Western and local political cultures move further apart from one another and potentially pose a security risk, provided that their ideological antagonism will be respectively maintained by unilateral and irreconcilable insistence on the appropriate and morally imperative political architecture. From this perspective, rather than providing sustainable resources and conditions conducive to longstanding peace, it looks as though peacebuilding might possibly lead to the opposite, *i.e.* to jeopardizing international peace and security and sowing more societal instability and political unrest.

From the point of view of Western consistency, it must be asserted that, *e.g.*, the human rights situation according to international standards has not improved in any of the cases mentioned. Now, if human

rights are considered to be the expression of the natural worth of each human being, and to represent one of the main targets of international missions, then it seems somewhat problematic that Western powers appear to be ending their operations precisely when the prospect of immediate increase of human rights violations after their withdrawal seems perhaps higher than ever (although practical implications of a bilateral escalation of the conflict surely have to be carefully taken into account as well when weighing up the human rights situation). If human rights as a concession naturally owed to each individual are radically pursued, then the supposed fear for one's own security and integrity should perhaps be only of secondary concern for the Western-led missions.

Another indication of the relatively contradictory attitude adopted by a variety of Western states is that human rights violations are not dealt with equally, with serious implications for peacebuilding. Depending on the regions and states violations occur in – and on the putative Western interests attached to the sites of crime – abuses are sanctioned differently, or not even at all. Despite adequately documented systematic human rights violations in several Gulf States, political punishment, boycott or conversion attempts remain considerably rare. Rather than a fight for global compliance, *bar none*, with principles that are believed to be normatively imperative and of inarguable importance, extensive differences in the evaluation of norm transgressions and concerning appropriate political ramifications can be observed, according as Western interests are at stake or not. The economic partnerships and cooperation many Western states maintain with states of the Arabian Peninsula, in particular with regard to fossil fuel supplies or arms exports, easily seems to override any *a priori* concerns about "universal" liberal principles which are usually at stake in peacebuilding missions.

In a lot of cases, political stability appears to be reducible to a quality that essentially can be denied those regimes that are politically and resource-wise inferior to the Western world – and where the latter perhaps wishes to secure and continue its political influence – whereas it is rarely contested where Western states are economically dependent on them or benefit from respective partnerships. Sovereignty is thus looked at differently – in the eyes of Western governments – depending on the political force and economic bargaining power of the state in question. Consequently, peacebuilding operations are applied very differently as well, depending on how peacebuilders view and value the sovereignty, autonomy and self-determination of the state, region or society in which they intervene.

For example, comparing interventionist peacebuilding in Haiti with the lack of similar attempts in Saudi Arabia illustrates how the unequal exercise of peacebuilding efforts plays out depending on the geopolitical context. In Haiti, after President Aristide was removed from power in 2004, the UN Stabilization Mission in Haiti (MINUSTAH) undertook a wide-ranging structural overhaul of the Caribbean country, involving statebuilding, institutional and judicial reforms, as well as organized elections in 2006. Lacking significant bargaining power due to its economic dependence on international aid, Haiti was confronted with an interventionist peacebuilding framework that had little concern for national autonomy, and potentially infringed on its state sovereignty. In Saudi Arabia, however, a strategic economic ally of many Western states, there is no trace of international peacebuilding attempts (or let alone of serious criticism of the authoritarian regime), despite structural human rights violations, an undisputable democratic deficit, and the Saudi military involvement in the regional conflict in Yemen since 2015, causing civilian casualties, contributed to the worsening of the humanitarian situation, and prompted further tension in the region. While Haiti is dependent on Western actors, the latter seem in turn economically dependent on Saudi Arabia with regard to oil and arms trade. Therefore, the international community seems to remain rather silent on its non-conformity with Western political and moral standards, and appears to leave Saudi Arabia's sovereignty untouched. Despite promoting regional destabilization and constituting a threat to regional if not arguably to global peace and security, Saudi Arabia is thus not likely to suffer from liberal interference and democratization attempts due to its geopolitical magnitude and international commercial interests at stake.

Sovereignty and statehood therefore appear to be negotiable traits rather than clearly defined ones. Since Western states seem to remain the ones deciding on, and if necessary modifying, the relevant conditions depending on their political and economic interests, the statist approach upon which modern peacebuilding seems to be predicated, likely benefits first and foremost the most powerful states and serves them to maintain hegemonic and normative claims. The inconsistent interpretation and unequal application of notions relating to sovereignty and statehood thus appear to undermine the legitimacy of a peacebuilding framework that relies on these notions which are substantially informed by underlying global power dynamics.

3. The Structural Limitations of Liberal Peacebuilding

3.1 Top-Down Liberalism and Neocolonial Paternalism

The effectiveness, sustainability and legitimacy of liberal peacebuilding in post-conflict societies are particularly put into question due to the top-down approach that overwhelmingly seems to prevail. Not only does the failure to include "community-driven peacebuilding" lead to a "neglect of the underlying sources of conflict" due to a lack of context sensitivity,[19] but it also couples state rebuilding with coercion and falls prey to its own ambiguity stemming from the conflicting peacebuilding goals dictated by potentially self-contradictory liberal democratic principles,[20] – *e.g.* democratic principles of equality on the one hand, and competitive market logic on the other. The liberal peacebuilding agenda not only seems to fall prey to internal contradictions; it also appears to be at odds with the overemphasis put on the strong Westphalian state – which almost comes across as having to reach Hobbesian authority[21] – as the only state category that can allegedly uphold international peace and security. In pursuing liberal principles, peacebuilding likely also encounters conceptual limits insofar as liberal efforts to deregulate and privatize contradict the peacebuilding aim of state reconstruction, since "the liberal economic and social policies that are promoted threaten to undermine the state", as happened, for instance, after the 2003 invasion of Iraq by the United States (US).[22]

Nevertheless, liberal peacebuilding in principle draws its main source of legitimacy from the assumption that democracy constitutes a warrantor for peace and prevents the eruption and resurgence of conflict, *e.g.* due to "institutional constraints upon leaders" and economic interdependencies between democratic countries.[23] With its heyday in the post-Cold War era, particularly from the mid-1990s onwards, "liberal blueprints"[24] were believed to incarnate the ultimate triumph of universal political normativity, "with international powers highly confident in liberal universalism after the collapse of the Soviet challenge",[25]

[19] Newman, Paris and Richmond (n 6), 4.
[20] ibid., 4, 13.
[21] Edward Newman, 'A Human Security Peace-Building Agenda' (2011) 32 Third World Quarterly, 1742.
[22] ibid., 1744.
[23] Newman, Paris and Richmond (n 6), 11.
[24] Debiel and Rinck (n 2), 240.
[25] David Chandler, 'Statebuilding' in Oliver P Richmond and Gëzim Visoka (eds), *The Oxford Handbook of Peacebuilding, Statebuilding, and Peace Formation* (Oxford University Press 2021), 438.

and democracy promotion strategies having emerged as "standard elements in the foreign and development policies of established (North-Western) democracies and international organizations".[26] Therefore, contemporary peacebuilding accounts have become associated with "a liberal agenda which emphasizes democracy, rule of law, free market economics and institution building".[27] It almost seems as though democracy has progressively been used and seen as being interchangeable with peace, or at least that democracy and peace are mutually exclusive inasmuch as democracy cannot fail to inevitably generate peace. Importantly, the democratic peace theory, while praising the "peace-producing benefits of democratization and marketization", does not necessarily reflect on the potentially hostile attitude interconnected democracies maintain notwithstanding towards non-democratic states.[28] Liberal democracy was seen as so evidently beneficial and morally imperative that it has arguably became a claimable right coupled with a duty to establish that right (through force) where needed:

> The end of the Cold War and the collapse of communist governments in Eastern Europe brought assertions that there was now a right of peoples to democratic governance and perhaps even a right of third states to use force to help a people to assert that right.[29]

Furthermore, democracy promotion and assistance are founded on the idea that external actors are able to upskill societies perceived as lacking democratic structures; and they consist of a myriad of measures which those external actors deem conducive to achieving democratization. Insofar as the adequacy of measures is largely assessed by the peacebuilders and not by the receiving communities, "[t]he kind of democracy that is supported in any individual case is thus dependent on the particular conception of democracy upheld by the particular democracy promoter".[30] Conflict-struck societies therefore face a dual state of dependence and loss of autonomy when it comes to peacebuilding: not only are they oftentimes materially dependent on aid through intervention, but they also cede the prerogative of interpretation about the adequate means to the interventionist forces. This seems all the more problematic due to a credibility problem repeatedly encountered in democracy promotion, *e.g.* in the 2003 US-led invasion of Iraq, which is "caused by the double standards which more generally characterize the foreign policies of

[26] Wolff (n 4), 73.
[27] Amanda Cahill-Ripley, 'Reclaiming the Peacebuilding Agenda: Economic and Social Rights as a Legal Framework for Building Positive Peace - A Human Security Plus Approach to Peacebuilding' (2016) 16 Human Rights Law Review, 226.
[28] Newman, Paris and Richmond (n 6), 11.
[29] Christine Gray, 'The Prohibition of the Use of Force' in Christine Gray (ed), *International Law and the Use of Force* (Oxford University Press 2018), 65.
[30] Wolff (n 4), 74.

the North-Western democracies".[31] More generally, practical examples put into question whether democracy can be forcefully and effectively established at all, and whether the use of force constitutes a legitimate means for external actors to implement democracy:

> It seems to go too far to argue that […] instances of UN and regional action show a right for states unilaterally to use force to restore democratic government. And, as a practical matter, the crucial question that arises after *Operation Enduring Freedom* in Afghanistan, *Operation Iraqi Freedom* in Iraq, and *Operation Unified Protector* in Libya is whether democracy can ever be established by force.[32]

Neither does the top-down approach seem to be bothered by the paternalism with which liberal democracy should and can be achieved according to liberal peacebuilding. By involving the international community – and usually contracting with people in power – the idea of internal consent and identification with the state, which seem to be an essential liberal element, are generally absent, since the state is externally rebuilt,[33] if necessary even against the will of the local communities directly affected.[34] "Thus, the essential mechanism of a liberal social contract is generally absent in post-conflict states, which instead are held together by external actors."[35] This approach oriented towards establishing a liberal order by fundamentally illiberal and coercive means, and by "black-box[ing] societies"[36] suggests a gross violation of the right to self-determination, and begs the question whether the notion of liberal interventionism must not in fact be deemed an illegitimate oxymoron.

Paternalism is especially problematic since it is "disrespectful, infantilizing, violates someone's autonomy and dignity".[37] Such belittling and perpetuation of a heteronomous relationship through intervention echoes a form of neocolonial domination which, in this case, is justified through the necessity to provide aid and assistance in exceptional circumstances. Insofar as peacebuilding is approaching conflict resolution "with a predetermined idea of what societies need and what they should look like", it is "reminiscent of colonialism and its civilizing missions".[38] Although liberal democracy is supposed to pave the way for pluralism, its stipulation as perhaps the only legitimate way of statehood and societal structure seems to

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[31] ibid., 75.
[32] Gray (n 29), 68.
[33] Newman, Paris and Richmond (n 6), 13.
[34] Michael Barnett, 'Peacebuilding and paternalism' in Tobias Debiel, Thomas Held and Ulrich Schneckener (eds), *Peacebuilding in Crisis: Rethinking Paradigms and Practices of Transnational Cooperation* (1st ed., Routledge 2016), 23.
[35] Newman (n 21), 1742.
[36] Chandler (n 25), 438.
[37] Barnett (n 34), 24.
[38] ibid., 28.

undermine that very idea insofar as it is understood in a highly fatalistic way and reduces political legitimacy and statehood to this Western blueprint.

Indeed, the exceptionality within which peacebuilding usually operates as well as the perceived incapacity of conflict-struck societies to free themselves from the manifold burdens of conflict may legitimize (or even necessitate) such paternalistic behavior,[39] especially for the sake of effectiveness.[40] Regardless of whether this is so, the scope of paternalism and the means by which it is implemented in peacebuilding may however exceed that initial legitimacy (and necessity), especially when they lead to a general vilification of judgment of local actors, thus reviving colonial dichotomies of civilized/uncivilized, advanced/traditional or superior/inferior.[41] In fact, in international law, colonial binaries such as "Civilised/Barbarian, Believer/Infidel, White/Black or Advanced/Primitive" have simply been replaced by "such dualities as Developed/Developing, Centre/Periphery, Advanced/Emerging, or Rich/Poor" which continue to revolve around Eurocentric narratives.[42] Even if paternalistic peacebuilding is putatively effective (which in many practical cases can be disputed in the first place), the question remains as to whether it can be justified to the detriment of the autonomy and dignity of local societies, particularly when neglecting, if not omitting, the communal aspect of self-determination:

> To the extent that both autonomy and self-determination also have a collective dimension that includes the right of a given political community to decide on its path and shape of political development, external support for a particular model of (liberal) democracy is generally problematic, even if only nonviolent means are used.[43]

Moreover, peacebuilding remains conceptually paradox insofar as it seeks to promote democracy and autonomous self-legislation at the domestic level, while "in shaping political dynamics and structures in this country, democracy promoters necessarily exercise power over this society and, thus, contribute to a status of (relative) disempowerment".[44] Liberal peacebuilding therefore potentially seems to be at a notional loss to explain its concept of heteronomous empowerment. Besides, much of the peacebuilders' commitment to human rights seems to be undermined by the "prerogative to use military intervention in

[39] ibid., 25.
[40] ibid., 34.
[41] ibid., 29.
[42] Luis Eslava and Sundhya Pahuja, 'Beyond the (Post)Colonial: TWAIL and the Everyday Life of International Law' (2012) 45 Verfassung und Recht in Übersee / Law and Politics in Africa, Asia and Latin America, 196.
[43] Wolff (n 4), 75.
[44] ibid., 84.

defence of the international hierarchy of wealth and power"[45] which rather resembles violent and possibly power-conserving conflict management than genuine interest in resolving the sources of conflict in the long run. Disempowerment and domination also occur more drastically by the subtle ways in which liberal peacebuilders tend to force post-conflict societies into assimilation, or at least castigate otherness and deviation from the liberal norm. By alienating individuals in post-conflict settings from quotidian life through shifting the focus towards liberal and political concerns, a neocolonial rhetoric is forged that depicts persisting inequalities as resulting from a lack of assimilation with the Western liberal state order:

> The liberal peace has […] failed to negotiate with far more entrenched practices, commonly thought of in terms of custom and communalism, and everyday life. This is a classically colonial intellectual move designed to distance the everyday lives of post-conflict individuals (and those in 'development' settings) so that inequality can be effectively justified by non-liberal alterity.[46]

Not only do such strategies yield false promises that all issues are (solely) resolvable by integrating into a Western framework of liberal statehood, it also indirectly coerces post-conflict societies into assimilation by connotating their inferiority to non-compliance with Western normativity. In any case, an incalculable violation of the right to self-determination of the local communities seems evident.

