

BOOK ANNOTATIONS

West Papuan Decolonisation: Contesting Histories. By Eileen Hanrahan. Singapore: Palgrave Macmillan, 2021. Pp. vii, 139. \$44.99 (eBook).

REVIEWED BY CALIA ANDERSON

Eileen Hanrahan's *West Papuan Decolonisation* examines the past and ongoing efforts to decolonize West Papua, tracking the transfer of sovereignty over the territory from the Netherlands to the United Nations, and finally to Indonesia. While the facts of West Papua's political history remain unchallenged, the narratives provided by four separate actors—the United States, international legal scholars, Indonesia, and West Papua—provide strikingly different representations of those facts. Hanrahan addresses each narrative separately, using a combination of Settler Colonial Studies and Critical Indigenous Theory to frame each narrative and understand the underlying intent of each actor. In doing so, Hanrahan reveals an important but seemingly ignored truth: West Papua was denied a proper decolonization process and as a result, remains a colonial state.

Before her examination of the aforementioned narratives, Hanrahan provides a historical timeline of relevant events, beginning in 1940, when the Netherlands controlled Indonesia and West Papua in what was known as Netherlands East Indies. A dispute over West Papua arose after the Netherlands handed over sovereignty to Indonesia but excluded West Papua from the agreement. Instead, the Netherlands designated West Papua as a non-self-governing territory (NSGT) with the intent of providing West Papua with a separate decolonization process that would arguably allow the territory to decide how it wished to exercise its right to self-determination. However, Indonesia claimed West Papua as part of its country and, after failing to reach an agreement with the Netherlands, used military power to gain control of the debated territory and conducted its own decolonization process. Hanrahan ends her exploration of West Papuan decolonization in the present, with West Papua still under Indonesian control. Her focus on the

experiences of West Papuans and their current efforts to self-determine goes beyond asserting that West Papuans were denied the right to self-determination in the past; it shows that the global community has an obligation to correct past injustices and allow the country to participate in a legitimate decolonization process.

The first narrative Hanrahan tackles is that of the United States, which significantly influences the decolonization (or lack thereof) of West Papua despite never exercising sovereignty over the territory being debated. As a party that appears to have no personal stake in the decolonization process, the United States assumes the role of a “Great Power” that has the authority to assign the involved parties “good” or “bad” roles, making itself not only relevant but necessary in the negotiations regarding the disputes over West Papua.

Hanrahan examines the narrative set forth by the United States through the lens of Settler Colonial Studies (SCS), which focuses on the role of the settler colonial in creating unequal power structures and the ongoing attempts to eliminate indigenous identities. She draws on themes recognized in SCS such as paranoia, corporate ambitions, and silencing of indigenous perspectives to illustrate how the narrative disseminated by the United States reinforces the role of Indonesia as a settler colonial state. In its depiction of the “dispute” between Indonesia and the Netherlands, the United States uses its authority as Great Power to cast the Netherlands in the role of the colonizer and present Indonesia as the colonized. Choosing to frame the negotiations between the two countries this way justifies U.S. involvement, as the goals to support the colonized directly align with its own colonial history.

It becomes clear that the United States has knowingly misrepresented the nature of the dispute over West Papua, but one may ask, why? Hanrahan provides a compelling answer by mapping settler colonial logic. She asserts the settler colonial views indigenous cultural and agricultural practices primitive and therefore irrelevant. This assumption results in two conclusions that further the settler colonial agenda. First, if the agricultural practices are primitive, the land on which indigenous populations live and work is qualitatively empty. This allows the settler colonial to fulfill its corporate ambitions and “develop” the land. Second is the idea that because the indigenous people are primitive or “savages,” they neither have the

right to sovereignty nor are they capable of the right to sovereignty. This thread of reasoning effectively allows the silencing of the West Papuans and misappropriates their political agency in determining their sovereignty.

After unpacking the narrative set out by the United States, Hanrahan turns to the narrative presented by the Indonesian government, which she notes is also rooted in settler colonial ideologies. In the Indonesian narrative, the Netherlands serves as a colonialist impediment to the Indonesian completion of independence. Unlike the U.S. narrative, the Indonesian narrative presents itself as an anti-colonialist reassertion of history that takes an “us versus them” approach to altering narratives that challenge its perspective.

Hanrahan’s most salient idea is that, although it presents Indonesia in the role of the colonized, the Indonesian narrative contains characteristics that reveal Indonesia’s true role of settler colonial. While it may be an unconventional representation of Indonesia, this assertion accurately characterizes the relationship between Indonesia and West Papua and is necessary to understand the West Papuan struggle for decolonization. Hanrahan identifies settler colonial principles such as a perceived supreme authority of the colonizer over the colonized, constant paranoia, and the placing of indigenous sovereignty in the past throughout the Indonesian narrative. In addition to claiming that West Papua has always been part of Indonesia, the Indonesian narrative establishes its sovereignty within an international context. It justifies sovereignty over West Papua based on three events: its 1945 Declaration of Independence and subsequent transfer of sovereignty from the Netherlands, the U.S.-authored New York Agreement (NYA) in 1962, and the outcome of a 1969 vote. The Indonesian narrative views the 1945 Declaration of Independence as giving sovereignty over all of the Netherlands East Indies, which included West Papua, despite the fact that the declaration itself explicitly excluded the territory when naming all the provinces which Indonesia would have sovereignty over. The narrative addresses this exemption by claiming that West Papua was understood to be part of one of the named provinces included in the declaration.

The Indonesian narrative also identifies Indonesia as the “peacemaker” who used the NYA to resolve the dispute between Indonesia and the Netherlands by indirectly transfer-

ring the administration of West Papua to Indonesia, followed with an election that allowed West Papuans to vote for or against the self-determination of West Papua. Unfortunately, the reports of West Papuans and Indonesians strongly suggest the election was a sham, with the Indonesian government reporting a unanimous vote against self-determination despite acknowledging that there were people who opposed becoming part of Indonesia. By refusing to acknowledge the apparent denial of West Papuan rights and treating this “vote” as permanent and uncontested, the Indonesian narrative removes West Papuan perspectives altogether, demonstrating the settler colonial themes of paranoia and indigenous erasure.

The next narrative Hanrahan examines is that of the international legal community. The analysis of this narrative highlights the transnational nature of the conflict between Indonesia and the Netherlands, focusing on how progressive lawyers place the events that took place into an existing legal structure. From their perspective, Hanrahan notes, the criteria for West Papuan self-determination were not met. The International Law narrative emphasizes the fact that the United Nations had processes in place to ensure the genuine self-determination of a non-self-governing territory prior to the decolonization of Indonesia. These instruments of decolonization explicitly designated West Papua as a separate NSGT that would undergo decolonization under a separate set of negotiations between the Netherlands and Indonesia. When the two countries did not come to an agreement, Indonesia used military force to invade the territory and assumed control. Based on these facts, international lawyers view Indonesia’s circumvention of the agreed-upon decolonization process as blatant non-compliance with U.N. guidelines regarding decolonization. Consequently, West Papua’s right to self-determination was unlawfully taken away, rendering Indonesia’s annexation of the territory legally illegitimate.

Hanrahan’s examination of the International Law narrative relies on Critical Indigenous Theory to highlight the Indigenous experience, including episodes of colonial genocide. As such, the narrative explores the human rights abuses and potential genocide performed by the Indonesian government. While reports on West Papua provide accounts of both genocidal episodes and a more extended genocidal process, Hanrahan deduces that the International Law narrative most readily

supports the claim that a genocidal episode took place in West Papua in the 1970s. By applying the facts detailed in reports to modern international law developed by the Asian Human Rights Commission in accordance with the Vienna convention, Hanrahan provides an interpretation that successfully highlights the more inhumane side of Indonesia's governance of West Papua. She begins by identifying the elements that must be satisfied: the commitment of at least one prohibited act, a protected group being the target of the act in question, and the specific intent by the actors to destroy the protected group in part or in whole by the prohibited acts.

