



Human Development Report **2005**

Human Development Report Office
OCCASIONAL PAPER

State-Building and Human Development

Chesterman, Simon. 2005.

2005/1

STATE-BUILDING AND HUMAN DEVELOPMENT

Background paper for the Human Development Report 2005

Simon Chesterman* <chesterman@nyu.edu>

Executive Summary	iii
Introduction	1
1 Context	4
1.1 Strategic environment.....	4
1.1.1 UN work through the 1990s	5
1.1.2 But not in Africa.....	6
1.1.3 After September 11	6
1.2 Normative changes	9
1.2.1 Non-interference	10
1.2.2 Good governance	10
1.2.3 Legitimacy of external actors	10
2 Transitional administration.....	13
2.1 The means are inconsistent with the ends	13
2.2 The means are inadequate for the ends	15
2.3 The means may sometimes be inappropriate for the ends.....	17
2.4 Evaluations and exit strategies	18
2.4.1 When to hold elections.....	19
2.4.2 The burden of post-conflict elections.....	20

* Executive Director, Institute for International Law and Justice, New York University School of Law. The work of the Institute on governance and accountability in states at risk is generously supported by Carnegie Corporation of New York; the views expressed, however, are those of the author alone. Parts of this text draw upon passages first published in Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford University Press, 2004) and Simon Chesterman, Michael Ignatieff, and Ramesh Thakur (eds), *Making States Work: State Failure and the Crisis of Governance* (United Nations University Press, 2005). Permission to reproduce the relevant passages is gratefully acknowledged. Many thanks to Ramesh Thakur for his contributions to an earlier version of text presented here and to Young Chi Lehnardt for valuable research assistance.

2.5	Learning from the past	22
3	Preventing state failure.....	22
3.1	Internal factors.....	23
3.1.1	Legitimacy.....	23
3.1.2	Political parties	24
3.1.3	Regional influences	25
3.1.4	The importance of local actors	26
3.2	External action.....	27
3.2.1	Responsibility and national interest	27
3.2.2	Early warning and analysis	29
3.2.3	Humanitarian action	31
3.2.4	From persuasion to coercion	31
3.2.5	Exit strategies	33
4	Development and conflict	34
4.1	The Marshall Plan	34
4.2	Charity with interest.....	36
4.3	Disbursement of funds	38
4.3.1	Donor policies	39
4.3.2	Pledging conferences.....	40
4.3.3	Bureaucracy.....	41
4.4	Ownership	42
4.4.1	Trust Funds.....	42
4.4.2	Local Control in Afghanistan.....	43
4.4.3	Ensuring buy-in	45
5	Challenges.....	47
5.1	Strategy	47
5.2	Coordination and the Report of the High-Level Panel.....	48
5.3	Evaluation and exit strategies.....	50
5.4	Making states work	51
6	Bibliography.....	52

Executive Summary

- A central question for policy-makers interested in promoting a human development agenda is how weak states deal with crisis. The emphasis in this paper is on post-conflict reconstruction of states and efforts by international actors to prevent the collapse of state institutions before conflict ensues.
- The key actors in such state-building efforts are almost always local. Nevertheless, international actors may also play a critical role, if only in creating the opportunity for local actors to establish legitimate and sustainable governance.

Changing context

- Through the 1990s, the United Nations became involved in a series of operations that saw the UN assuming significant civilian administrative responsibilities in post-conflict territories. It is noteworthy that none of these operations took place in Africa, where the need is probably greatest.
- The ‘war on terror’ has transformed the strategic environment in a way that presents opportunities and dangers for the human development agenda. Recognition that failing states pose a security threat coincides with the view that functioning states are the best vehicle to promote human development. Nevertheless, approaching this problem with a purely military agenda changes the goals and may undermine the medium-term goals of developing a state’s capacity to provide something more than simple stability. Inequality and poverty remain the dominant concern of the most vulnerable; a key question confronting the human development agenda is how to ensure that international attention does not focus solely on countries of ‘strategic’ importance.
- The war on terror may also be changing the normative framework that governs such efforts. This is most obvious in the practice of the Security Council, which now routinely acts in response to situations that would once have been regarded as within the domestic jurisdiction of a state. But it also infuses the human rights discourse at the United Nations and the manner in which development actors have moved into areas that would previously have been regarded as inappropriate.
- None of these strategic considerations have changed significantly the experiences of populations at risk. The challenge for the humanitarian and development communities is to establish the relevance of non-strategic assistance to these populations. The Report of the High-Level Panel on Threats, Challenges, and Change admirably set out the different types of threats that confront vulnerable populations, though it did not join the dots as clearly as it might have on the linkage between those threats.
- The concept of a ‘grand bargain’ may be helpful — if only as a rhetorical device — in calling upon the industrialized nations to accept that their concerns about terrorism and weapons of mass destruction occupy a similar place that concerns about poverty and disease do in the global south. Cooperation in the ‘war on terror’ might sensibly be linked to the reduction of trade barriers on agricultural imports and subsidies for agricultural exports.