Another common criticism advanced against top-down approaches of peacebuilding, concomitant with paternalistic power dynamics, is the lack of consent from local actors, societies and states directly affected by the conflict, which would amount to condescending behavior by external actors. However, it is worth noting that waiting for consent when entire communities are probably in dire need, would in turn be perceived as negligent.[47] Furthermore, consent is problematic insofar as it is a quite democratic idea and not easily achieved within non-democratic settings where the question of authentic representation of affected societies rightfully arises.[48] Nevertheless, the relatively unchallenged legitimacy to intervene in peacebuilding contexts seems to underplay the geopolitical significance of underlying "local and transnational power dynamics".[49] In this vein, peacebuilding can also be seen as a gateway for Western domination through intervention and the use of force, a process reminiscent of colonial practices. The shift from non-violent peacebuilding to the authorized use of force is most notably reflected in the evolution of UN peacekeeping mandates where current operations approved by the Security Council frequently

[45] Richmond and others (n 10), 6.
[46] Oliver P Richmond, 'Resistance and the Post-Liberal Peace' (2010) 38 Millennium, 668.
[47] Barnett (n 34), 30.
[48] ibid., 31.
[49] Richmond and others (n 10), 1.

allow for the use of force in accordance with Chapter VII of the UN Charter.[50] Notably, UN mandates authorized under Chapter VII do not necessarily require the consent of the state where intervention occurs.[51] Yet, a qualitative difference with regard to moral legitimacy may be observed, *i.e.* that "host state consent remains the core element that distinguishes peacekeeping from (peace) enforcement".[52]

3.2 Standardized Approaches and Lack of Context Sensitivity

One of the major problems for the legitimacy of liberal peacebuilding seems to be the lack of universality of the principles underpinning it:

> The tenets of liberal peacebuilding – liberal democracy, liberal human rights, market values, the integration of societies into globalization and the centralized secular state – are not necessarily universal (or universally applicable) values.[53]

Whereas principles that may well be suitable in the context of Western liberal democracies, where societies have long identified with and in general culturally internalized that political ideology, such principles may lack applicability in contexts where they are perceived as alien and incompatible with local norms and customs. Contrary to the often strongly held assumptions within Global North states about the neutrality of liberalism in terms of its mode of operation and effectiveness, the promotion of liberal democracy can have very different impacts depending on the circumstances in which it is implemented.

Particularly relevant appears to be the fact that societies in the context of conflict are already exposed to a series of uncertainties and instabilities which makes their receptivity to unfamiliar political doctrines less likely and the export of alien state structures all the more questionable, especially with regard to peacebuilding's principal agenda of achieving sustainable peace and development. In other words, irrespective of whether liberal democracy is in principle normatively preferable to societies in general, the volatility of the context often appears to be neglected or underestimated when assessing the appropriate framework for peacebuilding. Too little attention is commonly drawn to the risks emanating from transition itself, for implementing liberal structures in a society to which the latter are to a great extent alien runs the risk of further destabilizing instead of sustainably rebuilding it:

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[50] Labuda (n 5), 331.
[51] ibid., 332.
[52] ibid., 342.
[53] Newman, Paris and Richmond (n 6), 12.

> Though fully fledged, market-based democracies offer the best insurance for preventing collective violence at the domestic level, processes of transformation are risky, in particular in fragile states and war-torn societies.[54]

As post-conflict societies are frequently transitioning at many levels, including customs and power, liberal peacebuilding risks operating "in a vacuum in which the old rules of the game have eroded, while new rules have not yet been institutionalised", a matrix for new tensions and conflict where, *e.g.* economic liberalization further risks marginalizing the most vulnerable in a society,[55] since economic growth frequently remains rather elitist and pushes large parts of the population towards informal economic sectors.[56] Furthermore, with regard to the peace-promoting premise of democracy, it must be noted that such an assumption can at best hold true for established democracies but does not seem to be applicable to societies currently undergoing democratization. Transitional societies appear to have one of the highest potentials for conflict, for "the risk of conflict is highest not among democracies or authoritarian states but in partial democracies or transitional states, especially when factionalism is present".[57] However, the threat emanating from the general fragility of post-conflict societies is usually desperately underestimated in peacebuilding efforts, and the risk of promoting, *e.g.* widespread sectarianism through peacebuilding is often not seriously taken into account.

Furthermore, liberal concepts of peacebuilding arguably only work by means of abstraction with respect to the local particularities, and "operate at many levels of denial: cultural, structural, economic and physical".[58] This can be partly attributed to tendencies to globalize basic moral policies and maxims such as "Responsibility to Protect" or "do no harm" rather than to localize operational principles and adapt them to the reality of life of local communities to whom such policies and maxims are supposed to apply.[59] A particular issue for post-conflict peacebuilding is the prevailing focus on formal or "cold institutionalism"[60] and the frequent Western conviction that the mere export of liberal and democratic institutional structures can contribute to substantial change and yield genuine democratization and marketization:

[54] Debiel and Rinck (n 2), 244.
[55] ibid., 244.
[56] Newman (n 21), 1744.
[57] ibid., 1743.
[58] Richmond (n 46), 666.
[59] ibid., 666.
[60] ibid., 669.

> [T]here is real concern that "post-conflict" peacebuilding programmes may sow the seeds of their own failure by exacerbating the social tensions that resulted in violent conflict in the first place, or by failing to create the domestic foundations for democratizing and marketizing reforms.[61]

Due to a superficial, sweeping and context-unspecific application of a Western liberal political layout, such a peacebuilding framework seems to focus rather on symptom treatment than addressing the roots of the conflict as such. Moreover, such a course of action appears to be prioritized due to a general unwillingness of Northern governments to engage in long-term peacebuilding commitments, to provide the resources necessary to protect human rights in a durable manner, and to devote themselves to more costly and effortful agendas. However, qualified peace is seldomly attained by mere democratic formalism:

> Peaceful social orders do not automatically emerge from the wreckage of a dictatorial regime and long-suppressed localised conflicts do not subside through standardised interventions such as constitution-making and elections.[62]

The commitment to formal institutionalism apparently represents a welcomed middle ground, since it reflects the international community's alleged ideational concerns for conflict without requiring international actors to get involved in a more significant, expensive and perhaps ethically delicate manner. Yet, it also means that most mandates of that sort are only of limited success, since standardized band-aid solutions fall short of having the desired impact, as seen, for instance, in the 2011 external regime change in Libya. Institutionalism of that sort apparently also ignores the qualitative difference between formal but societally void and alien democratic institutions, as opposed to democracy which draws its legitimacy from a "ritualistic popular participation",[63] *i.e.* from a society which identifies with, and is sympathetic towards the newly established political structures.

[61] Newman, Paris and Richmond (n 6), 13.
[62] Richmond and others (n 10), 7.
[63] Richmond (n 46), 684.

3.3 The Prioritization of Civil and Political Rights over Economic, Social and Cultural Rights

Framing the peacebuilding agenda primarily in terms of a democratic deficit also risks unilaterally prioritizing the pursuit of civil and political rights as opposed to economic, social and cultural rights, insofar as "liberal peace has […] nurtured the politics of democracy and respect for human and civil rights" but "largely failed to deliver tangible developmental or economic benefits"[64] to post-conflict contexts. Peacebuilding and conflict response are often approached from an institutional perspective rather than taking into account welfare and substantial (material) needs as a pillar of societal reconstruction and sustainable support. This observation begs the question as to whether liberal peace can be regarded as generally inappropriate in post-conflict settings or whether it is a matter of sequencing, *i.e.* of "ensuring that stable foundations and national institutions are installed before liberalization".[65]

Much of the passionate defense of liberalism, overwhelmingly stemming from Western actors, can be explained by the fact that it is commonly, in their own societies, associated with being naturally and self-evidently the most suitable of all political doctrines. However, the core values inherent to liberalism, such as individual liberties and rights as well as the minimal state, must be viewed as historically contingent, and having significant weight solely within a specific societal context. One may be tempted to even regard liberal democracy as a luxurious privilege which is only meaningful in the absence of deeper fundamental material needs and structural societal injustice, as it is the case with most Western societies. Equally, it is perhaps illusionary to hold that the formal establishment of liberal structures can promote structural equality and development, or *e.g.* reduce poverty along the way, especially when considering that those issues tend to be particularly profound and intricate within conflict-struck societies. To act on the assumption that a political normative order that seems to be empirically well-functioning in societies pertaining to the Global North can be exported without further adjustment to the local particularities and political customs of post-conflict societies belonging to the Global South, is potentially careless and perilous, especially where the ambition is to develop long-term and stable solutions. Different societies permeated by different ideologies, customs, norms and traditions of thought may set very different pri-

[64] Newman, Paris and Richmond (n 6), 17.
[65] ibid., 12-13.

orities when it comes to the perception and enjoyment of rights: "Those living under oppressive conditions are quite likely to want to better their human rights but might have a very different idea about what those rights are and which rights should be prioritized."[66]

The liberal approach to peacebuilding thus seems to be crossed by a dual neglect: first, it usually fails to acknowledge the context-specific circumstances that perhaps require solutions which diverge from Western liberalism; and second, it disregards the fact that the perceived universal applicability of liberal values indeed feeds from a specific Western context where the contingent societal conditions happen to be favorable and receptive to liberal democracy. One is left with the suspicion that, in prosperous and stable societies of the Global North, the economic, social and cultural conditions are shaped in such a way as to allow for civil and political concerns to be expressed in terms of liberalism, whereas conflict-afflicted societies lack that respective economic, social and cultural foundation which would allow them to engage with civil and political rights in the same way[67] – and perhaps even to be preoccupied with civil and political rights at all. Contrasting the relative stability prosperous societies enjoy economically as well as their sociocultural alignment with liberal democracy on the one hand, with the frequent economic hardships of (post-)conflict societies – coupled with a sociocultural environment which is not necessarily predispositioned to appreciate liberal values – on the other, it appears to be probable that economic, social and cultural rights play a much greater role in conceptualizing civil and political rights than usually conceded, in particular when it comes to liberal peacebuilding. Consequently, it seems reasonable to challenge the *pari passu* status of economic, social and cultural rights vs civil and political rights, to investigate the ways in which they interconnect, and to analyze the respective implications for peacebuilding. This issue will be further discussed in Chapters 5 and 6.

[66] Barnett (n 34), 27.
[67] Chandler (n 25), 432.

4. Towards a More Inclusive Post-Liberal Peacebuilding Framework?

4.1 Conflicts Between External State-Centric Bottom-Up Approaches and Local Ownership

The mid-2000s have prompted a shift towards a new peacebuilding framework which still seems to envisage statebuilding as its backbone, but turns away from the idea of a Western blueprint, and wishes to "overcome the limits of overly prescriptive and generic international programs",[68] for the benefit of more localized bottom-up approaches, prioritizing instead change within the "social practices and relations" before "liberal institutional frameworks could operate effectively".[69] Bottom-up approaches are also tasked with fighting against the banalization of the everyday by taking into account "peacebuilding's local context, where life, wellbeing, human security, politics, culture, identity and community are at stake".[70] Case-based contextualization is expected to lead to more effectiveness, not necessarily because liberal peacebuilding principles are substantially bad, but because the acknowledgment of local voices might prevent resistance[71] against value systems perceived as alien, as well as against heartfelt coercion, and provide a sense of ownership and reappropriation of political processes[72] – elements which can be considered as especially important in terms of the sustainability and legitimacy of peace solutions. Despite a stronger emphasis on agency and internal processes of statebuilding which are not forced upon societies from external actors, bottom-up approaches to peacebuilding remain however generally deficient concerning efficacy and legitimacy, particularly in view of self-determination and the promotion of economic, social and cultural rights, although such approaches in particular seek to escape the legitimate cause for concern with regard to the violation of self-determination.[73]

Significantly, the paternalistic element of necessary assistance remains crucial for the understanding of modern peacebuilding. However important local agency is thus deemed, peacebuilding and especially statebuilding are still fixated on the conviction that local communities "cannot be expected to break out of the reproduction of […] problems or traps without external assistance".[74] The belief that local communities need foreign guidance to help them get out of their misery is then coupled with the relative lack

[68] ibid., 431.
[69] ibid., 432.
[70] Richmond (n 46), 676.
[71] ibid., 672.
[72] ibid., 677.
[73] ibid., 671.
[74] Chandler (n 25), 432.

of accountability for the consequences of foreign intervention,[75] since responsibility "is placed squarely on the shoulders of the local actors themselves",[76] making it fairly easy to withdraw intervention without fearing consequences when peacebuilding missions do not work according to plan.[77] Creating participatory space for local communities indeed appears to be a tool for international actors to reject responsibility (even more successfully than when observing a liberal peacebuilding framework) and attribute potentially undesired outcomes to the decisions taken by local stakeholders. Yet, the general framework needed to "assist" conflict-torn societies is still largely dictated by Western interventionists, accordingly creating an important imbalance of power and promoting potentially exploitative power dynamics that are nonetheless sought to be justified, or veiled by allegedly conferring greater importance to local voices.

