BOOK REVIEW


The physical sciences have an advantage over the social sciences in that a theory can often be tested in the laboratory or the field, allowing for a conclusion of right or wrong. So it is rare that in a field as vast as international relations, a book is published and immediately thereafter its key theses are tested on the world stage. Yet that is the fate of Ku and Jacobsen’s well-crafted Democratic Accountability and the Use of Force in International Law, for no sooner were the galleys checked than the Bush Administration set its sights on the use of force against the Saddam regime in Iraq.

Ku and Jacobsen’s book sets out to explore the rules of accountability for the use of force in international law. It does so at the international level, both in terms of state responsibility and individual soldiers’ duties, and, importantly, it also explores the question in nine countries: four of the P5 (France, Russia, UK and USA) as well as traditional peacekeeping powerhouses Canada, India and Norway and two aspirants for permanent seats on the Security Council, Germany and Japan. That would have been a sufficiently valuable exercise, but the editors chose to view the entire venture through the prism of democracy, a concept not usually associated with this issue.

The ‘field test’ of the 2003 Iraq war confirmed huge slabs of the analysis of the book. For the United States, once Congress was on side and domestic politics accepted the use of force, a mandate from the Security Council was not seen as essential and Michael Glennon’s chapter points very much in that direction. The chapter on France by Yves Boyer et al, on the other hand points unequivocally to the legitimacy of the Security Council’s powers and the need to defend those powers as even more important to France than the specific issue under consideration. Defence of the current system of international law on the use of force and defence of French national interests coincide perfectly because of France’s privileged place as a permanent member. India has sent some 50,000 soldiers into the field on UN peacekeeping duty, but Ramesh Thakur’s chapter makes clear why India would not participate in a unilateral American organised mission. And so it goes for Russia’s surprising refusal to bow to American pressure,
Germany’s impossible system requiring virtual national consensus for use of force and Japan’s self-imposed legal handcuffs. Each national reaction to the Iraq war is predictable from the corresponding country chapter.

Nigel White’s chapter on the UK position does not explain Tony Blair’s decision to become the international spokesman for the Bush Administration but it virtually predicts that the British parliamentary system would have its say after the event, picking over the detritus of war for bits of principles and political advantage. Thus the Hutton Inquiry is par for the course in Westminster systems.

High marks therefore in the field test in relation to the various case studies, but a doubt remains about the central tenet of the book – the applicability of a concept of democratic accountability. Looking at the international situation, it is clear that the United Nations “itself is not democratic by any standard” (Archibugi 245) so why should there be a presumption of democratic accountability for the decisions taken by the organisation on the use of force? The promotion of democracy has in effect become a recently introduced purpose of the United Nations (White 68) but it is a case of ‘do as I say…’ The Security Council, designed with the failure of the League of Nations very much in mind, is intended to be effective by ensuring the great powers concur, or at least do not object openly, with a decision to sanction the use of force. If the framers of the UN wanted such decisions to be taken democratically, they would at the very least have involved the General Assembly in Chapter VII decisions. So any recourse to the need for democratic accountability at the international level can only come by way of an analogy with domestic decision-making on the use of force.

There is a view that only democratically elected national governments have international legitimacy (Franck 27) but this volume does not rely on Franck’s ambitious argument. Rather, it looks at the internal processes sanctioning the use of force in the nine case studies. Yet the results tend to demonstrate that even in consolidated democracies, the question of the use of force is primarily one for executives to take. The exceptions of Germany and Japan are explicable from a historical perspective. There is a distinct democratic component in the struggle of parliaments and, indirectly electorates, to hold the executive accountable after the event for the consequences of the decision to use force. There can be no analogy with the international level as the decision makers are permanent members of the Security Council not subject to being voted off the Council. That is not to say that the decisions of the P5 on the use of force do not have consequences. But those consequences are not so much democratic as political, measured by the yardsticks of prestige, legitimacy and relevance.

Ku and Jacobsen are not blind to the dilemma inherent in the title of their book. Their final chapter postulates the emergence of a mixed system of accountability drawing on factors such as the development of international criminal law, the frequent modern use of Chapter VII of the Charter and the development of more sophisticated domestic rules in some countries for the authorisation of the use of force. The editors do not claim that the international community has achieved a system of democratic accountability for the use
of force but make the more modest claim that we are moving towards that end. But, sadly, even on this more modest conclusion, the field test hardly vindicates the authors.

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