

Book Review

Redefining Sovereignty: The Use of Force After the Cold War

Michael Bothe, Mary Ellen O'Connell & Natalino Ronzitti (eds)

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Redefining Sovereignty: The Use of Force After the Cold War offers a renewed sense of optimism for the future of international law restraining the use of force. The book provides a comprehensive account of the history of the use of force since the end of the Cold War. However, it is not simply a historical account. Rather, it engages the audience in the dynamic debate that has arisen out of the most recent incidences of the use of force. Indeed, the book originated from three workshops held after NATO's 1999 intervention in Kosovo and the US-led invasions of Afghanistan in 2002 and Iraq in 2003. The contributors of *Redefining Sovereignty* reflect the scholarly talent gathered at these workshops. Ethicists, political scientists and international lawyers examine the use of force from an inter-disciplinary perspective. The contributors seek to avoid a dry abstraction by connecting the ethical, political and legal arguments on the use of force to contemporary case studies. The editors of the book, who were the three convenors of the workshops, Michael Bothe, Mary Ellen O'Connell and Natalino Ronzitti, are to be commended on their collaborative effort. In bringing together different perspectives, the book provides an in-depth analysis of the challenges for international law restraining the use of force. These challenges are manifest in the changing definition of state sovereignty, as suggested by the title. The book gains its appeal from its forward-looking approach to resolving the challenges and controversies that emerge from contemporary case studies. For those with an authentic interest in the future of international law and the use of force, *Redefining Sovereignty* is an insightful read.

The book is structured around the reports from the three workshops and is divided into five parts. Early chapters of *Redefining Sovereignty* portray a sense of optimism. Part II on 'Ethical and Political Considerations in Regulating Force' includes three chapters that focus on the prospects for strengthening international law in spite of the challenges presented by contemporary case studies. In Chapter 3, Lothar Brock examines the use of force by Western democracies since the end of the Cold War in philosophical terms. Brock incorporates Kantian philosophy in his argument that the 'republican' logic, which stresses freedom of action and state sovereignty, has prevailed over collective action by the United Nations. Yet, the opportunity to restrain the use of force through

international law is not lost. In the two chapters that follow, Dieter Fleck and John Mueller outline a number of ways of addressing the challenges that state sovereignty presents for international law. Fleck advocates a new role for the United Nations with the support of national governments and international organisations, including NGOs. Mueller expands upon the role that national governments need to adopt in dealing with civil wars and vicious regimes that persist in the wake of the Cold War. From an ethical and political point of view the contributors to Part II put forward promising solutions to the challenges of international law.

The opening chapters of Part III focus on the prohibition of the use of force and the concept of state sovereignty. Natalino Ronzitti examines the current status of the prohibition of the use of force and the controversial issues pertaining to the interpretation of the UN Charter. According to Ronzitti, the UN Charter should be interpreted in such a way as to maintain the general prohibition. Yoram Dinstein and Mary Ellen O'Connell disagree shortly on the affect that post-Cold War use of force has had on the definition of state sovereignty. Dinstein argues that state sovereignty has only been diminished in a quantitative sense and that the United Nations continues to have an important role to play. Conversely, O'Connell claims that the use of force in Kosovo in 1999 and Iraq in 2003 reveal that state sovereignty has been weakened for some states but strengthened for the United States.

Redefining Sovereignty discusses a number of case studies including the ECOWAS Operations in Liberia and Sierra Leone, the intervention in Rwanda, the case of Kosovo, and the US-led invasions of Afghanistan and Iraq. The contributors analyse these events in terms of the ethical, political and legal arguments pertaining to the use of force. In the two chapters by Marco Gestri and Andreas Hasenclever there is an emphasis on the ethical and political arguments underlying the ECOWAS Operation in Liberia and Sierra Leone, and the French intervention in Rwanda. *Wolff Heintschel v. Heinegg* claims that the marine interception operations conducted as part of Operation Enduring Freedom in Afghanistan were essentially legal; and Christopher Greenwood concludes that there was a legal justification for the US-led intervention in Iraq in 2003. Bothe concludes by arguing that the continued survival of the prohibition on the use of force depends on the United Nations and particularly the role of the Security Council, which has ultimately been strengthened by the recent case studies.

Redefining Sovereignty is a comprehensive book suitable for students and academics with a genuine interest in international law and the use of force. This is not an introductory text. It leaps straight into the challenges presented by contemporary case studies, and therefore, it is necessary for readers to at least be familiar with the provisions of the UN

Charter. The book's analysis of the use of force since the end of the Cold War is clear and coherent. Incorporating the reports from the three workshops adds to the value of the book. The contributors put forward a number of possible solutions as means of addressing the challenges of international law. However, the extent to which these solutions are practical is uncertain. In any event, *Redefining Sovereignty* captures the events that have shaped international law on the use of force at the beginning of the 21st century with a look to moving forward in a positive direction.

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