

Book Reviews

Research Handbook on International Law and Peace

Cecilia M. Bailliet (ed)

Edward Elgar Publishing, 2019, pp 525, ISBN: 9781788117463

The promotion of peace as an independent, overarching aim of international law has been essentially abandoned within international legal scholarship.¹ As argued by Cecilia Bailliet, scholars have instead established a trend of normalising violence within international law scholarship; established through an excessive focus on the use of force under international law.² This book is introduced as an overdue, remedial effort in countering this trend and does so by promoting an innovative conceptualisation of peace. Moreover, the book broadly promises to be a useful research guide to studying the interaction between international law and upcoming and past phenomena relating to international peace. The book is successful in fulfilling this promise.

Bailliet's text reflects on the importance of orienting legal research toward re-imagining international law as an instrument with which to construct and consolidate international peace, in accordance with the UN's Sustainable Development Goals.³ This reflection is situated with reference to significant challenges faced by the modern international community, such as new mass migration patterns and climate change.⁴ Bailliet argues that the demand for hasty security responses to such challenges does not foster long-term policies that favour international peace as a tangible or sufficiently precise outcome of the application of international law.⁵ Such observations emphasise the urgency and difficulty associated with applying international law to contemporary challenges, and encourage a re-imagining of peace as a legitimate goal of international law.

Despite Bailliet's acknowledgement of peace as an inherently elusive concept,⁶ it is crucial to her objective to first proffer a coherent and workable definition. To this end, Bailliet provides a succinct introduction to the positive and negative aspects of peace and argues that both now interact in a Post-Western Age.⁷ A Post-Western Age is characterised by a tendency toward authoritarian capitalism, 'sovereign democracy' and addressing corruption and crime through state action, rather than a strict

¹ Cecilia M. Bailliet, *Research Handbook on International Law and Peace* (Edward Elgar Publishing, 2019).

² *Ibid* 2.

³ *Ibid* 6.

⁴ *Ibid*.

⁵ *Ibid*.

⁶ *Ibid* 1.

⁷ *Ibid* 6.

separation of powers. In such an age, Bailliet suggests that peace may go from being a moral aspiration to a non-justiciable interest. From a perspective of human rights, this signals a shift in focus in international law from civil and political human rights to socio-economic, third-generation rights.⁸ Beyond its academic merit, this grounding of a definition of peace within the parameters of human rights is a useful vehicle for understanding the primary challenges of striving for peace in policy and in practice. Despite these strengths, the characteristics of a Post-Western age themselves inherently limit understanding or implementing peace-related policy because of the unequal and therefore destabilising aspects of capitalism. Opportunities for critiquing the shortcomings of the system when seeking to craft a universal definition of peace thus ought to be utilised. Moreover, a shift within international law to focussing on third generation rights also necessitates a shift to acknowledging the people who continue to live without guarantees of the most basic human rights. The matrix in which Bailliet proposes her definition of peace exists therefore fundamentally limits its own applicability. Despite this shortcoming, Bailliet is correct in arguing generally that the protection, promotion and evolution of human rights is a legitimate measure of the quality of peace, as well as determinative of whether peace exists.

The text supports Bailliet's objectives by offering assessment and opinions on whether modern international institutions orient themselves to the aim of peace. Readers are led to understand the challenges of implementing peace-oriented policy, through engaging with the text's clear explanations of the various normative instruments and structural mechanisms of international law. In terms of usability as a research handbook, the text is well structured. The chapters in Part I urge readers to think critically about conceptualisations of peace which originate from Western philosophy, and to analyse controversial doctrines such as the 'Responsibility to Protect' (R2P) doctrine outside the limitations of the normative scope of peace. This Part is the most effective at prompting readers to be critical of existing international law that compromises international peace and provokes readers to re-conceptualise solutions to the same problems that doctrines such as the R2P doctrine propose to resolve.

Contributions to Part II detail the philosophical and theoretical approaches to peace and identify areas where further research would be beneficial. These theoretical bases are then related back to the concept of human rights protection as a foundation for positive and negative peace,⁹ and to topical examples of modern challenges to peace. Arguably, in order to better achieve the book's aim of being a useable research guide, a greater focus on upcoming challenges to peace would have been preferable to theoretical analysis, as a modern understanding of peace will necessarily be shaped by

⁸ Ibid 17.

⁹ Ibid.

the challenges it faces. This Part could also have been better related to Part IV, which addresses the lack of accountability within international governance and barriers to attaining justice on an international level as constraints to achieving sustainable international peace. An understanding of *why* current challenges to international peace are indeed challenges would be enriched with contemporaneous discussion on how the international system itself makes justice difficult.

Part III addresses the interrelationship between peace and the global quest for equality across all geographical demographic groups, arguing that peace cannot be long-lasting or fully realised where discrimination or inequality fester. The chapters contained within this Part add an interdisciplinary lens to the text, promoting a comprehensive and multilateral pursuit of equality in order to achieve sustainable international peace. However, Bailliet's definition of peace is grounded in an understanding of the world as existing in a Post-Western age, which is inherently supportive of capitalist, authoritarian tendencies from the leadership of states. Capitalism is ineffectual in addressing inequality and arguably, perpetuates it. Part III therefore feels as though it operates in opposition to Bailliet's definition of peace, which could have been better framed to include the contributions in Part III.

Bailliet's publication serves its purpose of being an effective research guide to the study of contemporary international law and peace. The contributions are relevant, forward-thinking, and engaging. The lists of authorities and acronyms at the beginning of the book are invaluable to students of international law. The book challenges the way in which international law tends to be taught by returning to the philosophical and historical roots of the discipline, offering a frank assessment of the limits of modern international law by revisiting fundamental questions in a fresh way. Ultimately, the success of the text will depend on the extent to which it operates as a provocative guide to creative problem solving in the area of international law.

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