The satisfaction of the first element, Hanrahan proposes, is evidenced by testimonies of survivors of Indonesian military action who reported that from 1977-1978, Indonesian forces committed at least three of the five enumerated prohibited acts: killing, causing serious bodily or mental harm, and deliberately inflicting destructive conditions of life. The final element, specific intent, is established by applying guidelines laid out by the AHRC report, which infers genocidal intent from the scale of the atrocities to the evidence of planning. Hanrahan acknowledges that this final requirement is difficult to prove without some sort of confession, but the evidence available overwhelmingly supports the claim that a genocidal episode took place, as many of the acts are unquestionably crimes against humanity under international law.

By focusing intently on the legality of Indonesia's actions within the context of international law, the International Law narrative chips away at the veneer of diplomacy propagated by the Indonesian government and exposes the reality of its role as a settler colonial entity. The inclusion of the West Papuan experience further works to so characterize the Indonesian government, highlighting the dissonance that exists between the Indonesian representation of its relationship with West Papua and the reality of their interactions.

Finally, Hanrahan shines light on the least acknowledged, yet arguably most important, narrative: the West Papuan narrative. On its surface, the West Papuan narrative is presented similarly to the Indonesian narrative, claiming to straighten the prevailing historical narratives. Despite its similarity in presentation, the West Papuan narrative is fundamentally different in its content and purpose. The West Papuan narrative, which Hanrahan categorizes as a survivance narrative, directly

pushes back against the settler colonial practice of silencing Indigenous voices and erasing indigenous culture. Instead, it centers indigenous voices, emphasizes West Papuan cultural heritage and asserts the legitimacy of its own political structures. It is this narrative that makes a case for the need to decolonize West Papua by highlighting the perpetuity of West Papuan identity in direct opposition to narratives that work to place it in the past.

The West Papuan narrative critiques the Indonesian annexation of West Papua, directly attacking Indonesia's description of the annexation as a reintegration effort as a deceptive misrepresentation of West Papuan identity and history. It insists that West Papuans share a Melanesian cultural identity that is categorically different from that of Indonesia. This assertion serves to reestablish the West Papuan right to sovereignty while directly challenging the prevailing Indonesian narratives that attempt to absorb West Papuans into Indonesia's own cultural identity. Consequently, the West Papuan narrative rejects the U.S. and Indonesian narratives that treat previous decisions concerning West Papuan self-determination as permanent or even legally binding. It takes a position similar to that of the International Law narrative, deeming the handover of West Papua to Indonesia illegal, but goes further to hold those involved accountable. By critiquing the U.N. processes and instruments that ultimately prevented West Papua from becoming a formal member of the United Nations, West Papuans highlight the obligation the United Nations has to rectify the injustices faced by West Papua. This works to legitimize the state's rights on a transnational scale, while also calling for action in rectifying the mistakes made by the international legal community.

Hanrahan relies on West Papuan scholars to stress the assertion that Indonesia's settler colonial role is inherently genocidal, and as such puts the racial, economic, and political survival of West Papuans in jeopardy. Like the International Law narrative, the West Papuan narrative centers the experience of West Papuans, recontextualizing historical events to illustrate the way the people whose sovereignty was being debated were actually affected. One such event is the 1969 sham vote, which the Indonesian narrative uses to legitimize its sovereignty over West Papua. In contrast to the Indonesian portrayal of the election, the West Papuan depicts the vote as an event of state

terrorism, characterized by instances of military violence, threats, and intimidation. By including these experiences in her discussion of the 1969 vote, Hanrahan emphasizes the ways in which the decisions and actions of colonial and neocolonial powers affected the West Papuan people both personally and politically.

Hanrahan ends her exploration of West Papuan decolonization narratives not with a sense of finality, but with the understanding that the West Papuan push for independence is not lost, but derailed. She highlights recent efforts made by groups in and out of West Papua to hold the Indonesian government responsible for its actions and recognize West Papua's right to self-determination. By placing the ongoing push for decolonization into a present context, where social media has the power to disseminate information and influence policy, Hanrahan allows for an imagination of a future where the West Papuan right to self-determination is realized. Ending on this note reminds readers that the annexation of West Papua by Indonesia should not be viewed as an irreversible end to the decolonization, but as one of many obstacles faced in the continuing efforts to decolonize the territory.

Social Justice and Adequate Housing: Rights, Roma Inclusion and the Feeling of Home. By Silvia Cittadini. London, UK: Routledge, 2021. Pp. CLVIII, 158. \$44.05 (eBook).

REVIEWED BY ALEXIS BRAUN

As a result of historical oppression, the Roma community is one of the most vulnerable groups in Europe. The Roma are in need of social assistance yet are limited from making upward socioeconomic progress because their conceptions of housing do not fit the mainstream. In *Social Justice and Adequate Housing: Rights, Roma Inclusion and the Feeling of Home*, the author, Silvia Cittadini, explores the nuances of the concepts of a house and home. Cittadini starts off by detailing the history of the Roma population in Italy and its role in European society as a targeted, socially marginalized, and persecuted group, even its home country. The construction of Roma in the documents of European Union institutions displays the "otherness" narrative that both affects and is perpetuated by social policies in place to "help" the Roma community. The narrative of the

Roma population as “other” has played a large role in the conversation of inadequate versus adequate housing. The conversations between Cittadini and her interviewees demonstrate the ways in which the mainstream definition of housing and what constitutes adequate housing do not account for the traveler housing that is typical of the Roma community. Traveler housing is identified as being of “low quality and [with a] lack of infrastructure” which is why it is deemed as inadequate housing, according to E.U. institutions. However, this classification neglects the cultural and personal needs of individuals who prefer that form of housing over “adequate housing.”

Cittadini follows her discussion of adequate versus inadequate housing by interviewing Roma who reside in the government projects Città Sotilli, Casa e/é Lavoro, and Trento-Revereto to demonstrate the ways housing policies have failed to adequately address the needs of the Roma. In these interviews, Cittadini highlights the varying experiences and emotions associated with their dwellings and where they consider their home to be. These interviews demonstrate that there is no set definition of “home” for Roma. Instead, the desire for a home, as well as their experiences in the various housing projects the government sets aside for the Roma people, differ drastically from individual to individual. Many of those interviewed demonstrate a desire to remain with their community but in various ways—such as on a plot of land, in a brick house, or in the same government project where they currently reside. Cittadini ultimately argues that the housing policies in place for the Roma fail because they neglect the individualization of “home-making” and make assumptions about what an individual’s well-being should look like. In my opinion, this argument is successful in its emphasis on the individualization of the housing process but fails to include certain circumstances, such as the role of state-issued identification documents, that further affect the Roma’s ability to obtain housing that fits their needs.

The author’s emphasis on the role of prejudice and stigmatization of Roma in housing policymaking and in attempts to assimilate them into the community is a vital point to her argument. Cittadini emphasizes at various points that deconstructing the prejudice against the Roma is necessary to support the implementation of inclusive housing policies. She reinforces this nicely through the interviews in which interview-

ees frequently display feelings of embarrassment or “otherness” for their lives in the camps. Such issues are common throughout the international community; the marginalization of certain minority groups and their relegation to particular areas have long been problems that various international organizations have tried to address.

However, one aspect that seems to be missing in Cittadini’s analysis is the role this prejudice plays in the Roma’s job search. It is frequently expressed by Cittadini that the Roma feel like outsiders when placed in non-Roma communities. This is seen in the case of Cittadini’s interview with Domenico, who was removed from a camp and placed in an apartment with his immediate family. Domenico not only felt like an outsider in this new community, but also was unable to find a job due to his lack of documentation and connections in the area. Cittadini only briefly discusses the ways in which housing situations outside of the camps affect the search for more secure job prospects. She does this when explaining how the Roma can find odd jobs when in a Roma camp, but there is no discussion of the prospects for jobs outside the community. This would seem to be an important topic to touch on since many are either unable to leave the Roma community or face housing insecurity outside the community due to an inability to find a stable job. This is an interesting topic to avoid given the intersectionality of these issues: when considering housing insecurity, a major factor is one’s ability to find a job. For individuals who want to leave the Roma camps, there is a lack of available employment due to papers or prejudices. Within the Roma camps, the job prospects are higher, but are limited to jobs that an individual can pick up. There seems to be significant job instability for the Roma community which affects the ways in which they adapt to housing outside the government camps and prevents them from leaving the camps. Without job stability, there cannot be true housing stability as evidenced in the conversations between Cittadini and the Roma individuals she interviews.

