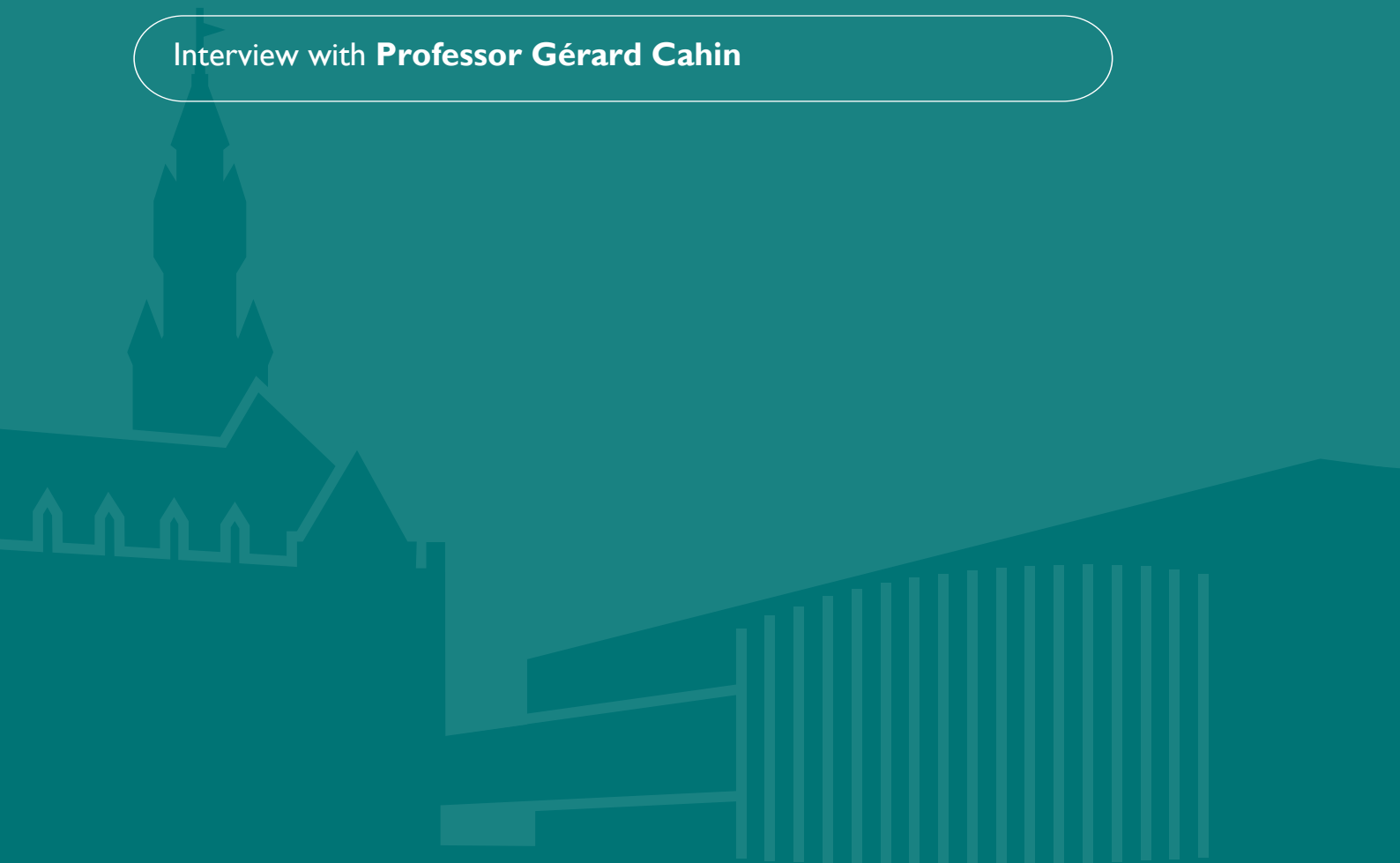




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# (Re)construction of the State from an international law perspective

Interview with **Professor Gérard Cahin**



In a course for the Hague Academy of International Law, Professor Gérard Cahin explores the "Reconstruction and construction of the state in international law". The course is now published by Brill in the *Collected Courses of The Hague Academy of International Law - Recueil des cours*.

**Gérard Cahin** is Emeritus Professor of Public Law at the Université Paris Panthéon-Assas (Paris II). A member of the Institute of Higher International Studies at this university, he is also the co-director of the *Annuaire Français de Droit International* (AFDI). He is a graduate of the faculty of law at Université de Nancy and previously taught at the Université de Rennes.

We had the opportunity to speak with Professor Cahin about his course at the Hague Academy, to understand both the benefit and relevance of international law and its interest in the construction of the state.

### Can you tell us a little bit about the course and its objective?

I wanted to look at the reconstruction of states that are temporarily unable to fulfil their role (so-called failed or failing states) or even the *ab initio* construction of new states, from an international law perspective: what this means and what it involves. I provide a systematic, critical overview of international practice in the (re)construction of the state, starting by tracing the history of this hugely important question, and the way in which it has evolved as a concept. I start by outlining two complementary aspects. Firstly, I look at the procedural aspects: the principles, the legal foundations, the institutional forms and the stakeholders involved in such a (re)construction. Secondly, I cover substantive aspects, the attributes and qualities necessary for a state to fulfil its role and exercise its sovereignty: authority, legitimacy, viability.

### Why is the subject of this course particularly pertinent today?

Since the 1990s, in particular, a number of countries have been subject to international action aimed at their reconstruction or even their construction. We can cite the reconstruction of states such as Cambodia, Sierra Leone, Liberia, Afghanistan, Somalia or Haiti, and the construction of new states such as East Timor (officially), or Kosovo (unofficially). The course covers essential questions relating both to the representations of the state in international law, and to the sense, limits and challenges of such interventions – those of the UN or countries like the United States – in making states conform to a certain democratic and liberal model.

### Can you tell us about a specific interesting case covered in this course?

Afghanistan is a highly topical case and provides an example of the complex realities that external stakeholders must take into account. If they cannot do so, as was the case here after a series of strategic and political errors, then failure is certain. However, the law alone is never sufficient to ensure this can be avoided.

### Does this course contain any surprising elements?

This course deals with a question neglected by French international law specialists. This may be because they are generally reticent, as legal professionals, to deal with subjects which also require a consideration of political, historical and sociological aspects. Anglo-Saxon authors often suffer from the opposite conceit. They are more pragmatic, and their work is often quite standardized. I hope that this book will encourage French legal professionals to adopt a more far-reaching approach, something which is crucial when analyzing a topic as political as the reconstruction of a state.