On the other hand, selectivity in carrying out or prematurely ending peacebuilding operations appears to be equally problematic in terms of accountability, since peacebuilding ultimately seems to hinge upon the political will of global superpowers as well as their ability to reach a consensus on intervention. Frequently, the applicability of peacebuilding frameworks is thus less dependent on the concern for the local context, the nature of conflict, or the suffering of local communities, than on practicalities as well as the political interest and agreement among international actors. For instance, geopolitical and ideological divides between the five permanent members of the UN Security Council have highly impacted conflict response in Syria since 2011. Russia and China frequently vetoed relevant resolutions that sought to denounce and impose sanctions on the Assad regime, contributing to the fragmentation and ineffectiveness of international assistance. Syria exemplifies not only the failure to provide coordinated humanitarian assistance but was also the site of a proxy war serving the interests of different international actors, with Russia supporting the Assad regime, while the US, UK and France assisted different opposition groups. Due to the politicized multilateralism at UN level, genuine peacebuilding efforts were made impossible, leading to conflict paralysis rather than resolution. To this day, there is no consistent UN peacebuilding framework for post-conflict and post-Assad Syria. However, many peacebuilding interventions are *inter alia* legitimized with regard to moral imperatives, the defense of human rights and democracy promotion, making it difficult to justify inaction in many cases which seem particularly severe, such as in Yemen, and where "withdrawal has paved the way for authoritarian regimes to replace

[75] Barnett (n 34), 33.
[76] Chandler (n 25), 433.
[77] Richmond and others (n 10), 4.

the liberal model of peace with an illiberal one".[78] Due to the increasing difficulty concerning the possibility for consensus on peacebuilding at the international level, respective Western operations are more and more carried out unilaterally and outside the UN framework.[79]

Beyond political constraints, the strong emphasis on statebuilding as a core pillar of peacebuilding seems somewhat problematic when seeking to create more inclusive frameworks, because, in that case, peace is operationalized at a level which by nature appears to exclude local solutions, since peace is then *ab initio* thought of chiefly in domestic and political terms, with the state remaining the relevant entity for peace solutions.

> Peacebuilding's focus and derivation from social advocacy and action, from the citizen, the informal sector and on the most marginalised, has been deferred in favour of the state, elite bureaucratic, political and business classes.[80]

However, local agency seems to express itself particularly in "transversal and transnational"[81] terms, and the everyday life appears to be detached from the idea of territoriality as the ultimate catalyst of agency.[82] Therefore, centralized institutionalism which is usually pursued in statebuilding may also "undermine traditional indigenous authority structures, raising questions of legitimacy in addition to efficacy".[83]

Statebuilding furthermore seems to be inscribed in a direct continuity which privileges statehood in the Westphalian sense, echoing and conserving similar structural problems and questionable power dynamics as in the post-Cold War liberalism era. Paradoxically, although peacebuilding, as incarnated by the statebuilding doctrine, diverts attention away from the individual to the state level, it remains however substantially connected with the individual, insofar as human rights-based approaches – which to a great extent seem to underlie contemporary peacebuilding policies in theory – overwhelmingly focus on individual rights and wellbeing. Thus, such a peacebuilding framework which is indeed about the individual but, due to its focus on statehood, in many cases appears to do away almost completely with individual agency, potentially encounters an explanatory conundrum when trying to defend more inclusive, context-specific and local capacity-strengthening solutions.

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[78] ibid., 7.
[79] ibid, 9-10.
[80] Richmond (n 46), 667.
[81] ibid., 670.
[82] ibid., 679.
[83] Newman (n 21), 1744.

Applying a human rights-based framework in peacebuilding also proves to be negligent of local communities' desiderata because its exegesis as essentially democracy-promoting corpus tends to shift the focal point away from responding to immediate material needs, and from acknowledging the importance of local cultural ties and behavioral practices: "Human rights have displaced needs and welfare (though subsistence and custom have rescued many post-conflict populations)."[84] Despite the fact that human rights in principle equally incorporate economic, social and cultural rights, their interpretation as first and foremost relating to civil and political rights is obvious, and even more obviously problematic, especially in fragile post-conflict contexts where subsistence seems to be of a superordinate dimension when compared with stable Western societies that nonetheless largely continue to shape the narratives and policies surrounding peacebuilding, maintaining their "focus on rights over needs".[85]

While integrating the "local" in contemporary peacebuilding frameworks *prima facie* seems promising and worthwhile in the abstract, it remains quite intricate to grasp its precise meaning and scope in practical terms, since "the local remains a rather vague, underconceptualised phenomenon".[86] There seems to be a lack of research about how local ownership should be approached.[87] It is not clear who factually represents the local and who should do so normatively, or what it can concretely be expected to accomplish. Whereas liberal peacebuilding usually neglects local agency, post-liberal accounts in contrast "tend to romanticise or culturalise the local as the 'locus' of resilience or even resistance and overemphasise its potential for emancipatory peace".[88] Thus, local communities in peacebuilding processes find themselves on a spectrum, torn between two extremes: either they are reduced to total insignificance, or they are essentialized and elevated to a status of ultimate and indispensable redeemer. The former seems to violate the local actors' autonomy; the latter appears to confer upon them perhaps a burdensome personal responsibility for the sources and equally the resolution of conflict; both leave the impression that the ascription of value, the allocation of roles as well as the exegesis of importance remains firmly under the control of foreign actors, namely that of Western powers. It is also far from unequivocal to assume that the focus on the everyday can act as a counterforce against such romantic essentialism,[89] or how a "hybridity" between liberal and local prospects can be constructed as an effective remedy.[90]

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[84] Richmond (n 46), 667.
[85] ibid., 669.
[86] Debiel and Rinck (n 2), 241.
[87] Newman (n 21), 1740.
[88] Debiel and Rinck (n 2), 241.
[89] Richmond (n 46), 670.
[90] ibid., 673.

Furthermore, overemphasizing local solutions as the central pillar of peacebuilding might lead to an overly atomistic understanding of peace and conflict, and lack a more profound understanding of their structural connections and sources.[91] Importantly, the "local" seems to change depending on who defines it and for what purpose. From a liberal perspective, the local essence remains strongly attached to the political sphere and thus consistent with the endeavor to approach peacebuilding from a civil and political rights point of view:

> It understands the local in the sense of politically and/or administratively bounded territories and focuses on their institutionalised representations (formal authorities etc.) and the respective designs for exercising, restricting and controlling power.[92]

On the other hand, the definitory vagueness of local agency may equally serve as a mere placeholder for criticism directed against a liberal peacebuilding which would ignore a local approach altogether in the first place.[93] Therefore, it is difficult to view the local contribution in bottom-up approaches as anything else than what peacebuilders want and allow it to be in the respective context. Thus, it remains quite illusionary to search for an apodictic definition and meaning of the "local" in peacebuilding beyond the at best eleemosynary value that is perhaps sometimes attached to it in contemporary peacebuilding. Consequently, so-called post-liberal peacebuilding accounts are not any less essentialist with regard to the value of localism as proper liberal peacebuilding was and continues to be with respect to statism.[94]

Encouraging local political participation can also strikingly backfire if it is done in an overly formalistic way, or if it is not sufficiently adapted neither to the specific context nor the underlying local norms. It is not certain that the participatory space created in post-conflict settings by Western powers, with a specific purpose in mind, will indeed be used by the local communities to fulfill or comply with that very purpose. Since different values and expectations might be at stake, bottom-up approaches may provoke very different outcomes from those initially intended by peacebuilders. Establishing formally democratic structures and expecting them to work analogously to their Western archetype appears to be virtually naïve and may more often than not lead to undesirable results from a Western point of view. Thus, "[b]roadening political participation can, for instance, bring political forces to power that challenge the economic and/or security interests of democracy-promoting states", as it was the case with the election

[91] Debiel and Rinck (n 2), 242.
[92] ibid., 243.
[93] ibid., 246.
[94] ibid., 248.

of Hamas in Palestine in 2006.[95] Approaching allegedly community-inclusive peacebuilding mechanisms yet again through an unreflective Western lens which seems to be blind to the local structures that are likely to clash with Western ambitions, can, all things considered, even deteriorate the political situation instead of contribute to veritable conflict resolution.

Participatory democratization can thus act as a flint for authoritarianism: "In the absence of a historically grown societal consensus on its constitutional foundations, democratisation can be used to establish and legitimise authoritarian forms of power."[96] The Western belief that participation is teleologically oriented towards liberal democracy can be traced back to the Enlightenment idea of agency which in principle hints at a neutral understanding of autonomy. However, in accordance with Western traditions and values, agency is then interpreted as inherently "connected to Western notions of civil society, rights, property and the market, as well as to political mobilisation and institution building".[97] Practically, this means that autonomy in its neutral acceptance is never really granted, let alone cognitively anticipated, because it is always immediately associated with specific legitimate forms it should be taking, while invalidating supposedly inferior and untenable variations of autonomy and agency. This has severe implications for self-determination, since international actors, if they focus on local agency at all, usually expect self-determination to be exercised in a way that is consistent with liberal principles.[98] Doubts remain as to whether, if self-determination is expressed in a divergent way, it is recognized as such, and if it is, whether it is seen as legitimate and therefore being further encouraged.

4.2 The Dialectic of Western Epistemological Limits and Local Phenomenological Agency

One of the major problems related to the frequent failure of adequate policymaking in the context of peacebuilding is due to the limits of Western knowledge. Through a Western lens, it is difficult to comprehend the complexity and depth of local struggles. However, many Western powers appear to position themselves as epistemologically superior and present the limits encountered in statebuilding as objective ones. The relatively unsuccessful legacy of peacebuilding in post-conflict contexts can therefore be ex-

[95] Wolff (n 4), 78.
[96] Richmond and others (n 10), 3.
[97] Richmond (n 46), 681.
[98] ibid., 681.

plained by the "conflation of epistemological limitations with a Western, Eurocentric, or colonial positionality".[99] Accepting such a statement would entail to view intervention as inherently flawed due to the historically and culturally contingent models of knowledge, *i.e.* because "interveners cannot escape their own socially, politically, and technologically mediated frameworks of understanding",[100] which makes these models very unlikely to be fruitful in a society where they are not applicable, since other sociopolitical cognitive categories are at stake.

In principle, the bottom-up approach thus seems to be a welcomed and effective framework to counter this Western lens and way of thinking, and to yield context-sensitive transformation and sustainable rebuilding. A genuine understanding of a complex of problems thus appears to involve giving progressive attention to the phenomenological perception of conflictual issues rather than to the epistemological knowledge of these issues[101] (which in any case seems to be limited). With respect to peacebuilding and statebuilding, this means that an understanding of the context by the people directly affected by it should be privileged over trying to merely integrate putatively objective knowledge at a more local level. However, focusing in that manner on the local phenomenological experience appears to come at a cost, insofar as an issue comprehended in such a way suffers a loss of clarity, and consequently might water down an evident mandate to act, or fail to give clear imperative instructions on what to do in a given conflict situation.

Bottom-up approaches significantly increase the perceived complexity of the problem because such an understanding of the latter goes beyond the epistemological limits by reframing it in phenomenological and perhaps ontological terms, making it "more opaque, or rather infinitely complex, than initially imagined"[102] due to the multidimensional nature through which it is approached. The complexity unearthed by bottom-up approaches is however contrasted with the reductionist assumption of peacebuilding that there is an easily identifiable bottom ground which can simply be scaled up in the statebuilding agenda, "starting from local and contextual knowledges and approaches and working upward to achieve international policy ends".[103] In fact, state- and peacebuilding appear to require a much more nonlinear and

[99] Chandler (n 25), 434.
[100] ibid., 434.
[101] ibid., 435.
[102] ibid., 435.
[103] ibid., 438.

obscure endeavor than a mere epistemological quest for the ultimate source of legitimacy from which a coherent reconstruction project could be unambiguously derived.

Furthermore, even bottom-up approaches struggle to challenge the Western claim to epistemological hegemony because such approaches are still to a large extent moderated, facilitated and eventually judged from a Western perspective which indeed frequently registers alterity as singular phenomenological experience but proceeds to oppose it to a superior objectivity that is supposedly incarnated by the West. Western powers rely on a "discursive power" consisting of the "production of knowledge whose function is to enable and legitimate certain actions and actors while marginalising and excluding others".[104] Since states pertaining to the Global North have overwhelmingly more influence at the international level (which can partly be traced back to the legacy of colonialism), they find themselves in a position to occupy a norm-setting function, allowing them to establish normative dichotomies between legitimate and illegitimate forms of conduct at the state and suprastate level, as well as to impose these norms on others (who are less influential in the international arena), through creating relationships of dependence. By continuing to evoke such a hierarchical perspective and maintaining "claims to superior knowledge"[105], otherness which diverges from the Western norm is devaluated, while "the hegemonic Western assumptions about the objective or scientific nature of knowledge" remains relatively unchallenged.[106] As a result, as Richmond, Mac Ginty, Pogodda and Visoka suggest, the portrayal of peace and conflict as well as the narrative surrounding these notions remain under the undeniable and unilateral control of those powerful states overseeing any kind of peacebuilding efforts, and claiming fundamental expertise:

> The power to frame a problem or a conflict comes from a prior material power (in this case by external 'experts'). A 'techno-moral' power is wielded whereby the power of technocracy linked to the international peacebuilding architecture melds with the language of peace to reinforce hierarchies and othering. Through this power, post-conflict subjects can be formed and controlled. It allows 'experts' to frame a conflict, its actors and the threat posed in accordance with the willingness of the peace industry to get involved, diverting peace processes away from societal (and global) demands for justice.[107]

[104] Richmond and others (n 10), 5.
[105] Barnett (n 34), 29.
[106] Chandler (n 25), 436.
[107] Richmond and others (n 10), 13.

4.3 The Persisting Hegemonic Power Dynamics in Modern Peacebuilding

Contemporary peacebuilding seems to be at the service of power rather than questioning it. Foreign intervention through peacebuilding partly hinges on problematic power dynamics and claims to superiority, because giving voice to and hearing out local communities is concomitant with a significant compromising of power and the self-perception of the international statebuilding actors. In the absence of an objective perspective on peacebuilding incarnated by foreign powers, it is unclear of what their mandate actually consists and where such missions draw their legitimacy from. Not only have "international missions […] been highly reluctant to think through the implications of the lack of mission legitimacy",[108] but a genuine fear for the loss of power and influence in the international arena may also be at the source of renewed tendencies to serve the narrative of epistemological superiority and perhaps the (un)intentional connection of objectivity and Western (contingent) normativity.