Transitional administration

- Transitional administrations represent the most complex operations attempted by the United Nations. The missions in Kosovo (1999—) and East Timor (1999-2002) are commonly seen as unique in the history of the United Nations. But they may also be seen as the latest in a series of operations that have involved the United Nations in ‘state-building’ activities, in which it has attempted to develop the institutions of government by assuming some or all of those sovereign powers on a temporary basis. Viewed in light of earlier UN operations, such as those in Namibia (1989-1990), Cambodia (1992-1993), and Eastern Slavonia (1996-1998), the idea that these exceptional circumstances may not recur is disingenuous. Nevertheless, there are inherent contradictions between the means available to international actors and the stated ends of legitimate and sustainable national governance.

- A 'light footprint' in such an operation has the advantage of creating more space for the development of local institutions, but makes the operation more than usually dependent on the political dynamic of local actors. Since the malevolence or collapse of that political dynamic is precisely the reason that power is arrogated to an international presence, the light footprint is unsustainable as a model for general application. How much power should be transferred and for how long depends upon the political transition that is required; this in turn is a function of the root causes of the conflict, the local capacity for change, and the degree of international commitment available to assist in bringing about that change.
- A recurring question in such operations is when and how to transfer power to local hands. Successful elections may be evidence of the transformation that is being attempted, but are only a small part of what is necessary to achieve it. Deciding when to hold elections depends on two sets of tensions. The first is the impact elections will have on emerging political structures and personalities. Elections too early may turn generals into politicians, formalizing ethnic divisions into political fault lines. In less developed states lacking adequate bureaucratic institutions, elections held before those institutions can be created may hinder long-term democratic practices and stability. In other situations, however, early elections may lock in a peace process and provide tangible political gains to stakeholders in the peace. The second set of tensions concerns the ephemeral nature of international interest in a crisis, and whether it is preferable — whatever the political situation on the ground — to run elections on a timetable agreed with donors so that the vote takes place while international attention is concentrated on the territory. Nevertheless, if a vote is not held, as time passes the international presence itself might come to be seen as illegitimate.

Preventing state failure

- It is frequently assumed that the collapse of state structures, whether through defeat by an external power or as a result of internal chaos, leads to a vacuum of political power. This is rarely the case. The mechanisms through which political power are exercised may be less formalized or consistent, but basic questions of how best to ensure the physical and economic security of oneself and one's dependants do not simply disappear when the institutions of the state break down.
- A basic question confronting outside actors is whether to engage in top-down or bottom-up policies: to strengthen institutions and leaders, or foster a functioning civil society in the hope that this will cultivate enlightened leadership in the long term. State-building works best when a population rallies behind an enlightened leader, but very little at all will work if they rally behind one who is not.
- An important additional local dynamic that is frequently overlooked in analyses of state failure is how a state's governance problems relate to its regional context. Conflicts — and the economic incentives that foster them — may spill across borders and in some cases international efforts to bring peace may only displace conflict into another area. Differing regional dynamics may impact on the evolution of conflict, the nature of state institutions in a region, and the relative interest of external actors to support them.
- International action in response to a crisis commonly suffers from happening too late and too quickly. Early warning is not generally a problem of lack of information; the problem is inadequate analysis and a lack of political will. A separate problem is that crises that draw international attention tend to be focused in time, while the most important work of building up state institutions takes years or decades.
- Providing humanitarian and development assistance in isolation from political strategies runs the risk of extending conflict or reinforcing structural violence that encourages conflict to return. Sustainability should generally take precedence over temporary standards. Determining what is sustainable when national institutions do not exist or have been eviscerated is difficult. In such cases, the concept of shadow alignment may be helpful.

Development and conflict

- Discussions of economic reconstruction frequently cite the Marshall Plan as a model. The very different circumstances in which aid is delivered today suggest the limits of this analogy. The Marshall Plan took place in an era when the benefits of government intervention were generally uncontested. Donor scepticism

today about the appropriate role of government in economic activity at home has, at times, challenged approaches to foreign assistance abroad. This is at odds with the widespread view that a strong government often lies at the heart of economic and political reconstruction.

