When Things Fall Apart: The Impact of Global Governance on Civil Conflicts

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Incentivizing Peace: How International Organizations Can Help Prevent Civil Wars in Member Countries. By Jaroslav Tir and Johannes Karreth. Oxford: Oxford University Press, 2018.

Wars of Law: Unintended Consequences in the Regulation of Armed Conflict. By Tanisha Fazal. Ithaca, NY: Cornell University Press, 2018.

Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa. By Milli Lake. Cambridge: Cambridge University Press, 2018.

Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world, . . .
Surely some revelation is at hand;
Surely the Second Coming is at hand. . . .
And what rough beast, its hour come round at last,
Slouches towards Bethlehem to be born?
—William Butler Yeats, "The Second Coming"

Studies of the impact of global governance on civil conflicts have focused primarily on international peacekeeping missions, yielding rich insights on both positive and negative effects (Autesserre 2010, 2014; Fortna 2008). Many emerging scholars are now looking beyond peacekeeping to other forms of global governance (Barnett 2013). Three recent books examine how intergovernmental organizations (IGOs), international law, and nongovernmental organizations (NGOs) affect the domestic politics of civil conflicts. These compelling books illustrate many positive consequences of global governance on domestic conflict, including how global governance can reduce the likelihood that a low-level dispute escalates to conflict, encourage compliance with hu-

manitarian law during conflict, and administer justice in post-conflict settings. Yet we argue that they understate potential unintended consequences of global governance. These include decisions about whether rebels will mobilize for conflict (as opposed to other forms of peaceful contestation), how rebels define their objectives, whether outside states will intervene in civil conflicts, and how states rebuild after conflict. These concerns should make us cautious about the overall impact of global governance on civil conflicts. Global governance may more closely resemble a "rough beast" than a "Second Coming" that promises salvation from society's ills.

GLOBAL GOVERNANCE AS SALVATION?

In their new book, *Incentivizing Peace: How International Organizations Can Help Prevent Civil Wars in Member Countries*, Jaroslav Tir and Johannes Karreth argue that organizations that they call "highly structured IGOs" (HSIGOs) have the ability and desire to prevent civil wars (42). They claim that HSIGOs—like the European Union, Inter-American Development Bank, and World Bank—want to prevent conflict because violence hinders their policy goals, like promoting economic growth and international trade. Tir and Karreth argue that HSIGOs can prevent the escalation of preexisting disputes by withholding aid, loans, and other benefits. Such pressure can make war less desirable in two ways. First, HSIGOs can withhold benefits when negotiated settlements are violated by the government, thereby resolving commitment problems. Second, HSIGOs can withhold benefits during actual fighting, thereby reducing government and opposition payoffs from war. Tir and Karreth provide little explanation for why HSIGOs would enforce negotiated settlements but give compelling reasons why HSIGOs withhold benefits during fighting.

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Tir and Karreth provide extensive quantitative and qualitative evidence for their theory, including case studies of recent crises in Indonesia, the Ivory Coast, and Syria. In the Indonesian case, they demonstrate how International Monetary Fund and World Bank threats to suspend loans persuaded the government to respect East Timor's 1999 independence referendum and withdraw troops from the region. In contrast, Syria's relative isolation from the international community ensured that the Assad regime received few benefits from HSIGOs before conflict. When Syria moved toward civil war, its government was therefore less susceptible to pressure from HSIGOs than Indonesia.

One major contribution of Tir and Karreth is their conceptualization of civil wars as low-level conflicts between governments and opposition groups that escalate because of bargaining failures. While quantitative studies have established that certain types of states (poor, autocratic, etc.) are likely to experience civil wars, it is less well understood why nascent conflicts are sometimes resolved through negotiations while other times bargaining fails and war ensues (Walter 2009). Tir and Karreth's approach of comparing low-intensity conflicts that escalated to civil wars with similar conflicts that did not escalate offers a path forward for quantitative analyses of this question. However, one unexplored implication of their argument is that HSIGOs will indirectly increase opposition group payoffs from mobilizing for low-intensity conflicts, thereby increasing the incentive for these groups to use violence rather than peaceful contestation.