Peacebuilding mandates also appear to fail to yield sustainable solutions due to the bureaucratization international mandates involve, resulting in "an endless struggle of priority diffusion, mission configuration, and adaptation to changing global and local circumstances".[109] To make matters worse, a lack of coordination between different agencies involved in peacebuilding, specifically within the UN framework, must be noted,[110] which further curbs the effectiveness of peacebuilding measures. Thinking of peacebuilding in terms of short-term agendas can hardly be suspected to be conducive to stable and sustainable outcomes, or to fulfilling its self-imposed goals of finding positive peace solutions; on the other hand, they might result from operational constraints inherent in peacebuilding missions, and reflect the limits of what can in fact be reached through intervention.

Ultimately, many practical cases of present-day peacebuilding leave the impression that, once unveiled, bottom-up approaches remain at best a lip service, and that they continue to a large extent to be paternalistic as well as tainted with Western liberal preconceptions about statebuilding, *e.g.* by preserving coer-

[108] Chandler (n 25), 438.
[109] Richmond and others (n 10), 6.
[110] Cahill-Ripley (n 27), 242.

cive elements through democracy conditionalities. Especially compliance as a means to employ "informal pressure and subtle persuasion as socially embedded guarantees for conforming behaviour"[111] implies a power disequilibrium between those who, following that logic, have the rational capacity and moral high ground to persuade inferior parties of the necessity to comply with certain norms, while the latter need to be educated and enlightened in order to adjust their behavior to the norms in question. States subject to peacebuilding operations therefore often suffer from twofold discrimination patterns: not only had many of them been victims of colonial exploitation in the past (which arguably even contributed to the current state of relative instability), they are also forced to comply today with the demands of those states that were to a large extent responsible for the colonial crimes, and had pushed them towards economic dependence in the first place. Insofar as, on many levels, international cooperation is the result of forced compliance rather than genuine agreement, one may rightfully speak of neocolonial relationships which are partly maintained today:

> The vocabularies of 'consent', 'validity' or 'dispute settlement' are replaced by the social science vocabularies of 'explaining' behaviour and attaining 'compliance'. And because achieving compliance is all that counts, the interdisciplinary call is not really about cooperation but conquest.[112]

One symptom of the continuity of subtle domination through peacebuilding generally, and through conditionalities particularly, may be the schizophrenic attitude of local communities which are continuously torn between the internal rejection of imposed institutionalism and the preservation of their own identities on the one hand, while formally complying with interventionist projects for strategic reasons on the other.[113] Therefore, the shift from top-down to bottom-up approaches of peacebuilding may possibly prove to be less paradigmatic than perhaps claimed, and flaws identified with regard to post-Cold War liberal peacebuilding seem to remain valid and still largely applicable to the present context. A genuine bottom-up approach would imply a shift away from a solution-oriented towards a more problem-understanding approach which implies "a more open-ended inquiry into understanding the perceptions of the other or the ways in which the problem emerges on its own terms",[114] since the solutions in peacebuilding are currently often premeditated in a way involving a Eurocentric bias, and lack an authentic understanding of the specific local political as well as economic, social and cultural circumstances.

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[111] Martti Koskenniemi, 'Miserable Comforters: International Relations as New Natural Law' (2009) 15 European Journal of International Relations, 408.
[112] ibid., 410.
[113] Richmond (n 46), 683.
[114] Chandler (n 25), 439.

A post-liberal form of peacebuilding would probably require to be more attentive to material needs and everyday existential concerns rather than to the political realm frequently perceived as elitist in its current form: "It may require [internationals] to respond more urgently to material deficiencies that destabilise day-to-day life, rather than their current focus on elites, governance, politicians and a business class housed within a formal state."[115] Moreover, restituting a sense of ownership through authentic bottom-up approaches is likely to improve the quality of the civil and political sphere as well, due to the concomitant empowerment[116] and domestication entailed in such an account which in turn could be conducive to more effective, long-lasting and legitimate peace solutions. Such a framework encounters however practical limitations: not only due to the questionable external accessibility of the problem as it is perceived by local communities[117] whose categories of knowledge are not necessarily shared by the interventionists, but also because, if taken seriously, bottom-up approaches turn out to be of such intricacy that they can hardly provide any concrete reason or incentive for action.

It seems that, even in bottom-up approaches, too little attention is paid to the local experience of trauma through conflict, a matter of fact which may cause affected societies to long for stability rather than uncertainty, and to place, *e.g.* material and psychological security higher than fundamental civil and political restructuring: "The trauma of recent conflict explains why people may temporarily forego demands for a positive peace in exchange for a modicum of security".[118] However, introducing new political structures which lack immediate potential for identification within the local communities, potentially yield more uncertainty than they are capable of providing security. Alteration may in fact offer new ground for unreliability and further destabilize a society which is already burdened with trying to cope and come to terms with the recent traumatic past.

Most international missions within the context of post-conflict development seem to aim at providing statebuilding measures in order to institute a stable government, and largely appear to envision a state whose political and economic system follows the Western blueprint. Based on a simplified Weberian idea of the modern state as a powerful state with a monopoly on violence, and which is recognized as

[115] Richmond (n 46), 691.
[116] ibid., 691.
[117] Chandler (n 25), 439.
[118] Richmond and others (n 10), 9.

legitimate by its citizens through provisions of public services,[119] Western states often try to rebuild a state after their example – thereby usually, and to a large extent, ignoring the local structures and traditions already inscribed in the particular societies.[120] By suggesting that the Western model is the only effective and morally right way of achieving political and economic stability, international stabilization missions frequently fail to take into consideration the "mental landscape of post-conflict recovery", *i.e.*, how the practical experience of violence transforms the victims' perceptions about justice and norms.[121] Social world factors such as memory of, humiliation during, adaptation to and coping with past conflicts may change the citizens' attitudes and expectations *vis-à-vis* the post-conflict state, and the latter are not necessarily congruent with those usually featured in Western liberal democracies.[122]

In contrast to statebuilding, perhaps too little attention is usually paid to trustbuilding as an integral pillar of peacebuilding which would require to take into account also elements of transitional justice as constitutive of effective peacebuilding mechanisms.[123] However, the scope of transitional justice equally seems fairly limited and of questionable success when considered in a post-conflict peacebuilding context. Despite comprising a comprehensive multiangled process of societal transformation, transitional justice often remains focused on a criminal justice perspective oriented towards compensating for and repairing past wrongs. Although transitional justice seemingly strives towards reconciliation, especially with regard to reappropriating the narrative about the past, it appears to be very much focused on coming to terms with the past instead of building sustainable peace solutions for the future. Transitional justice therefore consists perhaps more of retrograde than prospective mechanisms that would be conducive to sustainable rebuilding and largescale reconciliation. It also seems conceptually unable – in its individual and criminalizing rather than structural approach – to provide a framework for, *e.g.* promoting the overall socioeconomic situation.[124] Lastly, transitional justice has a particularly poor record when it comes to its

[119] Mareike Schomerus, 'Frieden lässt sich so nicht schaffen' (2023) 1 welt-sichten: Magazin für globale Entwicklung und ökumenische Zusammenarbeit.
[120] Mareike Schomerus, 'Die Idee der Stabilisierung ist besonders problematisch' (04/2023) *Zeit Online*.
[121] For a concrete example on how the "mental landscape" is composed in Northern Uganda during the period of civil unrest following the Ugandan Civil War (1980-1986), see: Suleiman Amanela and others, '"Defining the Mental Landscape", The Mental Landscape of Post-Conflict Life in Northern Uganda' (Secure Livelihoods Research Consortium 2020).
[122] Schomerus (n 120).
[123] Cahill-Ripley (n 27), 235-236.
[124] This is why transitional justice will not be further discussed in the following chapters of this thesis (Chapter 5 and 6) as a potential framework that could contribute to peacebuilding efforts regarding the economic, social and cultural wellbeing of post-conflict societies.

ability to address colonial crimes (*e.g.* through cultural repatriation[125]) and dismantling neocolonial attitudes accompanying the transitional justice framework, including hypocritical positions positing "liberal democracy as the teleological apex of [transitional justice]" while concealing the "diverse forms of reconciliation and restorative justice" equally needed in Global North societies.[126]

Moreover, perhaps too much is expected of post-conflict societies, *i.e.*, that they forgive past violence without hesitating, that they accept newly imported economic and political systems with gratitude, and that they are in a position to make rational cost-benefit calculations about political norms and the country's socioeconomic constitution,[127] while post-conflict situations may in fact oftentimes, in a first step, be marked by individual concerns about existential survival and immediate physical and mental recovery. Instantaneous post-conflict missions thus might be misdirected insofar as they act on the assumption of a universal and intrinsic pursuit of a certain type of political stability which Western actors are finally able to materialize, although these premises, taken to be universal ones, are not necessarily global in scope and may not be appropriate, or worse counterproductive, in a given case.

When South Sudan gained independence in 2011, the Western majority opinion was that the state had to be rebuilt from scratch, since, in their view, it did not have any functional state structures prior to that, although administrative infrastructure, laws and a justice system were already in place – only they did not resemble their Western equivalent.[128] Analogically, international operations in Afghanistan largely consisted in implementing Western-like markets to the detriment of local markets and economic structures which had even survived Taliban control, because barter trade and "village square democracy", *i.e.*, agreement on nonwritten rules, do not formally coincide with the Western representation of the nature and role of the state.[129] In addition, such Western-led missions reveal a contradiction between their intentions to entirely rebuild the state structures by assimilating them towards occidental norms on the one hand, and the positivist restrictions by contractual law on the other, which require that, as a legitimate

[125] Liv Nilsson Stutz, 'Claims to the Past. A Critical View of the Arguments Driving Repatriation of Cultural Heritage and Their Role in Contemporary Identity Politics' (2013) 7 Journal of Intervention and Statebuilding.
[126] Padraig McAuliffe, 'Complicity or Decolonization? Restitution of Heritage from "Global" Ethnographic Museums' (2021) 15 International Journal of Transitional Justice, 681-682.
[127] Schomerus (n 120).
[128] ibid.
[129] ibid.

basis for development missions, peace agreements be concluded with the conflict parties who, in turn, seek to conserve their position of power:

> In der westlichen Lesart der „Stabilisierung“ wird das immer als der Zeitpunkt präsentiert, in dem sich alles ändert, in dem ein Neuanfang möglich ist. In Wahrheit aber sind Friedensabkommen fast immer Abmachungen zwischen Gegnern, also zwischen Menschen, die schon während des Konflikts Zugang zu Macht und Ressourcen hatten und in den Friedensverhandlungen natürlich alles dafür tun, dass das so bleibt.[130]

International operations therefore often consolidate present power relations instead of calling them into question. Western “mental landscapes” cannot by implication be improvidently applied to different sociopolitical circumstances, or at least the instruments at the disposal of Western societies cannot be expected to work in an equally effective way towards the desired political outcomes. Elections and the establishment of a formal government, for instance, do not automatically solve subliminal conflicts, even if the new leaders are ostensibly sympathetic to the Western world. At worst, from a Western perspective, elections turn former rebels into the new rulers, as in South Sudan (not to mention the continuing conflicts and the civil war in the truncated state of Sudan); at best, local Western allies who were needed to provisionally overthrow the Taliban become new leaders, like in Afghanistan, although, as (former) warlords, they were part of the country’s political instability.[131] This suggests that bottom-up approaches and local agency are still all too often being neglected in favor of paternalistic peacebuilding structures which are trying to align the post-conflict state with axioms of Western state stability. However, mere formal compliance with the occidental state model possibly fails to obliterate the conflict that, for the most part, continues to smolder below the surface – not least because local particularisms concerning social, political and economic norms are commonly disregarded as not being valuable to or constitutive of (and perhaps even indispensable to) the state and societal structures.

Other signs of failure regarding current peacebuilding policies must equally prompt further scrutiny with respect to the effectiveness and legitimacy of peacebuilding in its present form. Democratization attempts which are still largely seen as vital by peacebuilders in statebuilding agendas are in fact increasingly met with resistance and disappointment by receiving societies and governments, not least due to a revival of

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[130] ibid., "In the Western reading of “stabilization”, this is always presented as the moment when everything changes, when a new beginning becomes possible. In reality, however, peace agreements are almost always arrangements between adversaries, that is between people who already had access to power and resources during the conflict and who, in the peace negotiations, naturally do everything to ensure it stays that way." (author’s translation).
[131] ibid.

"colonial anxiety".[132] Such local aversion calls into question the belief that peacebuilding can yield sustainable change or constitute successful lobbying for liberal and democratic ideals,[133] and contests the coercive means used in peacebuilding interventions which are more and more perceived as unjust.[134] In fact, in the absence of a genuine respect for local agency, resistance may be the only way for local communities to channel self-determination and to retain some residual power while facing coercion.[135] In the communal element expressed in resistance, there may perhaps be enrooted a more meaningful and internal democratic feeling conveyed by a shared purpose as a nation[136] than in heteronomous democratic agendas generated by many peacebuilding operations. Further reasons for disappointment lie in the frequent and large discrepancies between theory and practice, making peacebuilding mechanisms noncredible due to a discourse promising change while reality is "more influenced by realism, geopolitics, and power, using rights and development as a camouflage for power structures that remain more or less intact".[137]

Democratization as ostensibly best suited framework for local stabilization and development is also increasingly challenged by the relative success of non-democratic states (in the sense of liberal democracy) in promoting development and responding to the needs of conflict-affected societies, such as China's bilateral aid cooperation with states from the Global South. In contrast, recent attempts to export democracy to post-conflict societies have not only shown to fail but more drastically to precipitate escalation and relapse into conflict, as can be seen in the case of Afghanistan and the sweeping takeover of power by the Taliban after peacebuilding efforts were abruptly halted as well as troops withdrawn in 2021. Perhaps, this trend is reflected in the more general shift away from liberal democracy as the unchallenged default norm, since now "many countries outside the established democracies of the North-West claim their right to pursue their own path of political development"[138] and appear to increasingly counter the triumphal procession of liberalism in the post-Cold War era. Nonetheless, the current peacebuilding framework seems to cement the continuation of neocolonial power dynamics with regard to the normative hegemony of powerful Western states.

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[132] Richmond (n 46), 668.
[133] Wolff (n 4), 76.
[134] ibid., 82.
[135] Richmond (n 46), 682.
[136] ibid., 686.
[137] Richmond and others (n 10), 8.
[138] Wolff (n 4), 80.