- Assistance, when it arrives, is notoriously supply- rather than demand-driven. This leads to multiplication of bureaucracy in the recipient country, inconsistency in disbursement procedures, and a focus on projects that may be more popular with donors than they are necessary in the recipient country. Priority changes in the delivery of assistance include:
 - the use of assessed contributions for selected reconstruction tasks — most prominently disarmament and demobilization activities;
 - new trust fund procedures with oversight boards drawn from international, national, and private sector personnel; and
 - monitoring mechanisms to track aid flows.
- Whatever conditions are attached to assistance, these may be less disruptive to economic reconstruction than the fact that a significant proportion of pledged resources either does not materialize or does so very slowly.
- A standing fund for peacebuilding as called for in the Report of the High-Level Panel would help bridge some of these gaps in the crucial first months after the end of conflict. Funds for the recurrent expenditures of a nascent government may be the hardest to locate within existing donor strategies — though they may be the most important in establishing the credibility of a new regime and staving off a return to conflict.

Challenges

- If there is a single generalizable lesson to be learned from the recent experience of state-building, whether as transitional administration or preventing state failure, it is modesty. The challenges before the UN community now are not, therefore, to develop grand theories of state-building or a trusteeship capacity. Rather, what is required are workable strategies and tactics with which to support institutions of the state before, during, and after conflict. Doing this effectively requires, first of all, clarity in three areas: (i) the strategic aims of the action; (ii) the necessary institutional coordination to put all actors — especially security and development actors — on the same page; and (iii) a realistic basis for evaluating the success or failure of the action.
- Coordination problems tend to arise at three levels: (1) the strategic level (for example, the final status of Kosovo); (2) the operational level (for example, competing donor agencies in Bosnia); and (3) the national level (for example, getting international actors to sign onto a national development framework in Afghanistan). The problem with the Peacebuilding Commission proposed by the High-Level Panel is that its establishment under the Security Council may see it fall somewhere between (1) and (2): lacking the authority to challenge the Security Council in New York and lacking a field presence to ensure operational cohesion on the ground.
- If the Peacebuilding Commission is to be successful, two additional coordination dynamics need to be addressed. The first is the problem of coordination across time, embracing the conflicting time-tables of internationals (diminishing interest) and locals (increasing absorptive capacity), as well as the tension between demands for quick impact and gap-filling projects versus the development of sustainable institutions. The second coordination dynamic is the emergence of local actors as an independent political force. Consultation through an instrument such as the Peacebuilding Commission would be helpful, but not if it complicates the more important consultative mechanisms on the ground that manage day-to-day political life in the post-conflict territory. The most important aspect of this second dynamic is clarity: clarity about who is in charge at any given time, but also clarity about who is *going* to be in charge.
- States cannot be made to work from the outside. International assistance may be necessary but it is never sufficient to establish institutions that are legitimate and sustainable. This is not an excuse for inaction, if

only to minimize the humanitarian consequences of a state's incapacity to care for its vulnerable population. Beyond that, however, international action should be seen first and foremost as facilitating local processes, providing resources and creating the space for local actors to start a conversation that will define and consolidate their polity by mediating their vision of a good life into responsive, robust, and resilient institutions.

Introduction

Tolstoy wrote that all happy families are happy alike, while every unhappy family is unhappy in its own way. It is tempting to say the same thing of states, as successful states enter an increasingly homogenous globalized economy and weaker states slip into individualized chaos. That would be only partly true. While the state-building efforts considered in this paper demonstrate the importance of local context — history, culture, individual actors — they also outline some general lessons that may be of assistance in addressing problems confronting states with weak institutions. Put another way, structural problems and root causes are part of the problem of ‘state failure’, but a key question for policy-makers interested in promoting a human development agenda is how weak states deal with crisis.

The nature of such a crisis can vary considerably. The emphasis here is on post-conflict reconstruction of states and efforts by international actors (including, but not limited to, the United Nations) to prevent the collapse of state institutions before conflict ensues.

Post-conflict reconstruction through the 1990s saw an increasing trend towards rebuilding governance structures through assuming some or all governmental powers on a temporary basis. Such ‘transitional administration’ operations can be divided into two broad classes: where state institutions are divided and where they have collapsed. The first class encompasses situations where governance structures were the subject of dispute with different groups claiming power (as in Cambodia or Bosnia and Herzegovina), or ethnic tensions within the structures themselves (such as Kosovo). The second class comprises circumstances where such structures simply did not exist (as in Namibia, East Timor, and Afghanistan). A possible third class is suggested by recent experience in Iraq, where regime change took place in a territory with far greater resources (human, institutional, and economic) than any comparable situation in which the United Nations or other actor had exercised civilian administration functions since the Second World War.¹