Another interesting concept that Cittadini ties into the housing crisis is that of “statelessness.” The interviews with various Roma demonstrate how their lack of citizenship hinders their ability to obtain housing. Many seem to never have the chance to obtain citizenship or regularize their stay. Cittadini demonstrates how the Roma’s stateless status contributes to

their feelings of being more than just “houseless” but being “homeless.” Even those that may have a house still find themselves unable to feel that they are a part of the Italian community and belong to a singular state. This idea is also seen in the reverse, where individuals such as Baskim, another interviewee, feel a part of Italian society despite not having Italian citizenship and no longer feel that their former country is their home. This issue is one that is common among migrant and refugee populations globally. Various international covenants and treaties have attempted to resolve this issue by including provisions tackling homelessness and prejudice. Yet these provisions do little to effectively address the systematic exclusion of refugee or migrant populations that end up affecting their housing situations. Roma interviewees’ feelings of “otherness” and their status of belonging to no country in some cases are only affirmed by the policies of Italy that further segregate them and only provide half of the solution in terms of assimilating them into society.

A key tenet throughout the book is the need for individualization of these Roma housing policies implemented by the Italian government, which is something that Cittadini emphasizes above all else. This emphasis is for good reason as she illustrates through her interviews that there is no set construction of the home that can be ascribed to the Roma population. The need for an individualized strategy is a main solution that Cittadini presents yet it is one that I face with skepticism. I agree with Cittadini that the housing policies in place for the Roma are inadequate to address the diverse needs of the population. But these policies also neglect the broader need for a proper identification system to ensure a sense of housing security. It might be more effective for international organizations such as the European Human Rights Commission to place pressure on the Italian government to provide identification papers, birth certificates, and other property registration forms. This would help to ensure feelings of security among the Roma and also avoid discrimination and abuse by housing officials. Placing efforts into creating a more centralized administrative system for the houseless population to streamline documents and issue complaints to those in charge of the government-issued housing, for example, would help address some of the issues the Roma have been facing. In addition, issuing proper identification documents to the Roma would

assist them in finding jobs outside of the Roma community. Cittadini's interview with Grazia and Francesco shows how the lack of proper documentation affects the job prospects of Roma who do not wish to live in the camps. This solution would help all those in the Roma community regardless of whether they desire to live in the government camps or not. In doing so, it would create a more individualized approach that Cittadini asserts is needed for the Roma community to confront the housing crisis they are faced with.

Ultimately, a stronger stance against Italy is needed regarding the Roma housing crisis. The current solutions being implemented by the Italian government are riddled with prejudice and are inadequate to effectively provide safe and affordable homes, not just housing, to the Roma. The European Commission on Human Rights has been faced with this issue and while there have been claims that Italy is violating the Racial Equality Directive these claims have been silenced.¹ Cittadini provides a very compelling and personalized account of this housing crisis that the Roma population faces and does so in a way that confronts the deep systematic problems inherent in the policies offered by the Italian government. Although there are areas that Cittadini could have explored more explicitly, this book is successful in bringing attention to this issue and demonstrating the failures of the government's current housing policies.

The Arc of Protection: Reforming the International Refugee Regime. By T. Alexander Aleinikoff and Leah Zamore. Stanford, CA: Stanford University Press, 2019. Pp. viii, 169. \$7.99 (eBook).

REVIEWED BY STEPHANIE HAN

The Arc of Protection is a comprehensive work that argues for reforms to the international refugee regime to better address the current refugee crisis, where the majority of today's refugees reside in developing nations in the South. Authors Alexander Aleinikoff and Leah Zamore begin by tracing the

1. *Italy Has Evicted More Than Three Thousand Roma Since 2017*, EUROPEAN ROMA RIGHTS CENTRE (May 24, 2011), <http://www.errc.org/press-releases/italy-has-evicted-more-than-three-thousand-roma-since-2017>.

history of international refugee relief practices and the increasingly complex forced displacements that the world is facing. After explaining why the current “arc of protection” is fundamentally broken and unable to respond to current displacements, the authors present several recommendations to reform the current approach to the refugee crisis. In outlining these reforms, the authors argue for a more refugee-centered regime and for a global system to share the responsibility of solving the current international refugee crisis. Although the authors make clear that the refugee crisis is entirely manageable, the complicated political nature of the refugee problem makes the new “arc of protection” less feasible than the authors argue.

The first chapter describes how the current refugee crisis has developed to become an international issue. The lack of formal responsibility-sharing mechanisms resulted in the present-day dysfunction where most refugees are hosted in the global South, by a handful of neighboring nations. In 1950, the U.N. General Assembly established the Office of the U.N. High Commissioner for Refugees (UNHCR), and in 1951, the Convention on the Status of Refugees was finalized. The Convention, echoing the Universal Declaration of Human Rights, outlined the need to protect refugees’ intrinsic values in their host states, including the right to free movement within a country granting asylum, the right to work and start a business, the right to be protected by labor law, the right to be eligible for social benefits, the right to go to school, and the right to practice freely one’s religion. Such rights allow refugees to claim full membership in a host state once they arrive and provide autonomy to contribute to the host economy. However, due to disagreement among the contracting state parties during the drafting process, the Convention does not include a mandate to legally oblige individual states to share the responsibility of assisting or accepting refugees. The 2016 New York Declaration for Refugees and Migrants and the subsequent Global Compact on refugees have not materially shifted this emphasis on state sovereignty and lack of responsibility-sharing. Thus, the current dysfunction in which the majority of refugees reside in a small number of developing nations is largely due to the fact that states are not obliged to open their borders to refugees.

In the second chapter the authors offer a critique of the considerable changes that the meaning of protection offered to refugees has undergone. The old concept of protection referred to the inability of the refugee to claim the protection of her home state when residing in another state. This concept stemmed from the old practice of granting legal status to Russian and Armenian refugees immediately after World War I. “Protection” was linked to the idea of securing the legal status of refugees who had lost citizenship of their own state and had not been granted status anywhere else. In contrast, the modern understanding of protection is one that can be characterized as a “surrogate” protection, under which protection for refugees is activated by the denial of protection from the refugees’ home state. This modern understanding evolved post-World War II and the 1951 Refugee Convention subsequently focuses on “persecution” by the refugee’s home state, which is essentially “failure of state protection.” The book strongly asserts that adding the requirement of “failure of state protection” is an incorrect and unhelpful account of the system of international protection. Conceptualizing international protection as “surrogate protection,” the authors argue, fails to acknowledge that the central function of international protection is to provide a collective response by states to situations of displacement. “Surrogate protection” fails to see international protection as its own project and reaffirms a flawed framework where solution strategies are reduced to substituting international action for home-state action. In other words, the refugee regime should focus on offering protection against the harms of displacement where the refugees end up, not substituting rights denied at home.