Tanisha Fazal examines the impact of the international law of armed conflict in her insightful new book, *Wars of Law: Unintended Consequences in the Regulation of Armed Conflict*. Fazal argues that treaties that regulate armed conflict have paradoxical effects on the behavior of states and opposition groups. She assesses these effects using quantitative and qualitative evidence.

The first portion of her book focuses on international wars. Fazal argues that "the rising costs of compliance with ever-higher standards create incentives for states to avoid stepping over any bright lines that would unequivocally oblige them to comply with the laws of war" (5). Accordingly, she argues that states have become less likely to formally declare war and sign peace treaties because they want to avoid legal obligation under the law of armed conflict. While this argument seems logical, it understates the scope and binding effect of the law of armed conflict. First, Fazal focuses on treaty ratification, overlooking the role of customary international law, which is an important component of the law of armed conflict (Johns 2019; Meron 2000). For example, states are now bound by the rules in numerous treaties—including the Hague Regulations of 1907, the Genocide Convention of 1948, and the Geneva Conventions of 1949—regardless of whether they ratified them. Second, Fazal assumes that by avoiding a formal declaration or acknowledgment of war, states can avoid treaty obligations. Yet legal obligations are not limited to wars that are formally declared or acknowledged. They apply to all armed conflicts between states and even increasingly to noninternational armed conflicts (Dinstein 2014, 2016).[1] While Fazal highlights important trends in state behavior, states may avoid the term "war" to avoid the rhetorical or political impact of international law (Hurd 2017), rather than to escape actual legal obligation.

Fazal's arguments are most compelling in the second portion of her book, which focuses on nonstate actors in civil conflicts. She builds on a growing and important literature in political science about how the capacity and objectives of opposition groups shape their compliance with international law (Jo 2015; Stanton 2016). Fazal first argues that secessionist groups, which want to form new states, must seek recognition from the international community. She therefore argues that secessionist groups are more likely to comply with international law than other kinds of opposition groups "because the international community has propagated the laws of war and values them" (39). Yet it is unclear who the international community is and what it wants. States frequently disagree about the meaning of legal obligations, particularly during armed conflicts (Hurd 2017). Additionally, Fazal takes the objectives of opposition groups as exogenous, overlooking the possibility that opposition groups may seek statehood precisely when they believe that it is easier to receive recognition. Similarly, increased concern about the law of armed conflict may encourage outside intervention into civil conflicts.

Finally, Milli Lake's new book, *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa*, examines NGOs in states weakened by conflict. She argues that NGOs will be most successful in pursuing their agendas when state authority is weakest. The core of her book is a qualitative comparison of NGO attempts to punish sexual violence in two locations: the Kivu provinces of the Democratic Republic of the Congo (DRC), where persistent war has left the state debilitated, and in postapartheid South Africa, which has relatively strong state institutions.

Both states suffer from high rates of sexual violence, but Lake finds that the DRC conforms more closely to international legal standards than South Africa. Lake documents how South African police frequently fail to take sexual violate seriously and how judges ignore relevant domestic and international legal standards. In contrast, the DRC justice system

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1. For example, see Common Article 2 of the Geneva Conventions of 1949.

has become very aggressive in punishing sexual violence. In the DRC, sexual violence cases make up a substantial proportion of the judiciary's case load, victims are treated with deference, and judges routinely invoke international legal standards in their rulings. Lake argues that the DRC's weak central government allowed NGOs to train judges, police officers, and prosecutors and to provide funding for investigations and trials. In contrast, the South African government has rejected NGO efforts to address sexual violence, in part because it views NGOs and international legal standards as threats to its sovereignty.