The term ‘nation-building’, sometimes used in this context, is a broad, vague, and often pejorative one. In the course of the 2000 US presidential campaign, Governor Bush used it as a dismissive reference to the application of US military resources beyond traditional mandates. The term was also used to conflate the circumstances in which US forces found themselves in conflict with the local population — most notably in Somalia — with complex and time-consuming operations such as those underway in Bosnia, Kosovo, and East Timor. Although it continues to be used in this context, ‘nation-building’ also has a more specific meaning in the post-colonial context, in which new leaders attempted to rally a population within sometimes arbitrary territorial frontiers. The focus here is on the *state* (that is, the highest institutions of governance in a territory) rather than the *nation* (a people who share common customs, origins, history, and frequently language) as such.²

Within the United Nations, ‘peacebuilding’ is generally preferred. This has been taken to mean, among

¹ See generally Simon Chesterman, *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004).

² Massimo D’Azeglio famously expressed the difference in the context of post-Risorgimento Italy: ‘We have made Italy,’ he declared. ‘Now we must make Italians.’ On the creation of states generally, see James Crawford, *The Creation of States in International Law* (Oxford: Clarendon Press, 1979). On nation-building, see, eg, Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983); Ranajit Guha (ed), *A Subaltern Studies Reader, 1986-1995* (Minneapolis: University of Minnesota Press, 1997); Jim MacLaughlin, *Reimagining the Nation-State: The Contested Terrains of Nation-Building* (London: Pluto Press, 2001).

other things, ‘reforming or strengthening governmental institutions’³ or ‘the creation of structures for the institutionalization of peace’.⁴ It tends, however, to embrace a far broader range of activities than those particular operations under consideration here — at times being used to describe virtually all forms of international assistance to countries that have experienced or are at risk of armed conflict.⁵

In addition to considering transitional administration operations, the present paper will also consider efforts to provide support for institutions of the state prior to conflict. It is frequently assumed that the collapse of state structures, whether through defeat by an external power or as a result of internal chaos, leads to a vacuum of political power. This is rarely the case. The mechanisms through which political power are exercised may be less formalized or consistent, but basic questions of how best to ensure the physical and economic security of oneself and one’s dependants do not simply disappear when the institutions of the state break down. Non-state actors in such situations may exercise varying degrees of political power over local populations, at times providing basic social services from education to medical care. Even where non-state actors exist as parasites on local populations, political life goes on. How to engage in such an environment is a particular problem for policy-makers in intergovernmental organizations and donor governments. But it poses far greater difficulties for the embattled state institutions and the populations of such territories.

Much discussion of ‘state failure’ elides a series of definitional problems, most obviously about the nature of the state itself. If the state is understood as the vehicle for fulfilling a social contract, then state failure is the incapacity to deliver on basic public goods. If the state is defined by its capacity to exercise a monopoly on the legitimate use of force in its territory, state failure occurs when authority structures break down. Or if the state is constituted by its legal capacity, state failure is the incapacity to exercise such powers effectively.

Rather than choosing between these Lockean, Weberian, and juridical approaches to the state, it is argued here that such definitional questions are misleading. It is not generally the state that ‘fails’ — it is the government or individual leaders. In extreme cases, the institutions of governance themselves may be severely undermined. But it is only through a more nuanced understanding of the state as a network of institutions that crises in governance may be properly understood and, perhaps, avoided or remedied. In many situations the remedy will depend upon variables that are political rather than institutional, though the sustainability of any outcome depends precisely upon institutionalizing procedures to remove that dependence on politics and personality.

Box: Definitions of ‘state failure’

CIA State Failure Task Force

‘Narrowly defined, state failures consist of instances in which central state authority collapses for several years.’ The Task Force, however, adopts a broader definition

³ An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc A/47/277-S/24111 (17 June 1992), para 55.

⁴ Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc A/50/60-S/1995/1 (3 January 1995), para 49. From a UN development perspective, peacebuilding aims ‘to build and enable durable peace and sustainable development in post-conflict situations.’ See, eg, Role of UNDP in Crisis and Post-Conflict Situations (Policy Paper Distributed to the Executive Board of the United Nations Development Programme and of the United Nations Population Fund), DP/2001/4 (New York: UNDP, 27 November 2000), available at <<http://www.undp.org>>, para 51. The Development Assistance Committee (DAC) of the OECD maintains that peacebuilding and reconciliation focuses ‘on long-term support to, and establishment of, viable political and socio-economic and cultural institutions capable of addressing the root causes of conflicts, as well as other initiatives aimed at creating the necessary conditions for sustained peace and stability’: OECD, Helping Prevent Violent Conflict, Development Assistance Committee Guidelines (Paris: OECD, 2001), available at <<http://www.oecd.org>>, 86.