5. The Historical Marginalization of Economic, Social and Cultural Rights

Peacebuilding remains aligned with an externally dictated top-down approach that, contrary to the self-proclaimed goals of sustainable peace, largely seem to promote negative peace only, *i.e.* the absence of conflict without necessarily being concerned about the underlying structural causes of conflict. "The consequence of such an approach is the advent of fragile peace: weak institutions, social unrest, segregation, discrimination, political volatility or stagnation and the threat of insecurity."[139] Instead of working towards sustainable peace, the fragile peace to which peacebuilding overwhelmingly gives rise can in turn be considered an element of further destabilization and cause for new conflict or relapse into conflict. In its liberal orientation, it also fails to take into account and address more structural issues that are not necessarily tied to institutional weaknesses which could be fixed by westernizing institutions.

> Overall the liberal peacebuilding approach fails to address underlying root causes of conflict, structural violence and drivers of the conflict such as economic, social and cultural rights violations, inequality and discrimination and exclusion.[140]

When conceding that economic, social and cultural rights violations often seem to range among the primary conflict drivers, the Western neglect for socioeconomic issues within the peacebuilding context must be further commented based on the historical evolution of, and attitude towards economic, social and cultural rights.

5.1 Cold War Ideologies and the Binary Covenant Divide

The human rights project gained traction and new impetus after World War II through the belief that only universally recognized minimum principles of humanity could safeguard against such atrocities and systematic crimes as occurred in the course of the Nazi regime, and the general hostility and antagonism between predominantly European states. Therefore, the idea of individual suprastate rights which are inalienable, naturally bestowed on all human beings alike simply in virtue of being human, evolved into the extensive human rights corpus that stands today as the global yardstick for justice and minimum moral obligations. When contemplating the genesis of the modern human rights project, it is conspicuous that it was lifted from its cradle in a predominantly European and Global North context which already

[139] Cahill-Ripley (n 27), 228.
[140] ibid., 229.

raises suspicion with regard to the power dynamics reflected by human rights generally, especially when taking note of the fact that the initial composition of the United Nations, founded in 1945, was far from reflecting the geopolitical reality at the time, with many states and territories still being under colonial rule. This already conceptually casts doubt over the universality and legitimacy of the Universal Declaration of Human Rights (UDHR), adopted in 1948, in which the extensive catalogue of human rights was first enshrined.

The relative silencing of socioeconomic concerns by Western states, which still seems to hold true for peacebuilding today, is inscribed in a wider historical and ideological feud over the scope, context and conceptualization of human rights. The adoption of two separate binding Covenants in 1966 – the International Covenant on Civil and Political Rights (ICCPR) as well as the International Covenant on Economic, Social and Cultural Rights (ICESCR) – is a result of different prioritizations and doctrinal beliefs at the time, held by the Western bloc on the one hand, and the Eastern bloc on the other. While the legally non-binding UDHR, adopted as a compromise between opposing East-West agendas, puts emphasis on all categories of human rights alike, the Cold War bloc mentality frustrated expectations to convert them into one legally binding international framework – despite the US President at the time, Franklin D. Roosevelt, in his Four Freedoms speech delivered in 1941, specifically pushing for the incorporation of socioeconomic rights during the drafting of the UDHR. Nevertheless, the US position, alongside those of the Western bloc generally, seems to have changed considerably after that; significantly, the US, to this day, have not even ratified the ICESCR. Whereas Western states adhering to liberalism and individual rights and freedoms foregrounded civil and political rights, Soviet states – alongside many newly independent and decolonized states from the Global South – advocated chiefly for economic, social and cultural rights as an important pillar of self-determination, and as a counter-project to Western liberalism. Despite the Vienna Declaration and Programme of Action eventually affirming in 1993 that "[a]ll human rights are universal, indivisible and interdependent and interrelated",[141] the division along ideological lines appears to a great extent to persist today.

[141] The World Conference on Human Rights, Vienna Declaration and Programme of Action, A/CONF.157/23, UN General Assembly, 12 July 1993, I, 5.

The ICESCR codifies already in Article 1 that "[i]n no case may a people be deprived of its own means of subsistence".[142] In general, economic, social and cultural rights refer to the minimum conditions necessary to material survival, individual wellbeing and an adequate standard of living, such as the right to work (Article 6), the right to food and housing as well as to be free from hunger (Article 11), the right to health (Article 12), or the right to education (Article 13). Both Covenants specify in their first articles respectively the right of self-determination of all peoples to "freely pursue their economic, social and cultural development".[143] This goes to show that the magnitude of socioeconomic issues – even for civil and political rights – is in principle conceded already at a conceptual and judicial level, and that economic, social and cultural rights seem to play a particularly important role for self-determination. Practically and with regard to policy positions however, former Western bloc states largely appear to neglect the implications of socioeconomic wellbeing for self-determination, as well as perhaps the significance of economic, social and cultural rights more generally, along with their justiciability altogether.

A fundamental difference between the two Covenants is that the ICESCR conceptualizes economic, social and cultural rights as programmatic goals which are only subject to progressive realization, *i.e.* they are evaluated according to the effort to promote socioeconomic rights, rather than the actual outcome of that effort. While this seems to leave much leeway for states to refrain from taking action or to protract adequate measures, and casts doubt over the direct entitlement to the fulfillment of economic, social and cultural rights, it is directly connected to international support:

> Each State Party […] undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights […].[144]

Not only does it take into account the different availability of resources to states, but it can also be read as imposing on "developed" states a duty to assist states which cannot fulfill their economic, social and cultural rights obligations on their own:

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[142] International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, UNTS 993, entry into force 3 January 1976, art 1(2).
[143] ICESCR, art 1(1); International Covenant on Civil and Political Rights (ICCPR) 1966, UNTS 999, entry into force 23 March 1967, art 1(1).
[144] ICESCR, art 2(1).

> […] Article 2(1) imposes a legal obligation to render such assistance on the developed states parties, who thus have a dual obligation: to fulfil the Covenant obligations at home, and to render assistance to other states needing such assistance.[145]

Such reasoning has important implications for peacebuilding and hints at the fact that international actors cannot in principle neglect socioeconomic concerns in their peacebuilding operations.

5.2 Contested Justiciability and the Decolonial Potential of Socioeconomic Rights

The rationale behind the sweeping Western rejection of socioeconomic matters as amounting to rights is multifaceted. An important aspect however still seems to be closely linked to hegemonic claims, and implicitly to continuing Western supremacy. In fact, Global North states still frequently try to establish and maintain the narrative of non-justiciability with regard to economic, social and cultural rights, commonly perceived as rather vague, and relegated to secondary rights which are not immediately claimable, due to the merely gradual fulfillment duties attached to them. Concomitant with that view is perhaps the dichotomic distinction between positive and negative duties which frequently remains pursued (at least implicitly) by Western advocates of civil and political rights. According to them, while economic, social and cultural rights demand positive action (*i.e.* in order to domestically improve the socioeconomic situation), civil and political rights only or primarily require negative obligations (*i.e.* to refrain from interfering with individual liberties). Correspondingly, the latter category of rights should therefore be seen as creating direct legal entitlements whereas the same cannot be upheld with regard to the former category. This indeed appears to amount to an oversimplification of a more nuanced picture, since both categories hinge upon coordinated efforts relating to both positive and negative duties respectively. For economic, social and cultural rights, this has been reflected by the triad duty to respect, protect and fulfill, codified in the Maastricht Guidelines,[146] which underlines the programmatic and multiangled realization of socioeconomic rights, consisting of both positive and negative duties.

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[145] Eibe Riedel and others (eds), 'The Development of Economic, Social, and Cultural Rights in International Law', *Economic, Social, and Cultural Rights in International Law: Contemporary Issues and Challenges* (Oxford University Press 2014), 15.

[146] International Commission of Jurists (ICJ), Maastricht Guidelines on Violations of Economic, Social and Cultural Rights, 26 January 1997, Guideline 6.

Although it is concededly more intricate to consider a direct entitlement to such rights which presuppose the availability of certain resources in order to guarantee their proper enjoyment, the relative devaluation of economic, social and cultural rights was also and perhaps continues to be an instrument of power from a Western perspective. While the common distinction between first-generation rights (*i.e.* civil and political rights), second-generation rights (*i.e.* economic, social and cultural rights), and third-generation rights (*i.e.* collective and solidarity rights) is meant to be a chronological categorization, it is not always easy to dispel doubts as to a Western hierarchization and implicit ranking of human rights in that manner which seems to involve the subtle silencing of socioeconomic matters. Symptomatic of this appears to be the misleading designation with respect to the Human Rights Committee which, established in 1996, is presented as covering human rights generally, although, as the ICCPR treaty body, it only applies to the monitoring of civil and political rights, and not to economic, social and cultural rights.[147] However, the justiciability of socioeconomic and cultural rights has eventually been strengthened by the Optional Protocol to the ICESCR adopted in 2008 which introduced a clear-cut monitoring and communications mechanism by conferring the corresponding competencies onto the Committee on Economic, Social and Cultural Rights (CESCR).[148] In principle, this initiative should have eventually erased all Western doubts about the justiciability status of socioeconomic rights, as well as buried attitudes concerning the importance of this human rights category, along with alleged hierarchy stipulations considering civil and political rights as superior to economic, social and cultural rights.

Unquestionably, the Western opposition to forging justiciable socioeconomic rights has partly to do with the role such claimable rights played in the process of decolonization, for granting and supporting such rights could have been regarded as an impetus for independence movements to demand metropolitan assistance in realizing socioeconomic and cultural claims (or at least to refrain from oppressing colonized states and societies in that respect). Being able to allude to universal suprastate rights in that way thus has an empowering function and constitutes a concession to the self-determination of colonized peoples. The same dynamic is still applicable today, since providing (especially conflict-torn) societies with the material resources to combat, *e.g.* poverty and hunger, seems to be emancipatory, not least because these

[147] Nevertheless, it must be noted that, despite advocating for the ICESCR, it was precisely the Eastern bloc that initially opposed the establishment of a respective treaty body that would enforce practical justiciability. For a more detailed analysis thereof, see: Ioana Cismas, 'The Intersection of Economic, Social, and Cultural Rights and Civil and Political Rights' in Eibe Riedel (n 145), 453 ff.
[148] Optional Protocol to the International Covenant on Economic, Social and Cultural Rights 2008, UNTS 1453, entry into force 5 May 2013.

resources can then be used to an end which perhaps diverges from Western normativity and potentially goes against the interests of the Global North. The strong adherence to the promotion of particular civil and political rights, tainted with a liberal Western bias, can consequently also be interpretated as putatively resulting from a fear of emancipatory tendencies, encouraged by the promotion of economic, social and cultural rights, which seem to provide post-conflict states with a lot more leeway to exercise political self-determination in a non-compliant manner *vis-à-vis* Western normativity than the mere reductionist promotion of generic civil and political infrastructure. Whether this fear is legitimate with regard to concerns about international security is highly debatable, especially when considering the detrimental and oftentimes non-sustainable outcomes liberal peacebuilding may provoke – a practice which accordingly seems to run the risk of routinely undermining international peace and security instead of strengthening it.

The contrast between a Eurocentric hierarchization of human rights favoring civil and political rights on the one hand, and diverging conceptions of the values associated with human rights, *e.g.* as an African emancipatory project focusing on economic, social and cultural rights on the other, is also manifest when taking a look at the respective regional human rights regimes. While the European Convention on Human Rights (ECHR), signed in 1950 as the European equivalent to the UDHR, solely focuses on fundamental individual civil and political freedoms,[149] the African Charter on Human and Peoples' Rights (Banjul Charter) – adopted in 1981 in the context of progressive decolonization of the African continent, and as a result of international impetus to forge a regional human rights system – explicitly includes second and third-generation rights. The collective nature of rights in the African human rights corpus is already palpable with respect to the title of the Banjul Charter, explicitly hinting at peoples' group rights and thus shifting away from a merely individual focus. Whereas the ECHR repeatedly brings up that individual rights are defined with regard to what is deemed "necessary in a democratic society",[150] making of liberal democracy to some extent the prerequisite for the very interest of these rights, which only seem to be

[149] While the Council of Europe admittedly also provided a framework for economic, social and cultural rights by adopting the European Social Charter in 1961, the latter merely relies on monitoring and reporting, and does not enjoy the same enforcement mechanisms as the ECHR whose rights are justiciable under the European Court of Human Rights. Therefore, the implicit hierarchy between the two rights categories is still maintained today within the European regional human rights system.

[150] Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (ECHR), 4 November 1950, arts 8-12.

relevant and useful within a democratic context, the Banjul Charter includes, for instance, a people's pronounced right to self-determination[151] as well as to economic autonomy and development.[152]

The variability inherent in the diverging human rights conceptions reflects the history and culture of the two continents. While the European focus on individual liberties developed early on, at the latest in the course of the nineteenth century movement towards nation-states and civil rights – along with adapted Enlightenment principles of individual agency and political participation – community, family and collective values appear to have outlasted European colonization and proselytization attempts in most African societies. Thus, the Banjul Charter is explicitly concerned, from its preamble onwards, with reaffirming shared values across the African continent and protecting the states' economies against foreign domination in order "to achieve the total liberation of Africa".[153] Consequently, the strong decolonial reading of human rights in the African regional human rights system reemphasizes the significance particularly of socioeconomic self-determination, of which most African states were systematically deprived during colonial times. Insofar as Western peacebuilding actors, and among those specifically European states, seem to pay little attention to the magnitude of economic, social and cultural rights for the self-perception of most post-conflict states, among those particularly African states, one could be tempted to accuse Western actors of a continuation of neocolonial thought patterns.