In the third chapter the authors offer a new interpretation of the three traditional commitments of the refugee regime—safety, enjoyment of asylum, and solutions—and advocate adding two more commitments: mobility and voice. They argue that the new interpretations and additional commitments are essential to providing a well-functioning system of international protection. The traditional commitment of safety includes the principle of non-refoulment, where asylum seekers are protected against return to the dangers from which they fled. However, the authors correctly point out that this principle does not include the right to enter another country to claim asylum. The authors explain that the current

focus on the right of non-refoulement limits the discussion of refugee protection to the four corners of the 1951 Convention, which does not provide a right of entry and thus fails to address the current refugee crisis. Instead, understanding of safety should shift the focus away from the harm the refugees fled from, instead emphasizing the obligation of allowing the refugees into a country and expanding the concept of non-refoulement to include what the refugees are being asked to give up in their established place of residence when asked to return to their home countries. The authors advocate for a broader understanding of the commitment of enjoyment of asylum, as well. They propose that enjoyment of asylum be reinterpreted to include not only the traditional goal of self-reliance but also a broader understanding of physical and psychological well-being, education, inclusion in social programs, and other dignitary programs. Without adequate global support to the host states, such goals are unattainable. The authors again stress that the current political economy that is shifting the costs of protection onto the small number of states that can least afford it has resulted in a toxic environment with restrictive refugee policies where both the host states and the refugees suffer. The traditional interpretation of the commitment of solution, which focuses on repatriation, local integration, and resettlement, is also described as unfit because it is linked to membership. The linkage of solutions with membership follows directly from how the refugee is traditionally understood—since a refugee is someone who has lost the protection of one's home state, the solution must be the reestablishment of state protection through the restoration of membership in a state. However, the authors point out that neither resettlement nor local integration guarantees citizenship or political membership in a hosting state. Instead, the authors insightfully suggest that for the solution to be coherent, it should be linked to the concept of international protection and the international responsibility to provide protection. Thus, the situation should be judged "solved" when Convention rights and other international human rights norms are fully respected and there is no need for international protection. This new interpretation successfully creates a rights-based view of solutions instead of the current state-based view where the solution for refugees is focused on legal status of the refugee. The two new commitments of "mobility" (the revival of a system akin to the Nansen

passport to ensure free international movement) and “voice” (allowing refugees representation in national, regional, and international conversations) proposed in this chapter are seemingly straightforward but are also the most overlooked and necessary commitments to ensure that the first three traditional commitments are properly functioning. The idea of free movement through “mobility” would create a certified adjudicatory body working on behalf of member states to determine asylum status and would ensure that the responsibility-sharing regime is properly functioning by authorizing refugee entry into participating states. Allowing refugee representation to take place (“voice”) is also crucial as the authors aptly point out that the lack of political representation for refugees is especially problematic because refugees have no voice at all—they have no voice at home and no voice abroad. The authors highlight the uncomfortable reality where tens of millions of people are having their fate decided by institutions and governments in which they have no representation.

The fourth chapter focuses on identifying when a person is a refugee. The authors begin by outlining the traditional approach to defining the term, including the 1951 Convention approach which focuses on the risk of individualized persecution if one is returned to one’s home state, and the UNHCR’s Division of International Protection guidelines which suggest that most persons fleeing civil disorder and violence probably have valid claims to international protection. They then offer a different approach by first identifying the underlying concept of the current practice and then concluding that there is no need for a person to show fear of persecution upon return nor is there the requirement to identify the group that is the cause of the harm. The authors argue instead for an approach they call “necessary flight,” under which international response is warranted for those who have a justifiable reason for fleeing their homes. Necessary flight disposes of the need to identify or discern the motives of the “persecutor” as required under the 1951 Convention and re-centers the focus on flight to the norm of non-return to danger. It also recognizes that fleeing is multi-factored, in contrast to the artificial and unreasonable standard of the 1951 Convention that requires a person to “demonstrate a fear of persecution based on a particular ground.” The concept of necessary flight therefore significantly broadens the category of persons shielded under the

regime of international protection. The authors argue that international protection is already offered to persons displaced because of natural disasters and climate change, irrespective of whether targeted persecution exist—thus the challenges associated with such protection should be about determining the nature of the protection, not the definition of protection itself.

The fifth and final chapter outlines specific strategies to reform the current international refugee regime and stresses the importance of enforcing refugee rights on a strategic basis, guaranteeing refugee agency and mobility within the system, sharing the responsibility of responding to displacement emergencies, and holding states responsible not only to their existing commitments but also to a more expansive level of international cooperation. The authors acknowledge that the arc of protection has been substantially improved but argue that it remains broken and dysfunctional. The authors also concede that the current political economy cannot force the countries in the global North to commit to the distribution of responsibility, although it is central to reform the current approach. To address the refugee mobility problem, therefore, the authors argue for an informal quota system for third countries who are unwilling to receive large number of refugees. They acknowledge, however, that implementing and enforcing such a system of responsibility-sharing is politically unfeasible and realistically not sustainable. As a possible solution, the authors advocate for the creation of an independent institutional structure to oversee and assign its members to respond to displacement situations. Such fundamental reform, however, would require states to yield their political power as well as provide resources to support such reform.

As the authors themselves have acknowledged, the system of reform proposed in the book is logically sound but the prospect of it materializing in reality remains questionable. The rethinking of “the refugee problem” to conceive of a solution that is not grounded in state membership is a unique and convincing argument. However, the argument is still largely theoretical and conceptual. The book does not provide a feasible way to “take the politics out of international assistance to displaced persons” yet it argues that this is the “crucial aim of humanitarianism.” Granting refugees the right to mobility and political representation is also logical but the book simply acknowledges that there are political hurdles for such change to

take place and does not address the strategic steps that might ensure such rights to be enforced. Understandably, the political and socioeconomic concerns surrounding the global refugee crisis are too complex and intertwined for one to create a uniform plan, which is arguably why the authors opted for a broader approach. Conceptual change is easier and quicker to be accepted than realistically pressuring nations in the Global North to change their political stance towards accepting a quota of refugees within their borders. On an optimistic note, this conceptual change might be the start of a more concrete change in the future.

Law Beyond the State: Dynamic Coordination, State Consent, and Binding International Law. By Carmen E. Pavel. New York, NY: Oxford University Press, 2021. Pp. ix, 202. \$49.95 (hardcover).

REVIEWED BY CAROLINE NEWMAN

In *Law Beyond the State: Dynamic Coordination, State Consent, and Binding International Law*, Carmen Pavel endeavors to convince skeptics and influential political actors of the normative justifications for an international legal system. These normative values include protecting individual rights and peace, facilitating complex forms of cooperation, and resolving obstacles to collective action. Building on the justifications for domestic law, Pavel pushes for an international legal order based on a constitution. This constitution would ideally be immune to the many reasons treaties can fail, such as the reservation system, consent requirements, and shields to accountability. It would also lead to further legalization and institutionalization of the international system. While Pavel proffers a convincing narrative, some structural and substantive deficiencies detract from the overall efficaciousness of the book.

Central to the discussion of self-interest, state interest, morals, and rule of law is a paradox of commitment: one must accept constraints on one's freedom in order to ultimately enhance it. Pavel seeks to convince the reader of the necessity of accepting those constraints, otherwise "[a]bsolute freedom for all states leads to endless invasion, collective action problems, and violations of individual rights." The first chapter contends with this paradox by expanding on David Hume's justifications

for international law. A fundamental Humean idea is that individuals and states share the same need for social coordination. That need manifests in conventions that allow authority figures to coordinate expectations and pursue peace and other shared goals. Pavel, perhaps too nonchalantly, makes a crucial jump from states' need for coordination to the contention that rule of law has a rights-promoting function. This jump seems to be predicated on social legitimacy:

The protection of the weak and vulnerable is adopted after law as a system of social coordination acquires social legitimacy. Only subsequently is the rule of law used in the service of protecting rights impartially and of making sure the law-making and law-applying institutions are limited in their exercise of power.

Pavel identifies key rule of law features to develop for the promotion of rights, including moral minimums articulated in nonoptional rules, courts with compulsory jurisdiction, and stronger enforcement mechanisms. These eventually take shape in the proposed constitution.

Alongside this discussion, Pavel calls out Eric Posner and similarly minded scholars who argue state and self-interest render futile the efforts to create an international legal system. They claim the world can be explained in no terms other than raw power, which cannot be contained or modified by international law. However, Pavel convincingly counters that state preferences, specifically those opposed to international cooperation, are not immutable. The proof is in the fact that states have successfully been convinced time and time again about the benefits of transforming the international order, including forming the United Nations, multiple bodies and courts dedicated to human rights, and decolonization.