⁵ Elizabeth M. Cousens, ‘Introduction’, in Elizabeth M. Cousens and Chetan Kumar (eds), *Peacebuilding as Politics* (Boulder, CO: Lynne Rienner, 2001), 1, 5-10.

because events not crossing that total-collapse threshold can affect US foreign policy interests. So the notion adopted in their study includes ‘a wider range of conflicts, political crises, and massive human-rights violations that are typically associated with state breakdown.’ That definition includes four categories of events: (i) revolutionary wars; (ii) ethnic wars; (iii) adverse regime changes; (iv) genocides and politicides.

CSIS-AUSA study 2003:

‘In reality, a broad spectrum of states could be considered as failed or failing. These range from states that no longer have a functioning central government, such as Somalia, and states whose central government are no longer control major parts of their territory, such as Pakistan, to those whose central governments are no longer able to provide even the most basic needs for the vast majority of their population, as is the case in some African countries.’⁶

Commission for Weak States and US National Security

‘Terrorists training at bases in Afghanistan and Somalia. Transnational crime networks putting down roots in Myanmar/Burma and Central Asia. Poverty, disease, and humanitarian emergencies overwhelming governments in Haiti and Central Africa. A common thread runs through these disparate crises that form the fundamental foreign policy and security challenges of our time. These crises originate in, spread to, and disproportionately affect developing countries where governments lack the capacity, and sometimes the will, to respond.

‘In the most extreme cases, these states have completely failed, as in Afghanistan, Haiti, or Somalia. In many others, states are not failed but weak. Governments are unable to do the things that their own citizens and the international community expect from them: protecting people from internal and external threats, delivering basic health services and education, and providing institutions that respond to the legitimate demands and needs of the population.’⁷

The key actors in these situations are almost always local. Nevertheless, international actors may also play a critical role, if only in creating the opportunity for local actors to establish legitimate and sustainable governance. Sometimes creating such opportunities means holding back. Humanitarian and, to some extent, development assistance flows most freely in response to crisis, but it rarely addresses the underlying causes of either poverty or conflict. If it is not well managed, such assistance may in fact undermine more sustainable recovery by establishing relationships of dependence and by distorting the economy with unsustainable allocations of resources.

The paper explores these issues in four sections. First it will be necessary to elaborate the international context within which discussion of state-building now takes place. The ‘war on terror’ has transformed the strategic environment in a way that presents opportunities and dangers for the human development agenda. It may also be changing the normative framework that governs such efforts. Sections two and three look at a different set of lessons that may be garnered from the impact such decisions (or indecision) have had in ‘target countries’ in transitional administrations and efforts to prevent state failure respectively. The fourth section broadens the discussion to look at more general lessons to be learned from the relationship between development and post-conflict assistance, followed by a concluding section outlining challenges for the future.

⁶ John J. Hamre and Gordon R. Autumn 2002 Sullivan, available at, ‘Toward Postconflict Reconstruction’ (2002) 25(4) *Washington Quarterly* 85, 86.

⁷ Jeremy M. Weinstein, John Edward Porter, and Stuart E. Eizenstat, On the Brink: Weak States and US National Security (Commission for Weak States and US National Security, 2004), available at <http://www.cgdev.org/docs/Full_Report.pdf>.

1 Context

This section elaborates the changed strategic and normative environment within which state-building now takes place, and the consequences that this has for the human development agenda. At the strategic level, the reframing of this discourse in terms of the ‘war on terror’ presents both opportunities and dangers. Recognition that failing states pose a security threat coincides with the view that functioning states are the best vehicle to promote human development. Nevertheless, approaching this problem with a purely military agenda changes the goals and may undermine the medium-term objective of developing a state’s capacity to provide something more than simple stability.

1.1 Strategic environment

A nostrum of peace and security debates since the 1990s is that conflict is now more intra-state than inter-state. This is true, in that conflicts are less likely to be between the armed forces of two states; but it is misleading insofar as it suggests that the state as such is somehow less relevant to modern conflicts. On the contrary, many internal conflicts of the 1990s can be traced precisely to the failure of state institutions to avert or contain conflict.