To her credit, Lake recognizes that NGO advocacy has unintended consequences. Because sexual violence cases are subsidized by international donors, Lake documents how and why judges and police neglect other crimes and local service providers divert their attention from other humanitarian problems (Autesserre 2012). She also demonstrates that NGOs focus on easily quantifiable outcomes like convictions, even though perpetrators can often buy their way out of prison and ignore judicial orders to provide compensation. Finally, Lake raises concerns about the negative effect of NGOs on state authority. She worries that in practice these groups "hollow out" the state (231). When NGOs provide basic services, like the operation of regional courts, a state has little incentive to develop this capacity for itself. NGOs also challenge state legitimacy by requiring that a state cede sovereignty to international donors and bureaucracies. This concern is particularly salient when opposition groups are competing with the state for legitimacy. For example, DRC rebel groups have created parallel legal systems that claim to enforce standards on sexual violence. Similarly, Weinstein (2006) and Berman and Matanock (2015) have documented how rebel groups have attempted to garner legitimacy by setting up pseudo-democratic institutions and providing services to the population, respectively. NGOs may therefore change the balance of power between states and their rebel groups, weakening state legitimacy precisely when opposition groups are trying to bolster their own legitimacy.

THE ROUGH BEAST OF GLOBAL GOVERNANCE?

These three books make important contributions to our understanding of the possible positive consequences of global governance on civil conflict. Yet they also suggest four important and unanswered questions that should give pause to scholars and policy makers who believe that local conflicts demand international attention and solutions.

The first question that these books suggest is, How does global governance affect decisions by opposition groups about whether to mobilize for conflict (as opposed to peaceful contestation)? If HSIGOs reduce the likelihood of disputes esca-

lating into wars, as Tir and Karreth argue, then they also increase an opposition group's payoff from the crisis bargaining game that results when an opposition group mobilizes for war. HSIGOs may therefore increase the number or magnitude of low-level conflicts that emerge in the first place, which Tir and Karreth treat as exogenous. HSIGOs might serve as political insurance that generates a moral hazard problem: opposition groups might escalate political disagreements into violent disputes with the expectation that HSIGOs will pressure the government to make concessions before violence escalates into war.

Additionally, if many opposition groups seek international legitimacy and recognition, as Fazal argues, then the international law of armed conflict may provide such groups with an additional strategy that makes fighting more attractive. Governments are expected to comply with the relevant law of armed conflict. They accordingly gain little legitimacy from respecting these laws but suffer costs to legitimacy if they violate them. Yet it is less clear whether rebel groups are also obligated to comply with this law (Sivakumaran 2006). Opposition groups therefore face fewer costs for violating international rules and more benefits if they comply. This asymmetric effect of law on legitimacy can make conflict more attractive to an opposition group.

Finally, opposition group inclusion in mediation or peacekeeping has an asymmetric effect on the legitimacy of parties in a conflict. For many rebel groups, simply participating in peace talks constitutes a victory, as it requires the government—explicitly or not—to recognize the group as a legitimate negotiating party. Conversely, governments can only lose status by participating in talks with rebel groups. These effects in turn create incentives for opposition groups to adopt violent tactics.

For example, two opposition groups advocated for Kosovo's independence in the 1990s: the Democratic League of Kosovo (DLK), which supported nonviolent political contestation, and the Kosovo Liberation Army (KLA), an armed group that conducted violent attacks against Serbians. When violence between the KLA and Serbian forces escalated in 1998 and became the international community's foremost concern, the DLK risked being sidelined from political negotiations led by the international community (Judah 1998). In response, the DLK formed its own militant group, the Armed Forces of the Republic of Kosovo (*Strategic Comments* 1999). While the DLK's armed group failed to rival the size and importance of the KLA, its formation demonstrates how otherwise peaceful opposition groups may face pressure to arm in order to be taken seriously by the international community.

Second, these books prompt the question, Does global governance affect how opposition groups define their political

objectives? Historically, international law used an effective control test—if a group had control over territory, it had authority to represent that territory (Roth 2010). Yet states have increasingly shifted to an emphasis on democratic norms and human rights as a basis for recognition. As Fazal (*Wars of Law*), Jo (2015), and Stanton (2016) argue, compliance with the law of armed conflict gives opposition groups legitimacy in the eyes of the international community. International law has thus become a political tool that opposition groups can wield to achieve their goals. By making it easier for such groups to secure international recognition, the relative cost of secessionism has decreased. Opposition groups should be more likely to demand their own state and less likely to demand accommodation within existing political institutions. Changes in the use of international law, as well as the benefits of statehood, might help us to understand the dramatic increase in secessionist claims over recent decades (Fazal and Griffiths 2014).