Chapter Two targets the realist school of thought because of its significant impact on policymakers. Pavel rejects the method of relying on how relations between states have traditionally occurred in order to make prescriptions for how relations should be. Specifically, this framework relies on unarticulated moral assumptions which are incorrect and mislead the prescriptive analyses. Realists assert that states should follow their preferences, which is a morally valuable action regardless of the preference, and that survival should be the dominant state preference. But Pavel argues that states can pursue many

goals beyond survival that comply with the demands of international law. Among those goals are peaceful resolutions of disputes and promoting human rights, going back to the first chapter's discussion of state interests and rights-promotion.

To explain how unarticulated moral assumptions work, Pavel very usefully presents the example of deciding whether or not to take an umbrella. Behind this decision is an unstated premise that you do not want to get wet because there is a value to staying dry; no analysis of the facts, like the probability of rain, can guide that decision without the unstated premises and values.² Pavel states that "normative conclusions about what an agent ought to do must be grounded in normative assumptions about what is valuable or morally required for the agent to have, aim at, or accomplish." Consequently, scholars are incapable of engaging in value-free social science and prescribing what states should do without harboring implicit or explicit normative justifications about what is valuable. This persuasive conclusion leads the reader first to acknowledge that normative justifications are always present in conclusions about international law and then to ask how those normative claims can be secured.

The first half of *Law Beyond the State* establishes the philosophical bases of Pavel's position and dismantles some of the base assumptions of the opposition. Pavel then builds on that work in Chapters Three through Five and articulates a more cohesive set of ideas arguing for a constitution. The book does not contain Pavel's draft constitution; rather, its purpose is to get states to the negotiating table and highlight what components they may want to focus on once they convene. Chapter Three begins by balancing state autonomy with what Pavel calls the "fundamental goal" of the international rule of law: to protect the autonomy of individual persons from their own state and other states. Balance is achieved through con-

2. "Should I take an umbrella today? The answer to this question depends on a factual/predictive claim, that of the likelihood of rain. But the empirical possibility of rain cannot on its own justify the imperative that I ought to take my umbrella with me. I will need further reasons, grounded in the idea that I should avoid getting wet, and further, if getting wet makes me uncomfortable, I should avoid things that make me uncomfortable. Without this further, normative premise that health, or being comfortable, is good or valuable (however commonsensical it may be), there is no reason for me to take the umbrella, whatever the facts about the weather are."

straining power of public officials, imposing discipline on the requirements about formal qualities of law, and creating courts with compulsory jurisdiction and universally binding rules without the possibility for reservations. Somewhat ironically, Pavel's prescription for how to achieve the stated goals is sensible and well-articulated, but the goals themselves are almost taken for granted.

Chapter Four identifies the incompatibility between constitutional democracy and international law and argues for the supremacy of international law, an order to be codified in the global constitution. Calling back to the paradox of commitment explained earlier in *Law Beyond the State*, Pavel details how acceptance of minimal interference with domestic legal authority and submission to the supremacy of international law would lead to mutually beneficial cooperation. That cooperation would allow greater freedom to pursue peace, the elimination of uncertainty regarding state obligations, clear rules of conduct to avoid military entanglement, and courts of last resort to provide individuals and states with clear recourse. The supremacy argument relies on two important changes to the existing legal order, and Pavel builds in a gradual mechanism of change. The first change is to create a constitutional pact that gradually includes more countries, starting with the liberal democratic ones, and the second is to amend national constitutions to accept the supremacy of international constitutional norms. This is a massively tall order, especially asking countries to amend their constitutions. While Pavel addresses the paradox and draws a logical line to why these changes would make the system of cooperation work, their attainability depends on the unlikely proposition of being accepted by policymakers.

Finally, in Chapter Five, the structural defects of legal pluralism are brought to light and Pavel presents a solution to these defects in the form of a constitutional pact. Pavel believes constitutionalism can preserve inherent pluralism in international law, but also correct its most important failings, "namely legal uncertainty and indeterminacy, lack of commitment from states for a rule-based order at the international level, and the proliferation of deeply oppressive and unjust state legal orders." The chapter ends by convincingly refuting the argument that the U.N. Charter is a constitution and arguing for an entirely new constitutional pact. The three jointly

necessary components of that pact touched on throughout *Law Beyond the State* are substantive rules to protect individual freedom, second order procedures for solving collective action problems, and institutional mechanisms like courts to provide final interpretations of provisions.

Overall, Pavel's argument is comprehensive and largely persuasive. The deficiencies which detract from it, however, are not insignificant. For instance, each chapter is structured by presenting some tension between groups of scholars or the existence of a paradox and resolving it. While confronting critics is an important part of persuasion, Pavel's positive assertions might be clearer and more powerful if they were not so outnumbered by opposing views.

More substantively, Pavel identifies the unstated assumptions of others, but notably leaves contentious assumptions unstated in her own argument. Specifically, she states cooperation around global warming, remedying and preventing large-scale violations of human rights, and helping refugees are the most pressing problems facing international scholars and state actors. Pavel states in Chapter One that "rights-promotion" is a fundamental function of law, and in Chapter Three, that law must above all constrain public officials' exercise of power. While these are valid points and worthy causes, the unstated assumption is that everyone finds these to be the most pressing problems and fundamental functions of international law. Only in the conclusion does Pavel admit that the political philosophy she is drawn to takes individuals as the ultimate units of moral concern. This admission implicitly leaves space for the existence of different political philosophies.

The larger issue, however, is the undercurrent of western-centric ideas about morals and liberal democracy upon which Pavel implicitly relies. Chapter Four in particular suffers from this bias during its brief discussion of a challenge from legal pluralists. The pluralists allege constitutionalism does not cope with social and cultural diversity. Pavel responds that pluralism is actually part of the constitutional regime. In presenting this single, weak challenge, Pavel writes off diverse viewpoints as those that advocate for genocidal regimes, and so of course we cannot tolerate them. The matter is unsatisfactorily and rather offensively settled. Additionally, throughout the book, claims are supported with examples taken from western, mostly dem-

ocratic societies. Of the sources cited, only one obviously interacts with non-western ideas about justice and international law.

Finally, a more powerful counter to the raw power advocates could be that those who wish to describe the world in terms of power will always find power dynamics at play, but that position does not make a dent in the well-proven necessity of normative justifications. Pavel could state moral precepts, whether genuinely believed or not, are always part of the international legal process because they are used to convince others to join the pact. Alternatively, the pact could be justified by focusing on the need for second-order rules, side-stepping power concerns. Second-order rules are important in setting norms for the long-term, so that even as rulers change and power dynamics shift, countries have standards to upon which to rely for interactions.

In conclusion, *Law Beyond the State* provides an extensive and detailed overview of the competing theories around the goals and necessity of international law. Pavel's bold pursuit of a constitutional pact and desire to bring others on board with her vision follows a logical path from normative justifications to the legalization and institutionalization of international law. At points, the book can suffer from a desire to address all critics, and it also unfortunately leaves out some viewpoints that should be mentioned in the form of non-western scholars. But ultimately, Pavel contributes positively to the scholarly discourse and makes the concepts available to everyone she seeks to convince.

Settler Colonialism, Race, and the Law by Natsu Taylor Saito. New York, NY: New York University Press, 2020. Pp. 373. \$57.78 (hardcover).

REVIEWED BY FLYNN O'NEILL

In the wake of the murder of George Floyd and numerous other Black Americans, as well as the continued attacks on Native American lands and autonomy, many politicians and activists have proposed various ideas for reform. However, some critics suggest that reform is not possible, as the concept of reform fails to acknowledge that the United States is founded on antagonistic racial relations that are inherent to its existing institutions. Professor Natsu Taylor Saito is one such critic,

who suggests an alternative paradigm for understanding race relations through the colonial structures of the United States.