This realization on the part of security actors has coincided with a shift in the thinking of human rights activists concerning the nature of the state. The irony of human rights had long been that states, the only bodies capable of signing human rights treaties, were also the primary violators of those rights. Nevertheless, the experience of the 1990s also showed that such rights could only be protected through effective state structures. This view was epitomized in the 2001 report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*:

It is strongly arguable that effective and legitimate states remain the best way to ensure that the benefits of the internationalization of trade, investment, technology and communication will be equitably shared. Those states which can call upon strong regional alliances, internal peace, and a strong and independent civil society, seem clearly best placed to benefit from globalization. They will also be likely to be those most respectful of human rights. And in security terms, a cohesive and peaceful international system is far more likely to be achieved through the cooperation of effective states, confident of their place in the world, than in an environment of fragile, collapsed, fragmenting or generally chaotic state entities.⁸

Arguments that the state as a political unit has become less relevant are, therefore, greatly exaggerated. Indeed, there is a widespread recognition that solutions to barriers to human development — ranging from war and poverty to disease and environmental degradation — lie in cooperation between states, including through institutions such as the United Nations. But the basis upon which states participate in such institutions appears to be changing. Most importantly, the negative definition of states through exclusive jurisdiction is gradually being replaced by a notion that states hold both negative rights and positive responsibilities. The former position is epitomized by article 2(7) of the UN Charter, which guarantees that nothing in the Charter ‘shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state’ other than the Security Council’s Chapter VII powers. Contemporary discussion in the United Nations of the situation in the Sudan, Haiti, and many other places demonstrate by how much this reservation has been eroded.

⁸ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, December 2001), available at <<http://www.iciss.gc.ca>>, para. 1.34.

Box: Kofi Annan, ‘We the Peoples’⁹

‘[Globalization and interdependence compel us to] think afresh about how we manage our joint activities and shared interests, for many challenges that we confront today are beyond the reach of any one state to meet on its own. At the national level we must govern better; and at the international level we must govern better together. Effective states are essential to both tasks.’

1.1.1 UN work through the 1990s

Above and beyond such developments at the level of theory, however, the changing importance of the state has been reflected in the practice of the United Nations. In early 1995, chastened by the failed operation in Somalia, the failing operation in Bosnia and Herzegovina, and inaction in the face of genocide in Rwanda, UN Secretary-General Boutros Boutros-Ghali issued a conservative supplement to his more optimistic 1992 *Agenda for Peace*.¹⁰ The *Supplement* noted that a new breed of intra-state conflicts presented the United Nations with challenges not encountered since the Congo operation of the early 1960s. A feature of these conflicts was the collapse of state institutions, especially the police and judiciary, meaning that international intervention had to extend beyond military and humanitarian tasks to include the ‘promotion of national reconciliation and the re-establishment of effective government’. Nevertheless, he expressed caution against the United Nations assuming responsibility for law and order, or attempting to impose state institutions on unwilling combatants.¹¹ General Sir Michael Rose, then commander of the UN Protection Force in Bosnia (UNPROFOR), termed this form of mission creep ‘crossing the Mogadishu line’.¹²

Despite such cautious words, by the end of 1995 the United Nations had assumed responsibility for policing in Bosnia under the Dayton Peace Agreement. The following January, a mission was established with temporary civil governance functions over the last Serb-held region of Croatia in Eastern Slavonia. In June 1999, the Security Council authorized an ‘interim’ administration in Kosovo to govern part of what remained technically Serbian territory for an indefinite period; four months later a transitional administration was created with effective sovereignty over East Timor until independence. These expanding mandates continued a trend that began with the operations in Namibia in 1989 and Cambodia in 1993, where the United Nations exercised varying degrees of civilian authority in addition to supervising elections.

The expansion was part of a larger growth in activism by the Security Council through the 1990s, which showed itself willing to interpret internal armed conflicts, humanitarian crises, and even disruption to democracy as ‘threats to international peace and security’ within the meaning of the UN Charter — and therefore warranting a military response under its auspices. The ‘new interventionism’ was, however, constrained by the inability of the United Nations to develop an independent military capacity; as a result, Council action was generally limited to circumstances that coincided with the national interests of a state or group of states that were prepared to lead.¹³

⁹ Kofi A. Annan, “*We the Peoples*”: *The Role of the United Nations in the 21st Century* (New York: United Nations, Department of Public Information, 2000), 7.

¹⁰ *Agenda for Peace*.

¹¹ Supplement to *An Agenda for Peace*, paras 13-14.

¹² ‘Patience and Bloody Noses’, *Guardian* (London), 30 September 1994. See now Michael Rose, *Fighting for Peace: Lessons from Bosnia* (London: Warner, 1999).

¹³ See Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001), 112-218.

1.1.2 But not in Africa

It is noteworthy that none of the major transitional administration operations took place in Africa, where the need is probably greatest. The primary barrier to establishing transitional administration-type operations in areas such as Somalia, Western Sahara, and the Democratic Republic of the Congo has less to do with the difficulty of such operations than with the absence of political will to commit resources to undertake them. The ‘war on terror’ has transformed this agenda, though triage is performed less according to need than to the strategic priorities of the dominant actors, most prominently the United States. Though the operations in Afghanistan and Iraq are not transitional administrations as understood in this paper,¹⁴ they are suggestive of how the state-building agenda has changed.