5.3 Between Reignited Respect for Socioeconomic Rights and Neocolonial Neglect

This historical outline shows how especially colonial and neocolonial positions have prevented a more attentive and serious contemplation of economic, social and cultural rights from a Western point of view. Recent years and developments have however triggered more international attention towards the cause of socioeconomic rights and needs, as well as their connection with peacebuilding – at least in theory. Established in 2005, the UN Peacebuilding Commission functions as an advisory body on post-conflict resolution and peace efforts, including those aiming at socioeconomic improvement. In 2015, the UN members unanimously adopted the 2030 Agenda for Sustainable Development, a 15-year non-legally binding policy plan in which are enshrined Sustainable Development Goals that constitute a "shared

[151] African Charter on Human and Peoples' Rights (Banjul Charter), 1 June 1981, arts 19-20.
[152] Banjul Charter, arts 21-22, 24.
[153] Banjul Charter, preamble.

blueprint for peace and prosperity for people and the planet, now and into the future".[154] The goals largely correspond to rights encompassed in the ICESCR and refer *inter alia* to poverty and hunger reduction, health and education, water and sanitation, equality, sustainable economic growth and climate action. The Agenda seems to make a direct connection between material wellbeing and development on the one hand, and peace and security on the other, *e.g.* by viewing poverty eradication as a key element in sustainable development. With regard to peace, the preamble states the following:

> We are determined to foster peaceful, just and inclusive societies which are free from fear and violence. There can be no sustainable development without peace and no peace without sustainable development.[155]

Therefore, peacebuilding in particular should care about fostering development in post-conflict settings if it wants to achieve sustainable peace, all the more since the Agenda urges the international community to increase "efforts to resolve or prevent conflict and to support post-conflict countries".[156] Insofar as the Agenda repeatedly puts emphasis on countries facing conflict, the Sustainable Development Goals seem especially applicable to the context of peacebuilding. The way peaceful societies are envisioned through the Sustainable Development Goals echoes however yet again an institutional account, with sustainable development being first and foremost approached from a civil and political rights angle, as incarnated in Goal 16:

> Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.[157]

Peace is thus once again connected to values associated with liberal peacebuilding and the idea that peace can be brought about, *e.g.* through the strengthening of the rule of law (para 16.3), the promotion of institutions (para 16.6, para 16.a), and the protection of fundamental freedoms (para 16.10). Such reasoning shows how preconceptions about peace-promoting measures still appear to be imprinted with a Western normativity which is potentially conducive to conserving hegemonic international power dynamics. While the Sustainable Development Goals are somewhat promising for peacebuilding insofar as they open up space for more participation (para 16.7, para 16.8), the scope of it remains rather vague, formalistic and underdetermined, a reality that could risk promoting mere checkbox compliance on the

[154] United Nations, *Sustainable Development Goals*.
[155] Transforming our world: the 2030 Agenda for Sustainable Development, A/RES/70/1, UN General Assembly, 21 October 2015, Preamble.
[156] ibid., para 35.
[157] ibid., Goal 16.

peacebuilders' part, provided that these goals were ever to be implemented and to play an active role in peacebuilding.

Recent UN initiatives have substantiated ambitions to include Sustainable Development Goals as an important pillar of peacebuilding, along with a more context-sensitive and self-evaluative approach.[158] How fruitful they will be remains to be seen in practice. Meanwhile, the question persists as to whether such liberal conceptualizations related to peacebuilding activities result as a byproduct of noble but misled intentions, or whether they serve to consciously reaffirm Western superiority. In either case, they seem to originate in Western thought patterns that are still neocolonial in nature, and continue to pose a momentous impediment to the sustainability of peacebuilding operations. They also hint at the fact that, in the absence of policies which can authentically challenge hegemonic claims and Western normativity, a shift in the peacebuilding framework remains at best formalistic and rather meaningless, since, when forged within the same normative bias, it seems to eviscerate any critical challenges against that very bias.

[158] United Nations Sustainable Development Group, *Good Practice Note: Conflict Sensitivity, Peacebuilding and Sustaining Peace* (UNSDG, 2022).

6. Reevaluating the Prioritization of Economic, Social and Cultural Rights

6.1 From Global Security Narratives to Human-Centered Needs Priorities

The importance of peacebuilding is often explained with regard to international interests, namely that only stable and institutionally powerful states can ensure international security, and that a lack of stability at the state level constitutes a threat to stability more globally. The threat is perceived as exceptionally high with regard to so-called weak states that seem to have become the primary international security peril, at least ever since 9/11. Development deficits are thus characterized as considerably endangering nonbelligerent coexistence: "Theories of conflict and instability also increasingly point to the weakness of the state as a key factor in the onset of violent conflict, and a merging of the security and development agendas."[159] Underdevelopment consequently ranges among the primary causes for conflict, according to an international security discourse which seems more and more mainstreamed within the international community. However, such an outlook diverts attention away from the conflict-struck region itself and seems to lay emphasis on post-conflict peace processes, primarily insofar as they benefit the international community and a global peace architecture. Accordingly, peacebuilding comes across first and foremost as a stabilization agenda rather than a conflict resolution agenda which would be centered on dealing directly with the sources of conflict.[160]

This impression seems to be confirmed by the fact that, over the past decades, peacebuilding efforts have apparently quantitatively contributed to the global reduction of conflicts, but qualitatively failed to give rise to sustainable, positive peace, regarding both political and economic matters.[161] The motivation as such that apparently underlies peacebuilding theoretically can consequently be interpreted as dominating and paternalistic, since international interests are placed above domestic ones, and peacebuilding policies seem to obey an external rationale rather than being shaped by those personally affected by it. The prevailing top-down peacebuilding agenda, which to a large extent remains coercive, reflects a somewhat mercantilist approach where general interests take center stage, and where peacebuilding efforts appear to be specifically at the service of those interests rather than providing context-specific support that benefits local communities. Especially a liberal reading of peacebuilding thus appears to provide a very generic template framework that seeks to bring about liberal and democratic peace quickly for the sake

[159] Newman (n 21), 1740.
[160] Cahill-Ripley (n 27), 228.
[161] Newman (n 21), 1739.

of international security, without being overly concerned with the precise impact and effectiveness on the ground.

Moreover, powerful catchwords such as human rights or peace and security are frequently postulated as self-evident and virtually unchallengeable, although they might lack actual conceptual consensus and reveal a chronic equivocality already at the level of international objectives:

> The real problem seems always to be less about whether international law should aim for 'peace', 'security', or 'human rights' than about how to resolve interpretative controversies over or conflicts between such notions that emerge when defending or attacking particular policies.[162]

However, due to the oftentimes ambiguous status of such catchwords, it appears that the precise definition, scope and semantic approval cedes to the interpretational jurisdiction of the most powerful international actors. An international peace and security perspective thus does not yield clear guidelines for action or concrete peacebuilding policies, much less provide reason to justify a liberal approach. Nevertheless, it looks as though a global and state security narrative is used to legitimize exactly that.

The problematic focus on state security as opposed to human security becomes evident when considering the case of Liberia. Between 2003 and 2018, in response to the Second Liberian Civil War and following the resignation of President Taylor, the UN carried out its Mission in Liberia (UNMIL). This peacekeeping operation particularly aimed at security-sector reforms which were deemed necessary, given the complicity of state security forces as well as rebel groups in the acts of violence against the Liberian population.[163] However, the security issue was mainly approached from a formal institutionalist perspective at state level, and not through an individual human security lens, leaving "everyday security challenges due to economic hardship, domestic violence, street violence, theft and armed robbery"[164] largely unaddressed. With transformation encouraged almost exclusively at an institutional level, the importance of public trust in the newly reformed institutions, as well as the persisting skepticism with regard to the state's capacity to guarantee security, were largely neglected by international peacebuilders, leaving "room for non-state actors to act as informal security providers".[165] The disregard for the widely felt

[162] Martti Koskenniemi, 'What is International Law for?' in Malcolm Evans (ed), *International Law* (Oxford University Press 2014), 90.
[163] Mariam Bjarnesen, 'Hybrid Security Governance in Liberia in the Aftermath of UN Intervention' (2023) 23 Conflict, Security & Development, 1.
[164] ibid., 16.
[165] ibid., 12.

insecurity among the Liberian society thus turned into a new source of actual insecurity, with non-state actors stepping in to allegedly close the perceived security gap that the peacebuilding framework had neglected. As a consequence, informal vigilantism persisted alongside the reformed state institutions.

Moreover, the state security approach prioritized by the peacebuilding efforts in Liberia echoes once again the Western Weberian conviction that the state must retain a monopoly on violence – a view that is not necessarily shared and internalized by non-Western societies, considering that "the post-colonial African state has never had a full monopoly of legitimate force at any point in time".[166] Nevertheless, informal security structures are immediately perceived by Western actors as jeopardizing overall stability,[167] although this assumption, along with attempts to forcefully establish a state monopoly, may cause more instability in contexts diverging from Western Weberian state models. Furthermore, economic challenges have seemingly not been taken seriously enough by peacebuilding efforts in Liberia because, after the mission ended in 2018, the government still appeared to be unable, *e.g.* to pay salaries and pensions,[168] causing ongoing poverty as well as the society's further distrust and dissatisfaction with the government. A minimum standard of individual wellbeing and reliability, which the government should be able to provide to its population, thus seems essential in ensuring societal support for further institutional reforms and civil-political transitions. However, if basic economic, social and cultural needs, including income and a sense of security, are not fulfilled, peacebuilding efforts risk being ineffective, or even providing the foundation for new or persisting conflict, by provoking material as well as mental discomfort within affected communities.

Therefore, some scholars attempt to focus more on individual needs and wellbeing by proposing a shift towards a human security peacebuilding framework which should replace the state security approach. Not only is such an account, although ambitious, expected to increase the effectiveness, legitimacy and sustainability of peace(building), but it also seems promising insofar as it provides a starting point to take into consideration a more holistic human rights-based account which equally includes and values economic, social and cultural rights, alongside civil and political rights. Incorporating and prioritizing elements of human security in the peacebuilding agenda seems crucial in order not to make of individual essential necessities a protracted objective which lies beyond the peace process itself:

[166] ibid., 16.
[167] ibid., 14.
[168] ibid., 15.

> [I]f basic needs are not addressed through a legal rights-based framework, they can easily become relegated to less important long-term aims rather than becoming fundamental obligations to be realized to aid transition to peace to enable justice and sustain peace.[169]

Consequently, neglecting social welfare matters can "jeopardise overall peacebuilding objectives, obstruct the consolidation of peace, and contribute to doubts about the legitimacy of peace-building programmes".[170] Nonetheless, human security and social welfare are usually seen as "secondary challenges"[171] which are a long-term domestic concern rather than one that needs to be addressed by peacebuilding agendas and external actors directly.

Peacebuilding efforts in Afghanistan, for instance, failed to introduce structurally sustainable reforms in the healthcare sector. Rather than strengthening the state's national capacities to provide affordable, accessible and good-quality healthcare services, the Afghan government was almost fully dependent on the financial support from external peacebuilding actors and other international donors.[172] After the Taliban resumed power in 2021, and international humanitarian aid was largely withdrawn, Afghanistan witnessed the near total collapse of its healthcare system, hinting at the fact that prior peacebuilding efforts did not prioritize the right to health, nor were they interested in shaping sustainable, long-term health solutions capable of functioning independently after peacebuilding activities ended. Similarly, peacebuilding in Afghanistan did little to address the widespread food insecurity, and focused on emergency response rather than promoting locally sustainable subsistence practices that would persist in the long run. Currently, 9.5 million people are severely food insecure in Afghanistan, especially due to the discontinued international emergency food assistance.[173] This shows that the right to food was not prioritized in the international peacebuilding agenda.

The human security approach, on the other hand, views an immediate response to basic human needs as an indispensable and imperative part of peacebuilding. This conviction primarily stems from the thought that strengthening individual security and the socioeconomic situation are directly connected to addressing the sources of conflict, or at least to providing solutions for durable conflict resolution:

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[169] Cahill-Ripley (n 27), 226.
[170] Newman (n 21), 1737.
[171] ibid., 1737.
[172] Human Rights Watch, *A Disaster Foreseeable in the Future: Afghanistan's Healthcare Crisis* (HRW 2024).
[173] World Food Programme, *Afghanistan Emergency* (WFP, 2025).

> In general terms, a human security approach to peace building would strive to enhance the physical and material security of individuals and communities, through poverty alleviation, employment creation, and public service delivery, in the belief that this will ultimately serve the cause of peace and stability.[174]

Whether such an approach is in practice more conducive to sustainable peace and security must in turn be empirically assessed. In any case, a recentering on human security seems to put new emphasis on issues related to socioeconomic and developmental issues, in a way that is not, like liberal peacebuilding, merely taking into account "aggregate indicators of development",[175] where socioeconomic concerns are at best addressed as side effects of an agenda whose primary goal lie elsewhere, but rather where individual wellbeing is an end in itself.

By shifting the focus predominantly towards the socioeconomic situation of post-conflict states, peacebuilding could also be seen as reshaping the narrative of so-called failed states:

> A 'failed state' […] is one that cannot provide for the needs of its citizens, rather than one which cannot maintain institutions of liberal governance and markets or one that threatens international security.[176]

With regard to international power dynamics, such a change of narrative is perhaps conducive to a less problematic language insofar as it does not denunciate states as peace-threatening when they normatively fail to conform to Western liberalism, but instead descriptively defines a lack of material capacity which prevents post-conflict states from carrying out their economic, social and cultural duties. This does not amount to regarding such states with an undue favor, or to turn a blind eye to the structural problems potentially underpinning conflict and socioeconomic rights violations (for which the respective government may be *inter alia* or primarily responsible), but to highlight that intervention and peacebuilding should be motivated by ensuring individual material wellbeing rather than by the promotion of particular political ideologies, precisely because this is expected to lead to greater effectiveness and to more sustainable peace. Although a rhetorical shift can hardly be viewed as a silver bullet against existing neocolonial binaries and victimization, *e.g.* through the contrasting juxtaposition of "developed" vs "developing" states, it could be a start in order to decolonize language and paradigms, and to challenge Western normativity.

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[174] Newman (n 21), 1749.
[175] ibid., 1750.
[176] ibid., 1750.

6.2 Challenging Hegemonic Peacebuilding Perspectives Beyond Needs and Rights

One issue with approaching peacebuilding from a human security perspective seems to be the strong emphasis on a human needs language which apparently creates, already at a nominal level, a state of dependence, since post-conflict societies have to rely on the benevolence of others to actively intervene, and to have a positive impact on the situation. Furthermore, such a portrayal possibly serves as a locus of victimization insofar as post-conflict communities are displayed as being deprived of something and requiring assistance which in turn may inspire pity and a sense of superiority on the part of Western actors, *e.g.* by risking to maintain neocolonial binaries between "developing" vs "developed" parts of the world. Thus, semantically and by virtue of connotation, needs-based accounts are likely to invite a continuation of domination. Moreover, a human security approach does not seem to be any less ambiguous than human rights, since disagreement arises with regard to the "threats the individual should be protected from, and what means should be employed to achieve this protection".[177] Insofar as a security framework appears to be equally dependent on a high margin of interpretation, it remains unclear how it can claim, when compared with, *e.g.* human rights, to be (more) universal and neutral, and less tainted with specific biases.