In *Settler Colonialism, Race, and the Law*, Professor Saito turns the concept of settler colonialism³—often used by scholars in comparative development theory to suggest why some former colonies “succeed”—into a lens through which we should view America’s structural inequalities. Professor Saito divides the book into three parts. The first focuses on the fundamentals of settler colonialism and the colonized narratives of minority populations. The second analyzes how the settler class relates to three classes of racial and ethnic minorities: Indigenous, Afro-descendant, and Others. Saito suggests that the divisions between these groups are not just pervasive but are intrinsic and fundamental to the settler state. In the final part of the book, Saito analyzes various possible remedies for racial divisions, and concludes that any viable solution must take place outside of settler-based institutions.

Saito’s proposal for a new way of viewing race relations is often compelling, especially in the context of the United States’ treatment of Indigenous peoples. The proposed paradigm creates a potential new basis for scholars and activists alike to view and understand systemic inequalities in the United States. However, the book’s discussions often feel lacking. Professor Saito declines to engage in comparative analysis with other settler states, even when such comparisons could provide a contrast to the United States’ settler structure. The book also fails to engage with modern concepts of race relations or how the settler class might react to the paradigm’s proposed change. These issues contribute to the uncertain tone of the book, which sometimes feels like an academic proposal, and other times reads like a manifesto. Filling in such gaps would strengthen Saito’s thesis and better justify using the paradigm in lieu of purely race-based concepts familiar to readers.

The book begins with a recital of the stark racial realities present in the United States. The chapter effectively explores the deep undercurrents of racism and draws the readers’ attention to the need for extensive change in American institu-

3. Saito acknowledges that the settlers at issue are predominantly white, but uses the term “settler” to emphasize that the issue is structural rather than purely racial.

tions. Saito manages to condense a long history of racial grievances in the United States into a manageable number of pages. However, the result occasionally feels disjointed, jumping through various reform programs and their failings before calling for a new racial paradigm.

The next chapter attempts to decolonize the narrative of race in America by addressing the various myths and lies that the settler class has propagated to consolidate power and create legitimacy in white land ownership. The chapter falls short of “unsettling”⁴ the Indigenous narrative. In pursuit of brevity, the chapter feels as though it is lumping diverse Indigenous narratives into one basket much in the same way Saito suggests the settlers have done. Of course, a comprehensive history of Indigenous peoples is not possible to fit in just a couple of chapters, but more reference to the nuance and diversity of Indigenous populations would provide a better base for the following chapters.

Chapter three rounds out the first section of the book with a dive into colonial structures. This chapter feels like the keystone of the book, developing the themes that justify much of the later discourse on potential remedies. Saito describes the settler structure as one that is both antithetical to the existence of Indigenous and racial minorities, which threaten the settler class, and exists as a structure that relies on other minority groups for exploitation and labor. As the key to the rest of the book, the chapter would benefit from an explicit thesis as to what Saito thinks the remedy should be. It is not until the end of the book that readers really understand where this chapter—and the book as a whole—is in fact headed.

The second portion of the book encapsulates four chapters that examine how the settler structure interacts with three categories of racial and ethnic minorities. Indigenous peoples comprise the first of these groups, Afro-descendant peoples constitute the second category, and the final category includes all other racial minorities that are excluded from the settler class. Saito refers to this final class as the “Others” within the settler structure. Under Saito’s proposed structure, the relationship between the settler class and each category might be most accurately described as: eradication—violence intended

4. Saito uses the term unsettling for removing the colonial revisions to Indigenous histories and narratives.

to remove a minority group; subjugation—the systematic weakening and exploitation of a minority group; and alienation—ensuring that minority groups cannot infiltrate the settler class.

Saito details the history of atrocities that the settler class has committed against Indigenous peoples and creates an impactful but subtle narrative to show that modern forms of eradication are an extension of past violence. The narrative culminates with the example of the Standing Rock protests. At Standing Rock, the United States both permitted and perpetuated violence against Indigenous peoples who were protesting the construction of an oil pipeline near the Standing Rock Reservation's water supply. Under Saito's framework, the events at Standing Rock demonstrate U.S. hostility to expressions of Indigenous autonomy. The structure of the settler state allows the United States to respond with violence any time Indigenous needs contradict the settler state's wants. In this way, Standing Rock is merely a modern extension of the forced displacement and genocide of Indigenous peoples.

Saito's examination of settler-Indigenous relations is a highlight of the book, with a solid thesis and tone that much of the book struggles to replicate. Saito deftly avoids overgeneralizing while still providing a compelling argument for re-conceptualizing how we envision the relationship of Indigenous peoples with the colonizing state. Additionally, this chapter is one of few in the book in which the volume of grievances does not feel encyclopedic, with each example necessary to the foundation of Saito's argument.

After discussing the relationship between the settler state and Indigenous peoples, Saito explores the relationship between the settler state and Afro-descendant peoples as one of forced labor and slavery. Saito's thesis here is that the settler class both relies on Afro-descendant peoples as a source of labor and needs to keep such communities separate and subjugated to the settler class. The narrative winds from the era of explicit chattel slavery into an era of forced labor under a prejudiced penal system.

While the chapter is effective at creating a narrative, it also reveals some anomalies in the overall theory. The chapter does not effectively delineate how the exploitation of Afro-descendants for labor in the post-slavery era differs from the ex-

plotation of other minority groups such as Asian immigrants. The chapter is in no way weak but reveals that the theory can benefit from further analysis of the demarcation and interrelation between the minority classes within the settler structure.

Saito then moves on to the final group, which encompasses all remaining minority groups. While almost certainly intentional, Saito's reference to this group as "Others" stands out as mirroring Edward Said's orientalist paradigm wherein Westerners (such as U.S. settlers) alienate other groups to create implicit and explicit hierarchies. Here, Saito explores the countless instances of negative relations between forced and voluntary immigration and ethnic groups within U.S.-occupied territories. Saito briefly explores the relationship between the Others and Indigenous peoples. However, the book understandably limits its scope to relationships between the settler class and Others.

The Others section feels weaker than the preceding two chapters. The section is muddled and unclear at points, with confusing timelines that seem to conflict with one another. For instance, Saito suggests that a decrease in demand for labor led to the integration of Irish immigrants into the settler class, while simultaneously suggesting that an increase in demand for labor led to the import and exploitation of other minority groups. Additionally, Saito inadvertently skims over important questions within the proposed theory. Saito discusses the annexation of Texas, following the Mexican-American War, as representative of the U.S. colonialist attitude towards Latino/Latina populations. However, Saito declines to discuss that what became Mexico was also a settler state, which could have provided a relevant comparison to show whether other settler states have different racial structures, or whether the antagonistic racial structures in the United States are inherent in other settler states.

In the final portion of the book, Saito briefly goes through various potential remedies for the settler structure and why other remedies fail. One chapter is devoted to constitutional law's constant exclusion of non-settler rights, which serves to further entrench the settler dynamics. Saito then proceeds into a brief colloquy of international law as a potential remedy.

The international law chapter highlights some of the issues in the book. Saito discusses the potential for international law to protect the rights of minority groups as well as grant autonomy to the minority classes, primarily basing the argument on the Inter-American Court of Human Rights (IACtHR) as a source of protection for Indigenous peoples. The discussion highlights two missing pieces of the paradigms, which are neither addressed in the chapter nor the rest of the book.

First, though Saito explicitly states that the book's focus is on American settler colonialism, there are missed opportunities where the book could explore other settler colonies to further demonstrate how racial inequalities result from the structure of settler states. An exploration of IACtHR judgments that protect Indigenous rights in other settler states would support the book's theory by showing that antagonistic settler-Indigenous relations are intrinsic to settler structures. If no such judgments exist, then the theory needs to address what makes the U.S. settler structure uniquely antagonistic. Second, Saito does not address how the settler state will resist or retaliate against any external pressure towards change. These issues are readily apparent in discussion of the IACtHR. The United States has not ratified the American Convention on Human Rights and does not recognize the jurisdiction of the IACtHR. As the book reaches its conclusion, this second issue undermines Saito's proposed call to action.