1.1.3 After September 11

In the course of the US-led intervention in Afghanistan in late 2001 — in particular, as the likelihood of capturing Osama bin Laden ‘dead or alive’ diminished — a rhetorical shift became evident in the Bush administration’s war aims. ‘Nation-building’,¹⁵ something that President Bush had previously derided as inappropriate for the US military, came back onto the US agenda. And, with increasing frequency, the Taliban regime and its mistreatment of the Afghan civilian population were presented as the real evil, rather than being ancillary to the man and the organization that attacked the United States on 11 September 2001. These developments highlighted the changing strategic and political environment within which state-building takes place. The proximate cause was the adoption of state-building as a tool in the ‘war on terror’, but underlying this was an emerging view that the United States should be more ready to use its power in the world.

During the 2000 US presidential campaign, candidate Bush was openly critical of the use of US military resources for state-building purposes. He affirmed this position once in office, including statements in July 2001 stressing that the United States military ‘should be used to fight and win war.’¹⁶ President Bush made similar comments in the weeks after the 11 September 2001 attacks, when he stated that ‘we’re not into nation-building, we’re focused on justice.’¹⁷ Days before the United States commenced military operations in Afghanistan, however, the President’s spokesman marked a slight shift in position as it became apparent that international support for the impending conflict might depend on the broader consequences for the Afghan people: the United States had no intention of engaging in state-building, but it would ‘help those who seek a peaceful, economically-developing Afghanistan that’s free from terrorism.’¹⁸ This was elaborated by the President himself in a news conference after the military action had begun, including a more substantial role for the United Nations in rebuilding Afghanistan:

I believe that the *United Nations* would — could provide the framework necessary to help meet those conditions. It would be a useful function for the United Nations to take over the so-called ‘nation-building’ — I would call it the stabilization of a future government — after our military mission is complete. We’ll participate; other countries will participate ... I’ve talked to many countries that are interested in making sure that the post-operations Afghanistan is

¹⁴ See above n 1.

¹⁵ See above n 2.

¹⁶ George W. Bush, ‘Remarks by the President in Roundtable Interview with Foreign Press’, Washington, DC, 17 July 2001, available at <<http://www.whitehouse.gov>>.

¹⁷ George W. Bush, ‘Remarks by President Bush and Prime Minister Koizumi of Japan in Photo Opportunity’, Washington, DC, 25 September 2001, available at <<http://www.whitehouse.gov>>.

¹⁸ Ari Fleischer, ‘Press Briefing’, Washington, DC, 4 October 2001, available at <<http://www.whitehouse.gov>>.

one that is stable, and one that doesn't become yet again a haven for terrorist criminals.¹⁹

US war aims thus evolved from a retributive strike, to a defensive response, and finally to embrace the broader goals of ensuring the stability of post-conflict Afghanistan. As the war aims changed, so, with the benefit of hindsight, did the asserted motivation for US military operations in the first place. This appeared to be a carefully scripted shift, as shown in two important speeches by President Bush. Speaking to the United Nations in November 2001, he equated the Taliban regime with the terrorists who had attacked the United States: the regime and the terrorists were 'virtually indistinguishable. Together they promote terror abroad and impose a reign of terror on the Afghan people. Women are executed in Kabal's *[sic]* soccer stadium. They can be beaten for wearing socks that are too thin. Men are jailed for missing prayer meetings. The United States, supported by many nations, is bringing justice to the terrorists in Afghanistan.'²⁰ Then, in his 2002 State of the Union Address, President Bush sought to expand this into a more general doctrine intimating that the US action stemmed from goals loftier than self-defence:

We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance. America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.²¹

One year after the 11 September 2001 attacks, state-building was implicitly included in the National Security Strategy issued by the White House. Much of the document elaborated and justified the concept of pre-emptive intervention; together with the stated policy of dissuading potential adversaries from hoping to equal the power of the United States, it implicitly asserted a unique status for the United States as existing outside of international law as it applies to other states.²² At the same time, however, the National Security Strategy noted that threats to the United States now came not from fleets and armies but from 'catastrophic technologies in the hands of the embittered few.' In such a world, failing states pose a greater menace to US interests than conquering ones.²³

The transformed strategic environment presents both opportunities and dangers for state-building as a means to promoting human development. Recognition that weak states can create threats that reach beyond their borders may increase the level of international interest in supporting those states, indirectly providing benefits to the populations. This argument has been made, for example, to encourage intervention for human protection purposes in Liberia by the United States and in the South Pacific by Australia, although in both cases the link with terrorism was tenuous.²⁴ The connection was also made in the National Security Strategy, which stressed that when violence

¹⁹ George W. Bush, 'President Holds Prime Time News Conference', Washington, DC, 11 October 2001, available at <<http://www.whitehouse.gov>>.