On the contrary, rights-based accounts *prima facie* appear to be much more empowering inasmuch as they substantially support justified claims to having certain basic needs fulfilled. Therefore, they can theoretically be regarded as restituting ownership, especially in a peacebuilding context where affected communities are facing deprivation at many levels, and where individual needs are coupled with normative obligations as well as an entitlement to demand compliance with such obligations. However, in light of the power and resource imbalance between the two hemispheres, rights seem to be empowering only to the extent that they are met with the political will to fulfill and realize them, since those claiming these rights can hardly impose sanctions in case of inaction or negligence. The relative lack of political will can already be perceived when acknowledging that socioeconomic aspects of peacebuilding are frequently couched in terms of "social policy aims" instead of relying on an "economic and social rights-based framework"[178] which would reflect a stronger and more credible commitment to human rights as including and equally valuing civil and political rights on the one hand, and economic, social and cultural

[177] ibid., 1749.
[178] Cahill-Ripley (n 27), 227.

rights on the other. Such tendencies perhaps echo intentions to pacify post-conflict societies by responding to their socioeconomic needs solely within a minimal social policy framework, rather than capacitate them to initiate genuine and sustainable change.

Thus, while there is theoretically a legal entitlement then to, *e.g.* development support, such rights remain rather unclaimable in practice due to geopolitics and respective power dynamics that make it fairly easy for powerful states to deny support and responsibility. Because of the general character of human rights, it is also not clear how exactly they can serve to impose specific duties on specific actors – an issue that appears to be ontologically inescapable with regard to the vague nature of human rights. Despite international humanitarian theories such as the Responsibility to Protect (R2P) – in principle requiring the international community to intervene in the case of largescale and atrocious international crimes – they are only policy objectives (applicable only in very exceptional cases) and not legally binding, *i.e.* they are not empowering in a way many rights-based accounts perhaps want to make believe. The rights-based approach moreover risks continuing to favor civil and political rights instead of economic, social and rights (*i.e.* basic human needs), and thereby preserving the *status quo* account of liberal peacebuilding,[179] precisely because of the power disequilibrium which bestows primarily on Western actors a prerogative of interpretation that leads to the relative marginalization of socioeconomic rights. Importantly, beyond the power to refuse support and shed responsibility, dependencies are already generated within the current (civil and political) rights-based approach, since, due to the limited resources of post-conflict states, donor actors are able to define the conditions for their support, *e.g.* international monetary institutions like the International Monetary Fund (IMF) or the World Bank, by privileging market economy.[180]

Ultimately, the precise focus as such does not really seem to make much of a difference, for equal concerns regarding the prerogative of interpretation also hold for a needs-based human security approach, since a lot would depend on who gets to decide about what constitutes a legitimate need. This vagueness could ultimately and implicitly lead to a reinforcement of Western hegemony. The crucial question remains as to whether donor states would not again be the ones dictating the conditions of necessity, needs or human security, and thereby apply yet again a Western template. Indicative of such tendencies are, for instance, manifest in the normative capabilities approach which has faced criticism with regard to the teleological bias introduced in it. While the capabilities approach seeks to establish capacities that are

[179] ibid., 234.
[180] ibid., 240.

expressive of an agent's real ability to achieve something, they are often directed at a specific predetermined functioning. Whereas a functioning may seem quite universal when contemplating basic material qualities, *e.g.* having the capacity to obtain food in order to fulfill the functioning of being nourished, some capability-functioning relationships may be less evidently universal and instead revert to a perfectionistic and paternalistic account that necessarily makes some axiomatic *a priori* assumptions, *e.g.* about human flourishing and about what should be deemed valuable qualities for a good life, in order to *a posteriori* determine the relevant capabilities.[181] When applying this reasoning to the peacebuilding context, it seems that it would potentially still be foreign actors who, through their subjective biases, are able to prescribe what should be viewed as necessary to lead a decent life and to achieve an adequate standard of living. Yet, the international community is nevertheless confronted with the intricate issue of somehow having to create benchmarks for needs and rights which in turn can inform peacebuilding policies that, in spite of everything, seem crucial in assisting post-conflict societies.

Consequently, what seems important is to challenge the neocolonial power dynamics in order to make peacebuilding more effective, legitimate and unbiased. While genuine concern for the economic, social and cultural situation in post-conflict settings appears crucial and necessary to have a more sustainable impact in peacebuilding, it seems less decisive whether the framework underpinning peacebuilding efforts relies on needs or rights, provided that it provokes a shift away from hegemonic relationships. While a narrative centered on needs may seem to rekindle support for socioeconomic matters, it must be noted that precisely liberalism appears to have prevented a more needs-based approach in the first place, since initial international attempts by the UN and the International Labour Organization (ILO) to establish human needs-based and development approaches have been superseded and downgraded by "the rise of neo-liberalism and a return to economic orthodoxy in the 1980s".[182] This can be considered a setback with regard to the inclusion of peacebuilding measures relating to economic, social and cultural circumstances. In order to foster favorable socioeconomic upturn, the needs-rights divide does not seem all that expressive. Instead, much hinges upon, *e.g.* the capacity of a new peacebuilding framework to authentically include local agency and to shed its neocolonial guise, regardless of the specific approach taken. However illusionary such a shift appears when taking into account the rather deadlocked skeleton of

[181] For more detailed examples of the capabilities account, see: Martha Nussbaum, 'Capabilities and Human Rights' (1997) 66 Fordham Law Review; and Amartya Sen, *Development as Freedom* (Oxford University Press 1999).
[182] Cahill-Ripley (n 27), 231.

international law and institutions when it comes to existing power dynamics, it is indispensable to understand and challenge the impact of neocolonialism in order to inspire substantive change in peacebuilding policies.

While the human security approach rightfully seems to call for a reprioritization with regard to the two different human rights categories,[183] it apparently disregards the mechanisms which not only already explain why priorities are set in a certain way now, but which are also likely to hinder reprioritization generally, or to prevent it from having the desired impact, provided that it is consumed by new and potentially one-sided ways of dominating the exegesis of peacebuilding measures, seen as allegedly conducive to the improvement of the socioeconomic situation of post-conflict societies. Thus, simply stating the normative relevance and desirability of incorporating economic, social and cultural rights in a new peacebuilding framework is not sufficient, for it overlooks the root cause for exclusion of socioeconomic concerns in the first place, as well as why such a framework might be doomed to failure, if eventually implemented. A structural neocolonial reading of current peacebuilding efforts as well as of the impetus for future improved frameworks is therefore essential in order to fully grasp the scope and momentousness of the drawbacks in peacebuilding.

6.3 Reassessing Socioeconomic Primacy and Neocolonial Human Rights Hierarchies

All of the above issues relating to the marginalization of economic, social and cultural rights raise questions about the value of civil and political rights when they are established in a context of largescale sociopolitical instability, as it is usually the case in post-conflict settings. When communities are facing existential threats with regard to, *e.g.* food security, adequate housing or ongoing violence, they can hardly be expected to be open-minded towards democratic institutions and the exercise of or engagement with individual civil and political freedoms. At best, such institutions are perhaps met with indifference from affected societies whose concerns and worries, in the first instance, probably lie elsewhere; at worst, they may provoke resistance and anger if they are perceived as diverting attention away from issues considered more pressing, *i.e.* issues related to the socioeconomic situation. While conflict seems to cor-

[183] ibid., 239.

relate especially with violations of economic, social and cultural rights (or if not violations, at least extensive suffering); hence the importance to care in particular about the restitution of the latter, as well as about structurally addressing the causes of violation (and suffering). Yet, such assertions are at odds with the current approach to reinforce civil and political rights and to promote liberal democracy, often in an exclusive way or to the detriment of the promotion of socioeconomic wellbeing.

One expressive example of such tendencies is the case of Iraq where US-led peacebuilding practices cast significant doubts, not merely over the neglect of socioeconomic needs, but over the outright undermining of local means of existence for the benefit of international markets and profits. In the course of the peacebuilding process following the 2003 Iraq invasion, American peacebuilding efforts undoubtedly contributed to restricting socioeconomic rights, in particular the right to food, by creating an export market that benefitted first and foremost big American corporations, and highly impacted the subsistence practices of local farmers and the Iraqi population more broadly. Allegedly driven by "failed"-state narratives and emphasizing global peace and security risks, the US, together with their allies, operated without the UN Security Council's approval, and carried out peacebuilding operations in a nearly occupation-style manner.

Under the Coalition Provisional Authority (CPA) – the post-Hussein transitional government overseen by the US – markets were liberalized and the society was exposed to international competition whose pressure it could not withstand, because local economic structures were not customized to Western capitalist market ideologies. Prior legal protections which had secured local markets in Iraq were repealed under US commands, and contributed to the economic fragilization of the Iraqi society, for the "foreign-imposed regime change ushered an era of domestic instability characterized by high degrees of ethnic and communal fractionalization, failed governance, and laggard socio-economic development".[184] Significantly, foreign rebuilding logic fostered the conviction that the state had to be remodeled entirely from scratch (according to a Western-style liberal model), thereby largely ignoring existing political and economic infrastructure. "Statebuilding and peacebuilding in Iraq commenced on a tabula rase through foreign-imposed regime change" and were "predicated on overhauling Ba'thist economic, political and

[184] Shamiran Mako and Alistair D Edgar, 'Evaluating the Pitfalls of External Statebuilding in Post-2003 Iraq (2003–2021)' (2021) 15 Journal of Intervention and Statebuilding, 425.

security institutions" without being sensitive to the local political-economic architecture, eventually leading to "the near total dissolution of Iraqi political, economic, and coercive state structures and institutions".[185] Interestingly, despite the repeated emphasis that Western peacebuilders put on democracy promotion as well as on civil and political rights generally, the case of Iraq exemplifies how Western market ideologies frequently seem willing to ultimately sacrifice democratic principles in favor of economic upswing (although the latter may perhaps benefit Western markets more than post-conflict markets), since, namely in the peacebuilding context of Iraq, "democratic participation and interference were effectively fended off by the parallel construction of an international authoritarian political architecture and a strongly legalised and specific form of market economy".[186]

Beyond institutional disintegration and the disregard for political participation, the US seem to have violated precisely socioeconomic rights, especially within the agricultural sector where top-down neoliberal economic transitions led to a significant deprivation of Iraqi farmers' livelihoods. Having taken various steps that contributed to the economic disempowerment of the Iraqi society, the US condoned its progressive social corrosion. Under the CPA's Order 12, for instance, restrictions and tariffs on import were lifted while specific goods could no longer be exported from Iraq,[187] resulting in economic advantages for international as opposed to domestic producers. In a similar vein, the CPA's Order 81 progressively eroded Iraqi culture and subsistence practices by installing intellectual property rights for seeds,[188] among those indigenous seeds that had been exchanged and traded for several millennia by Iraqi farmers and early agrarian Mesopotamian societies. Accordingly, farmers were no longer allowed to use patented seeds and instead had to resort to genetically modified seeds introduced by international commercial enterprises, accommodating "the interests of multinational biotechnology corporates",[189] in particular large US-owned agribusinesses.

By internationalizing and monopolizing seed trade, peacebuilding efforts in Iraq seem chiefly responsible for destroying food security, agrobiodiversity, cultural heritage and local intergenerational knowledge

[185] ibid., 427-428.
[186] Maj Grasten and Ntina Tzouvala, 'The Political Economy of International Transitional Administration: Regulating Food and Farming in Kosovo and Iraq' (2018) 24 Contemporary Politics, 601.
[187] Coalition Provisional Authority Order Number 12, 'Trade Liberalization Policy', CPA/ORD/7 June 2003/12.
[188] Coalition Provisional Authority Order Number 81, 'Patent, Industrial Design, Undisclosed Information, Integrated Circuits and Plant Variety Law', CPA/ORD/26 April 2004/81.
[189] Nihaya Khalaf, 'Patenting of Agriculture Biotechnology in Iraq: Widening the Gap between the Country's Development Needs and Food Security' (2024) 27 The Journal of World Intellectual Property, 374.

frameworks. Traditional ways of seed exchange were criminalized, ostensibly because they did not fit in with US convictions about modern economic practices, or perhaps rather because they did not benefit Western actors. Not only did this approach essentially create economic dependence on foreign markets and actors, it also violated the right to self-determination and autonomy by provoking a loss of food sovereignty and time-honored subsistence practices, while additionally contributing to the deterioration of the overall socioeconomic situation. External and occupation-like neoliberal investment was regarded as superior to the needs of local communities – a clear mercantilist neocolonial pattern of exploitation. Against the very principles of peacebuilding, the measures taken in Iraq amounted in fact to incapacitation rather than national empowerment. Especially problematic with regard to self-determination appears to be the irreversibility of the agricultural reforms introduced in Iraq which therefore continue to gravely impact seed and food sovereignty today, and possibly in the future:

> [I]nternational administrators make reforms particularly difficult to reverse either through constitutionalising neoliberalism or by putting in place dysfunctional and dependent political systems. The sensitive nature of agriculture and the practical irreversibility of certain reforms, such as the introduction of genetically modified seeds, further entrenched the links between the present, which was dominated by ITA,[190] and a nominally independent and sovereign future.[191]

Economic, social and cultural rights (or else the fulfillment of socioeconomic needs) should therefore also be viewed as empowering and as being a precondition to the post-conflict societies' exercise of self-determination. It seems that, in the absence of relative economic prosperity, communities lack the autonomy to decide for themselves, not least because a lack of socioeconomically favorable conditions is a driver of economic dependence and heteronomy. Due to dire needs usually being generated through conflict and resulting in multilevel fragilization, societies and states, in order to have access to required resources, are frequently forced to accept conditions for assistance which they would perhaps not normally do, had they been given an actual choice. In fact, having an authentic choice seemingly implies having the economic security as well as favorable living conditions that allow people to reflect, *e.g.* on their identity, on societal norms and customs, and on socially formative cultural ties; such reflections appear in turn to be significantly involved in the exercise of civil and political rights, *e.g.* through freedom of expression.