Saito concludes the book with a call to action. Saito posits that meaningful reform must come from actions *outside* the structure of the settler state. The book acknowledges that the concept of decolonizing the settler state needs further exploration but invites others to expand upon the paradigm to create such a model. The conclusion suffers from the earlier lack of discussion on how the settler state might react to a movement toward decolonization. After chapters detailing how the settler class relies on racial and ethnic minorities, it feels jarring not to acknowledge that the settler class—under Saito's own framework—would almost certainly resist any attempt at change, even if the change takes place outside the settler structure.

In *Settler Colonialism, Race, and the Law*, Professor Saito proposes a fundamental shift in the concept of race relations in the United States. Further exploration of the settler structure

with comparative analysis and discussion of potential resistance will greatly improve the proposed lens through which to view American racial schisms. Nonetheless, in the wake of mainstream attention to racial disparity, Professor Saito's concept of settler colonization provides an interesting lens through which modern activists and scholars can re-conceptualize a history of racial disparity.

Maritime Disputes in the Eastern Mediterranean: The Way Forward.

By Roudi Baroudi. Edited by Debra Cagan and Sasha Toperich. Washington, DC: Transatlantic Leadership Network, 2020. Pp. xvii, 106. \$34.99 (eBook).

REVIEWED BY ANDREW WEISS

The maritime boundaries between the states surrounding the Eastern Mediterranean Sea (Cyprus, Egypt, Greece, Israel, Lebanon, the Gaza Strip, and Turkey) remain the subject of fierce dispute. Only two borders, those of Cyprus-Egypt and Cyprus-Israel, have been delineated by bilateral treaties. The recent discovery of significant hydrocarbon reserves in the Eastern Mediterranean Basin has made the delineation of maritime territory a key geostrategic concern for the countries involved. The international community must find a means of dividing the seas and the resources underneath them, thereby avoiding further armed conflict in the region and enabling mutually beneficial economic development. The United States, which maintains formal alliances with Greece, Cyprus, Turkey, Egypt, and Israel, and which has cordial relations with Lebanon, has a particularly strong interest in encouraging peace and development in the region. The European Union also has Greece and Cyprus as members and has major economic and security interests in the Eastern Mediterranean.

Roudi Baroudi, in *Maritime Disputes in the Mediterranean: The Way Forward*, makes a valiant attempt to solve the problem. The author describes in detail how the rules of the United Nations Convention on the Law of the Sea (UNCLOS), which are based on science and generally accepted principles of international law, if accepted by the parties, can provide a consensus framework for a delineation of boundaries in the Eastern Mediterranean. Where the work falls short, however, is in the au-

thor's failure to articulate how holdout states, especially Turkey, can be incentivized to accept the use of UNCLOS rules.

Baroudi explains the fundamental concepts of UNCLOS, such as the territorial sea, the exclusive economic zone, and the coastal baselines used to delineate those boundaries in a way easy for a layperson to understand. To summarize, UNCLOS is a multilateral treaty intended to provide a comprehensive set of rules for settling maritime disputes. UNCLOS came into force in 1994 and has been signed and ratified by more than 170 countries (not including the United States, although the United States acknowledges UNCLOS as codifying existent customary international law). It divides the ocean between states by delineating maritime zones, each with different levels of rights related to economic exploitation and with passage of maritime traffic assigned to the coastal state with jurisdiction over those waters. This division is usually based on distance from the coastal state drawn from a "baseline" derived from the low-water line along the coast as recognized in national nautical charts. Of course, there are myriad exceptions to this rule based on various geographical features.

After explaining UNCLOS, Baroudi then extensively describes (and exhibits maps that illustrate) the existing disputes between the countries in the region and, using highly detailed geographic data, provides maps of his own calculations of the potential boundaries under UNCLOS rules. These maps are useful as a possible fair solution to the disputes. The methodology used to determine the boundaries is explained in painstaking detail—satellite imagery shows the reader that Baroudi has made sure his basepoints are accurate to the meter. His methodology is easy to understand, and the results are clearly presented. Indeed, it is difficult to dispute Baroudi's central claim that utilizing UNCLOS rules to solve the problem would be the fairest solution for all parties. The maps are a testament to the elegance and broad applicability of the rules set out in UNCLOS. However, when delineating the Cyprus-Turkey maritime boundary, Baroudi elides the Cyprus dispute altogether, simply using the internationally recognized borders of Cyprus to draw his baselines. When discussing the Turkey-Greece boundary, Baroudi does not mention Turkey and Greece's differing interpretations of the obligations stemming from the 1923 Treaty of Lausanne and the 1936 Montreux Convention. In ignoring these issues, Baroudi fails to fully engage with the

facts on the ground which make his proposed solution less convincing.

As one would expect given his wide experience in the oil and gas industry, Baroudi provides a detailed overview of recent hydrocarbon discoveries in the region and convincingly describes how development of these resources would be mutually beneficial, through pipelines and other trade, for all states in the region, even ones who do not end up with the deposits in their delineated territory. As such, peacefully resolving the disputes is in the interests of all parties. In addition to these economic benefits, Baroudi views a resolution as a potential demonstration to the world of the power of peaceful, rules-based, multilateral cooperation. His description of a potential resolution as a “towering achievement” that would lead to “unprecedented economic and social gains” is perhaps hyperbolic, but certainly the resolution of a major flashpoint for global conflict is a worthwhile goal. Environmental concerns related to fossil fuel development are only briefly touched on (with Baroudi claiming that natural gas development is beneficial as a replacement for coal), but the omission is forgivable given that this topic is only tangentially related to the main thesis of the work.

Even though all states involved would benefit economically from the development of undersea resources and although everyone acknowledges, at least in theory, that peaceful rules-based resolution of disputes is the best approach, these do not necessarily lead to the conclusion that the author advocates. It is difficult to imagine these states committing to an international regime that distributes benefits in a way that domestic political audiences might find lopsided, especially when the other states involved are fierce rivals. Baroudi acknowledges that his call for an “embrace of enlightened self-interest” by the affected parties is not enough to produce cooperation. Baroudi provides third-party mediation by the United Nations or the United States as a potential source of agreement, even between states with hostile relations like Israel and Lebanon. This approach is not particularly convincing. The maritime dispute between Greece and Turkey over the Aegean has dragged on for decades (not to mention the interminable Cyprus dispute), despite both countries being members of the North Atlantic Treaty Organization (NATO) and participating in many mediations led by the alliance. Tur-

key has consistently refused to even consider the idea of accepting UNCLOS as a basis for negotiation. Baroudi is correct that UNCLOS rules are “based in law and science,” but, as the COVID-19 pandemic has made all too clear, science can often be forced into a subordinate position to political considerations. Turkey seems unlikely to accept a system of rules that disadvantages it due to its hemmed-in geography, especially given its military superiority to Greece and Cyprus. In addition, even an acceptance of UNCLOS rules by all parties would be insufficient to solve all the disputes while the coastal baselines used to apply those rules are still unsettled. While the borders between Israel and Lebanon and Cyprus and Turkey are still under dispute, none of these countries would be willing to accept maritime boundaries that compromise their terrestrial border claims. The intersection of maritime and terrestrial claims is left unaddressed by Baroudi. Such a myopic view of maritime disputes seems unlikely to produce an overall solution to regional conflict.

Fundamentally, what the work is missing is a plausible mechanism to compel or at least strongly encourage states to enter negotiations predicated on the use of UNCLOS rules and remain at the negotiating table despite domestic political constraints. Although this is a plainly apparent obstacle to constructive dialogue, the work does not offer a concrete strategy for third parties, like the European Union or the United States, to use. Baroudi acknowledges that third parties will have to “appl[y]. . . some degree of motivation” and suggests that the potential for European and American investment may be enough to encourage the parties to commit to dialogue, but his approach seems to be all carrot and no stick. Given that even the enormous positive economic incentive to develop undersea hydrocarbon reserves has not been enough to resolve these disputes, this approach is unsatisfying. There is no easy answer to this question, which has bedeviled multilateral international institutions for decades. These nations are, of course, sovereign, and they do have to consent to any agreement that will take place, especially given that neither Turkey, Syria nor Israel has formally ratified UNCLOS (setting aside whether UNCLOS has become customary international law). Systems of international law that are voluntary by design do not always play well with *realpolitik*. Still, Baroudi’s argument would have been stronger had he delved deeper into possible

external approaches to incentivize an agreement beyond the “enlightened self-interest” that states already must gain economic benefits through cooperation.