The recent history of Catalan nationalism in Spain illustrates how the prospect of recognition through international legitimacy—rather than territorial control—could make secession more attractive to opposition groups. In the years after the Francoist dictatorship ended, major Catalan political parties supported greater regional autonomy. Full independence was only supported by a radical fringe, such as the group Terra Lliure, which waged an impotent armed campaign from 1978 to 1991 (Lluch 2014). However, as the international community has shifted from an emphasis on effective control to democratic and humanitarian norms, mainstream Catalan political parties began advocating for secession from Spain, including supporting a controversial 2017 independence referendum. The referendum's leaders reportedly hoped to gain recognition from the European Union (Birnbaum 2017). While there are doubtless many factors that led mainstream Catalan political parties to support independence, it is certainly a more attractive goal now that it requires diplomacy in Brussels rather than outright war for effective control of territory.

A third natural question is, What drives outside states to intervene in civil conflicts, thereby transforming them into international problems? An increased emphasis on conditions during war creates incentive for outside states to respond to compliance with (or violations of) the law of armed conflict. Outside states can intervene economically, militarily, and politically in domestic conflicts to support groups who adhere to community norms and punish groups that violate those norms. While outside intervention may sometimes help to resolve civil conflicts, it can also prolong civil conflicts by increasing the number of veto players who must agree to a settlement (Cunningham 2006).

In the Syrian civil war, advocates for outside intervention frequently argued that other states should use force to uphold international norms against the use of chemical weapons. Opposition groups cited chemical attacks by the Assad regime when appealing for intervention by the United States and the international community (Simpson 2013). Video footage of a gas attack shared via online platforms (like Facebook and Twitter) and Western news media in August 2013 put pressure on France, the United Kingdom, and the United States to punish the Assad regime (McDonnell and Bengali 2013). Public outrage over ongoing gas attacks led to expanded military aid for opposition groups and, ultimately, retaliatory air strikes in 2017 and 2018.

Finally, these books suggest that scholars should be asking, How does global governance change the ways that states rebuild after conflict? Global governance organizations face a double bind when rebuilding fragile states after conflict. If they funnel resources to a weak government to build its own institutions with few conditions attached, they risk becoming just another source of patronage. Aid can be stolen or mismanaged, and providing resources to a government that depends on fragile bargains with local elites may increase the price these elites demand for their loyalty (De Waal 2009). Alternatively, these organizations can take a more direct role in institution building by either attaching conditions and oversight to aid projects or setting up "shared sovereignty" arrangements (Krasner 2004; Matanock 2014). Yet this approach too can have unintended consequences, hollowing out state capacity and creating dependency. Moreover, global governance can lack domestic legitimacy.

Lake illustrates how the priorities of the international community sometimes align poorly with what locals want or need. For example, in the DRC, NGOs have dramatically increased prosecutions for sexual violence and medical care for rape victims. Yet other serious crimes often go unpunished, and women who are not rape victims often cannot receive basic health care (220–22). These individuals are thus subject to the priorities of international donors, not to their own desires or needs. This dilemma has no easy answers, but Campbell (2018) suggests that peace-building organizations should adapt to local needs by building informal accountability to the communities they serve.

CONCLUSION

In sum, new research suggests promising paths for the study of global governance on civil conflict. Global governance has become an important tool for preventing low-level conflicts from escalating in civil wars, for shaping the behavior of governments and opposition groups during civil wars, and for

helping war-torn states to respond to issues like sexual violence. Yet this research also suggests the darker possibilities of global governance. If an armed opposition group can more easily secure concessions from a government, then it has more incentive to arm. If international norms make it easier for an opposition group to receive legitimacy and recognition from the international community, then it can more easily make secessionist demands. If outside states care more about humanitarian norms during civil conflicts, they may be more likely to intervene to uphold those norms. And if global governance organizations help war-torn states to rebuild, then the institutions they create may lack democratic legitimacy and long-term viability.

Our claim is certainly not that global governance is inherently harmful. Civil conflicts that uphold the norm of humanity are certainly better than those that do not, and actors who violate this norm should be held accountable by the international community. Rather, we believe that policy makers and scholars should be more aware of the possible unintended consequences of global governance when things fall apart. Only then can the center hold.

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