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[190] 'ITA' refers to the application of executive, legislative or judicial powers by an authority over a territory subject to temporal international administration, see: Grasten and Tzouvala (n 186), 590 ff.
[191] Grasten and Tzouvala (n 186), 601-602.

It further seems that, where the socioeconomic context is relatively stable, societies and individuals are able to claim their civil and political rights more easily (where necessary even against domestic state oppression or deprivation), since, when preoccupied with existential economic struggles characteristic for post-conflict states, communities often do not seem to have the physical and mental capacity to stand up for their rights (including rights of both Covenants). Accordingly, the necessity to put more emphasis on and prioritize economic, social and cultural rights can be derived from the suspicion that civil and political rights are meaningless in the absence of the former insofar as socioeconomic rights appear to create the conditions for individual civil liberties in the first place, *i.e.* their fulfillment produces the minimum standards of wellbeing necessary to initiate the reflection about civil and political rights.

For instance, it appears difficult to comprehend the value of freedom of expression or other individual freedoms in light of, *e.g.* extreme poverty and hunger. In the absence of the fulfillment and enjoyment of minimum economic, social and cultural standards, the formal promotion and praising of civil and political rights seems almost cynical, because it disregards the conditions that need to be achieved in order for individuals to be factually able to exercise these civil and political rights. While economic, social and cultural rights appear to be indispensable for civil and political freedoms to be meaningful and impactful, the opposite may perhaps be true only to a lesser extent, for it is unclear how the protection of civil and political rights as such can guarantee favorable socioeconomic circumstances. On the contrary, there seem to be many examples of rather authoritarian regimes (or regimes which do not necessarily conform to Western liberal democracy) with relative prosperity, such as China for instance, at least when compared to the country's situation a few decades ago – and when taking into account that it was perhaps precisely through authoritarian and undemocratic measures that China was able to end famine and raise overall economic standards.

Such an illustration does not claim to make any statement about the normative appeal of civil and political rights as such, or to relativize existing grievances with regard to the latter at the domestic level, but it solely highlights that the reciprocity between economic, social and cultural rights on the one hand, and civil and political rights on the other may be more unidirectional than usually assumed. By implication, this could suggest that, apart from the strong inclination towards civil and political rights, other criteria should be seen as equally if not more decisive in promoting socioeconomic wellbeing. Especially in the context of peacebuilding, it seems essential to consider stability as one such contributing factor that could be regarded as vital in providing a supporting foundation for economic, social and cultural rights. Two

important aspects of stability appear to require, first, to make of the response to urgent material socioeconomic needs a priority, and second, to consider the threats emanating from overburdening transitional societies with fragilizing and unfamiliar institutions that are primarily directed towards the fulfillment of civil and political rights.

While one should be cautious not to view the respect and promotion of economic, social and cultural rights as more empowering than they actually are, not least because economic hardships may be the expression of more deeply rooted structural problems that need to be addressed directly, it seems adequate to characterize economic, social and cultural rights as a necessary condition for self-determination. Nevertheless, although this human rights category is surely not equally to be considered a sufficient condition for self-determination, the necessity of socioeconomic rights is usually not taken into account when it comes to peacebuilding policies and operations. However, their necessary character can be inferred from the existentiality that is generally at stake, since guaranteeing the conditions for material survival seems to be first and foremost a goal in itself and not necessarily an expression of a specific function that can factually or should normatively be exercised with it.

While said existentiality may not apply to all economic, social and cultural rights alike (*e.g.* because the existential indispensability can perhaps not be assumed with regard to many cultural rights), the purpose of civil and political rights appears to be fundamentally different altogether, insofar as the latter category of rights seems to some extent to be already engraved with a particular teleological view about the value of civil liberties which justify that, *e.g.* freedom of speech be upheld as a function of democratic participation, or that freedom of religion is an expression of the fundamental value of faith and divinity for the individual.[192] Whereas economic, social and cultural rights seem perhaps more universal insofar as they refer to existentially indispensable qualities or to more generic needs, without having specific ends or modes of individual exercise in mind, civil and political rights usually come across as less generalizable and more predetermined with regard to the purpose they serve.

Not only does this suggest that there may be a hierarchy between the two rights categories, but it seems to have important repercussions for self-determination as well. Socioeconomic wellbeing is likely to

[192] Civil and political rights potentially encounter here the same perfectionistic problem which the capabilities approach can be accused of.

foster autonomy and individual agency because it provides individuals and communities with the necessary material security to exercise their self-determination. The promotion of civil and political rights, on the other hand, is potentially much more likely to undermine self-determination insofar as these rights already seem to be substantially engraved with less universal values relating to the utility of individual freedoms. Therefore, the current peacebuilding framework can be regarded as possibly being in a twofold violation of self-determination. Not only does the relative neglect of economic, social and cultural issues prevent societies from having their conditions for the exercise of self-determination fulfilled in the first place, but the virtually exclusive focus on the encouragement of particular civil and political structures additionally seems to take self-determinative power away from affected communities, especially when they are implemented entirely by external actors pursuing external policies, and do not coincide with the authentic will of the post-conflict society in question.

Ultimately, peacebuilding is a field which is illustrative not only of the interconnection between the two human rights corpora but which is furthermore suggestive of a potential hierarchy possibly requiring giving primacy to economic, social and cultural rights. It is perhaps precisely because economic, social and cultural rights are so empowering that international actors (predominantly from the Global North) are so reluctant to promote them globally, because this would put into question their own hegemony that partly thrives on economic prosperity and their relative superiority *vis-à-vis* states that are "weaker" in terms of economic wellbeing. The crucial point seems to be again reducible to self-determination. Where socioeconomic rights are fragile or inexistent, societies appear to be much more prone to the violation of their self-determination, whereas economically powerful states can maintain their self-determination due to their material ability to escape political westernization attempts, either because of important economic partnerships benefitting Western states or because the latter do not dare to interfere with a state that is in principle powerful enough to economically (if not militarily) outperform them.

Formally, peacebuilders usually seem to base their disregard for economic, social and cultural rights on the programmatic character of this rights category. However, particularly where a post-conflict state is destabilized to the point that it cannot autonomously respond to basic human needs anymore, it appears problematic that peacebuilders can largely exclude such matters from their priority list by referring to them as rights with merely progressive realization, and thus relegate them to issues of secondary concern. Although the rationale behind a fulfillment in stages surely has to do with state sovereignty, it seems strange that peacebuilding remains largely unbothered by the ways in which the oftentimes unilateral and

heteronomous promotion of civil and political rights may violate the self-determination of post-conflict societies, while apparently regarding the assistance concerning economic, social and cultural rights as overly interfering with that same self-determination as well as with state sovereignty.

Such reasoning possibly also reflects a general interest in shedding once again responsibility or being reluctant to provide too costly and protractive resources. Nonetheless, in terms of the existentiality usually at stake regarding basic human security and needs issues, it seems rather imperative to make of economic, social and cultural rights an explicit peacebuilding agenda; and such international response to existential needs – when considering the urgency and frequent lack of alternatives – appears to be much less in potential violation of self-determination than the advocacy for particular civil and political rights. As seen above, the fulfillment of critical economic needs might even be seen as a prerequisite for the autonomous exercise of self-determination. Even when considering socioeconomic needs from an international security perspective instead of a self-determination perspective – an outlook which arguably gains more traction among Western peacebuilding actors – it consequently appears enigmatic that so little support is mobilized for the strengthening of economic, social and cultural rights, especially since a development deficit is considered to be so significantly involved in jeopardizing international peace and security, as repeatedly affirmed in the 2030 Agenda for Sustainable Development.

Even in the absence of apodictic proof – beyond suggestive indication that economic, social and cultural rights trump civil and political rights – which could critically challenge the *pari passu* status of both human rights Covenants, it may suffice to acknowledge that, in the context of peacebuilding, international actors all too often do little to actually improve the socioeconomic situation or to address the roots of socioeconomic instability in post-conflict settings, despite an international commitment to the indivisibility and interdependence of all categories of human rights. From a legal and policy point of view alone, there is thus nothing justifying neither the exclusion of economic, social and cultural rights, nor the obvious prioritization of civil and political rights. Whether such positionality stems from a naïve neglect of the privileged position of Western societies with regard to socioeconomic rights – which are likely taken for granted and thus not seen as significant – or whether it is the genuine fear for loss of power and international influence that is at stake for Western actors; in either case, the dynamics observable with regard to peacebuilding seem to be neocolonial and hegemonic in nature. An improved peacebuilding framework must therefore specifically work towards disputing the stipulated validity of Western normative biases in peacebuilding.

7. Conclusion

This thesis examined how neocolonial power dynamics undermine the effectiveness, sustainability and legitimacy of the contemporary peacebuilding framework in post-conflict societies. Through critical literature and discourse analysis, it has investigated how peacebuilding continues to be shaped by Western hegemonic normativity which chiefly sets liberal priorities and relies on promoting civil and political rights, as opposed to focusing on economic, social and cultural rights. Peacebuilding remains anchored first and foremost in international interests instead of being adapted to the specific post-conflict context, and thereby reflects international power dynamics that allow essentially powerful Western states to impose their values on other actors. Therefore, peacebuilding bears witness to the perpetuation of neocolonial hierarchies which conserve and extend the influence of Global North states on the Global South, particularly in contexts marked by conflict and resulting in multilevel fragility.

Peacebuilding seems ineffective in view of the formalistic and institutional approach generally privileged, and the paternalistic and coercive top-down approach with which it is usually carried out. The application of external Western blueprint models and thought patterns, taken as universal and relying on standardized responses to post-conflict issues, reveals a lack of context sensitivity and awareness of the constraints materializing especially in fragile transitional contexts. The state-centric approach, along with the strong emphasis on liberal democracy as the only appropriate framework for statebuilding appear particularly ineffective due to the inherent contradictions and questionable suitableness in contexts where such liberal state axioms are usually absent and perceived as alien.

The current peacebuilding framework is moreover unsustainable due to its rather short-term focus and the frequent withdrawal of missions prior to achieving their proclaimed goals. Since peacebuilding seems to apply a set of ineffective and superficial measures instead of aiming towards more durable structural transformation, *e.g.* by putting more emphasis to socioeconomic issues, it usually fails to address the underlying sources of conflict, and accordingly risks prolonging, further destabilizing or triggering relapse into conflict. Such peace processes are often met with unacceptance, if not resistance, from local actors and societies, especially because peacebuilding potentially undermines local political and economic infrastructure. Rather than capacitating local communities, peacebuilding thus frequently appears

to create dependencies that further hamper the advent of durable and stable peace. Peacebuilding operations thus commonly seem to erode vital self-imposed international peacebuilding goals intending to achieve sustainable positive peace.

Legitimacy is undermined by contemporary peacebuilding since, in its current form, it heavily relies on Western normativity and interests. Conflict is framed more as an international security issue than inspiring genuine concern for the wellbeing of conflict-afflicted societies. The ostensibly objective and eleemosynary peacebuilding approach in fact conceals power interests and legitimizes hegemonic attitudes. The prioritization of civil and political rights (along with the liberal exegesis thereof), and the relegation of economic, social and cultural rights to a secondary issue, are expressive of an unjustified Western bias and a continuation of neocolonial logic which attempts to frame particular ideologies as universal and seeks to dominate narratives and international practices. The neocolonial discourse relying on victimization-saviorism dichotomies, along with coercive procedures that display a lack of local agency, as well as the double standards relating to the political choices about whom and how to assist, unmask the present peacebuilding framework as illegitimate, disempowering and violating the self-determination of post-conflict societies. Especially the fragility of post-conflict societies with regard to the frequent socioeconomic instability and existential needs at stake, coupled with the systematic marginalization of economic, social and cultural rights in current peacebuilding approaches, leaves such societies prone to heteronomous, exploitative and dependent relationships.

Although liberal peacebuilding has been facing a lot of criticism concerning unjustified and unilateral normative claims especially maintained by Western actors, this thesis contributes to connecting such criticism with a concern that seems rather omitted in the literature so far, namely that the systematic neglect of economic, social and cultural rights in the present peacebuilding framework is both inscribed in a neocolonial logic, and further compromises the effectiveness, sustainability and legitimacy of international peacebuilding interventions, particularly when considering that a liberal hierarchy of human rights appears largely to disregard the material wellbeing and subsistence of post-conflict societies. Despite contemporary reflections about individual human security shifting the focus away from an international security narrative, and bringing necessary attention to local existential needs, the thesis argues that an incorporation of economic, social and cultural rights can only be successful if it is concomitant with challenging the power disequilibrium and the neocolonial relationships in which both peacebuilding generally and the marginalization of socioeconomic rights specifically are inscribed. This seems important,

since otherwise, in spite of greater attention given to these rights, a new peacebuilding framework risks perpetuating similar hegemonic structures, provided that norm-setting, policy and decision-making largely remain at the service of Western external actors.

The thesis moreover suggests that it may even be appropriate to regard socioeconomic rights as being of superior importance in peacebuilding contexts when compared to civil and political rights, due to the necessary and empowering potential which economic, social and cultural rights seem to unfold with regard to post-conflict societies' autonomous and non-teleological exercise of self-determination. Such considerations should give impetus to further research concerning itself with further challenging the *pari passu* status of both human rights categories within peacebuilding and beyond. They also highlight the need for extended research into how neocolonial and hegemonic power dynamics continue to shape peacebuilding policies and practices to this day, and how they affect peacebuilding processes and outcomes negatively.

While the thesis is not necessarily asserting that peacebuilding is always detrimental to the extent that post-conflict societies would generally be better off without them, or that external peacebuilding efforts must be rejected altogether, it maintains that the current peacebuilding framework is significantly hampered by neocolonial structures, and will not improve unless they are credibly addressed. This neocolonial sensitivity has important implications for academic research as well as for peacebuilding policymakers and international decision-making. However, concerns regarding the practical achievability of genuine change remain, as it appears to be difficult to effectively transform dominant normative narratives and practices when specific power interests are at stake, and when powerful states seek to conserve their hegemony in the international arena. A truly postcolonial paradigm shift in the peacebuilding architecture seems to come to grief in practice with regard to the general lack of political will of most Western peacebuilding actors to self-critically challenge and overcome their neocolonial attitudes.

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