But perhaps this is asking too much. Baroudi works in the energy field by trade, and he provides a detailed overview of the disputes, the potential benefits (namely, hydrocarbon riches) of resolving the disputes, and the nuts and bolts of how UNCLOS rules would be applied to these disputes. He also eloquently provides a call to action for the world to encourage a peaceful resolution. It is up to the rest of us to figure out how to push the parties along that path.

Narrating the Women, Peace and Security Agenda: Logics of Global Governance. By Laura J. Shepard. New York, NY: Oxford University Press, 2021. Pp. ix, 208. \$29.95 (paperback).

REVIEWED BY JOANNA WOLFGAM

In *Narrating the Women, Peace and Security Agenda*, Laura J. Shepard invites the reader to sit comfortably with the ambiguities of the Women, Peace and Security (WPS) agenda and appreciate the possibilities inherent to the agenda’s complexity and plurality. Stories, Shepard argues, weigh heavily on how the WPS agenda is experienced, acted upon, and envisioned for the future. Shepard undertakes a narrative-centered analysis to unearth the common themes, or logics, around which WPS stories are organized. These logics are revealed to be conflicting, ambiguous, and contradictory to the notion of a singular, true WPS agenda. Shepard posits that this narrative approach can help make sense of other manifestations of global governance. However, the opacity of the theory, application, and results of the narrative approach raises questions as to its accessibility and value to future analyses.

The WPS agenda refers to U.N. Security Council resolutions adopted in support of the “women, peace and security” policy. These resolutions are based on four pillars: (1) women’s participation in peace processes; (2) conflict prevention; (3) equal access to relief and recovery services; and (4) protection of women’s wellbeing and rights. In her research and analysis, Shepard seeks to understand what WPS narratives are told at the U.N. Headquarters in New York and how these

narratives shape the experiences and expectations associated with the WPS agenda.

In *International Relations*, scholars often pride themselves on the “scientific” nature of their research, aiming to uphold ideals of objectivity and rationality. Through her narrative approach, Shepard rejects these ideals and instead openly acknowledges the subjectivity that shapes all research. Narratives showcase how subjects understand themselves and other subjects. Therefore, the narrative approach to analysis considers which stories are being told, when these stories are told, and how the stories are embraced or rejected. This analysis can reveal larger patterns of politics and power. However, the narrative approach can also uncover new or conflicting stories that threaten the foundations of established politics and power structures.

It is difficult to deny that researchers’ implicit and explicit biases can undermine the objectivity of quantitative analysis. Researchers choose their research topics, the data they will collect, the variables they will measure, and how they will quantify these variables. With each choice, researchers may consciously or subconsciously inject subjectivity into their quantitative research. Shepard provides a poignant example of this in Chapter Seven: *Silences, Secrets, and Sensibilities*. In this chapter, Shepard demonstrates how the “fetishization of quantitative data” enables WPS actors to manipulate bad data to prove the efficacy of the WPS agenda in attempts to garner support for its continuance and to demonstrate the failures of the agenda when policy changes are desired. So perhaps the narrative approach is an avenue by which subjectivity in research can be fully appreciated.

However, in order to fully appreciate the role subjectivity may play in a body of research, it seems necessary that the reader understand as much as possible about how the research was conducted. While Shepard’s application of the narrative approach leads to logical and meaningful conclusions, it also leaves the reader wishing for more context. Shepard provides that in the course of her research, she conducted twenty-four unstructured interviews, each lasting between an hour and an hour and a half, with individuals and teams working on WPS at and around the United Nations. With so little information, the reader ultimately has minimal understanding of the interviews Shepard conducted and based her analysis upon. How did

Shepard choose her subjects? What were their backgrounds and positions? What questions were asked, if any? Providing further context could help the reader better appreciate the value of these interviews to the analysis being conducted. Including longer excerpts from the interviews in the analysis could also help provide greater context. Shepard artfully picked and combined short quotes from various interviews to support her conclusions. However, these fragments make the reader wonder: In what context were these statements given? What did the interviewees say before and after? While the narrative approach boasts an acceptance of the subjectivity inherent to research, a lack of context prevents the reader from appreciating how subjectivity has influenced the analysis and conclusions drawn.

Although Shepard makes compelling arguments for why researchers should consider a more narrative-based approach to research, her explanation of what the narrative approach is and how it can be employed is highly theoretical and somewhat inaccessible for those not already familiar with the approach. It is hard to fault Shepard for this, as it is evidence of her clear expertise. However, throughout the book, Shepard repeats the aspiration that the narrative approach could be applied in the analysis of other manifestations of global governance, such as environmental governance. Her highly abstract explanations run contrary to the idea that the narrative approach should or could be widely employed. If more people are to engage with this type of analysis, it will most likely need to be articulated in a more accessible manner. Opacity makes this type of analysis more difficult to replicate.

Shepard applies the narrative approach to a data set consisting of documents produced by the United Nations, including reports by the Secretary-General and statements made by U.N. Women and NGO representatives, in addition to the above-mentioned interviews with individuals and teams working on the WPS agenda in relation to the United Nations. She considers narratives of ownership and origin, success, failure, tensions and pressures, and silences, secrets, and sensibilities. Through her analysis of the stories and discourse, Shepard uncovers the plural and irreconcilable logics, or common themes, of (in)coherence, (im)possibility, (dis)location, and an ambivalent logic of practice which shape these narratives.

Naturally, readers might feel uneasy when they first read the list of logics Shepard identifies. The parentheses are, admittedly, a bit confusing at first glance. However, as Shepard applies the narrative approach, the plurality of the logics becomes clearer. For example, in her analysis of ownership and origin stories, Shepard recounts inconsistent and differing views put forth by interviewees about what the WPS agenda actually is – a rights-based agenda, a conflict prevention agenda, an equality agenda, or something else entirely. These views reflect the logics of (in)coherence and (im)possibility. Additionally, Shepard finds that conflicting narratives of ownership over the WPS agenda exist. On one hand, the U.N. Security Council adopted the resolutions establishing the WPS agenda, and on the other hand, women’s civil society organizations advocated for the adoption of the WPS agenda. These narratives follow the logics of (dis)location and ambivalent logic of practice because it is unclear where the agenda is situated and how it is enacted.

Shepard follows a similar pattern as she identifies conflicting logics in the other narratives featured in the book. Through this repetitive identification of plural logics, an uneasiness builds. Shepard’s conclusion, however, brings relief. There is no singular, true WPS agenda. Her logics framework feels obscure and discordant because the object of analysis itself, the WPS agenda, is messy and contradictory. Shepard proposes that those working to enact the WPS agenda must learn to live with the discomfort that comes with this conclusion. In doing so, practitioners can appreciate the possibilities and potential born from the agenda’s complexity and ambiguity.

Shepard expresses her hope that the narrative approach she employs may help contribute to the understanding of other global governance regimes. Global governance mechanisms are inherently complicated due to the scope of their reach and the intricacy of the issues they seek to address. It seems likely that any attempts to apply a narrative approach in analysis of other manifestations of global governance will result in the same conclusion that Shepard reaches: that the subject is too obscure to be cohesively defined. However, the beauty of the narrative approach stems from more than just the conclusions of its analysis. By employing the narrative approach, the researcher sheds light on stories that would otherwise remain hidden in a tangled web of discourse.

In *Narrating the Women, Peace and Security Agenda*, Shepard provides a thought-provoking example of how the narrative approach to analysis can be applied to further understanding of complex manifestations of global governance. Although Shepard comes to the difficult conclusion that the WPS agenda is too enigmatic to be considered a singular agenda, she paints this conclusion with optimism. After all, an unsettled agenda abounds with possibility.