²⁰ George W. Bush, 'Remarks by the President to United Nations General Assembly', New York, 10 November 2001, available at <<http://www.whitehouse.gov>>.

²¹ George W. Bush, 'State of the Union Address', Washington, DC, 29 January 2002, available at <<http://www.whitehouse.gov>>.

²² The National Security Strategy of the United States of America (Washington, DC: President of the United States, September 2002), available at <<http://www.whitehouse.gov/nsc/nss.html>>. Cf the draft Defense Planning Guidance leaked in 1992: 'Excerpts from Pentagon's Plan: "Prevent the Re-Emergence of a New Rival"', *New York Times*, 8 March 1992. The 1992 document was drafted by Paul D. Wolfowitz, then Under-Secretary of Defense for Policy and later Deputy Secretary of Defense under President George W. Bush, for approval by Dick Cheney, Secretary of Defense in 1992 and later Vice-President. Criticism of its unilateralist message led to a substantial redrafting.

²³ Ibid, 1.

²⁴ See, for example, Augustine Toure, 'Liberia: Why Doing too Little May Hurt US Long-term Interest', *New Democrat* (Heerlen), 16 July 2003; Elsina Wainwright, *Our Failing Neighbour: Australia and the Future of Solomon Islands*, Canberra: Australian Strategic Policy Institute, June 2003, p. 14.

erupts and states falter, the United States will ‘work with friends and partners to alleviate suffering and restore stability.’²⁵ When interventions are justified by the national interest, however, this may lower the standards to which post-conflict reconstruction is held. The level of physical and economic security required in Afghanistan to prevent it becoming a terrorist haven, for example, is not the same as that required for the basic peace and prosperity of the general population. This was reflected in the methods used by the United States to pursue its objectives in Afghanistan: by minimizing the use of its own troops in favour of using Afghan proxies, more weapons were introduced into a country that was already heavily armed, empowering groups that fought on the side of the United States — whether or not they supported the embryonic regime of Hamid Karzai. Many Afghans saw these power relations as reinforced by the Emergency Loya Jirga in June 2002, which appeared to show that the position of warlords and other local commanders would not be challenged by international actors.²⁶

None of this, of course, is new. Coercive diplomacy, the use of force, and military occupation have long been used by powerful states to further their interests; claims that occupation serves noble motives have an equally long pedigree. What is relatively new is the rejection of colonization as an element of foreign policy from around the middle of the twentieth century. Modern sensibilities therefore prevent explicit reference to occupation or colonization as a model for transitional administration, a constraint that at times prevents the learning of valuable lessons from decolonization in particular. There is a danger, however, that strategic interests may now begin to erode this prohibition in favour of a greater preparedness not merely to intervene, but to occupy and transform other states along the models of Afghanistan and Iraq. Such a development would be undesirable in principle, as it forms part of a broader attack on international law that proposes to order the world not around norms and institutions but the benevolent goodwill of the United States.²⁷ And yet it would also be undesirable in practice, as it is far from clear that the United States is either willing or able to fulfil such a role.

From an assistance perspective, the longer-term concern arising from the ‘war on terror’ is that an obsessive focus on reacting to terrorism misunderstands the nature of threats as experienced around the world. Inequality and poverty remain the dominant concern of the most vulnerable and a key question confronting the human development agenda is how to ensure that international attention does not focus solely on countries of ‘strategic’ importance. None of these strategic considerations have changed the experiences of populations at risk. A key challenge for the humanitarian and development communities is to establish the relevance of non-strategic assistance to populations at risk.

The Report of the High-Level Panel on Threats, Challenges, and Change admirably set out the different types of threats that confront vulnerable populations, though it did not join the dots as clearly as it might have on the linkage between those threats. The concept of a ‘grand bargain’ may be helpful — if only as a rhetorical device — in calling upon the industrialized nations to accept that their concerns about terrorism and weapons of mass destruction occupy a similar place that concerns about poverty and disease do in the global south. Cooperation in the ‘war on terror’ might sensibly be linked to the reduction of trade barriers on agricultural imports and subsidies for agricultural exports.

Report of the High Level Panel on Threats, Challenges, and Change

Any event or process that leads to large-scale death or lessening of life chances and undermines States as the basic unit of the international system is a threat to international security. So defined, there are six clusters of threats with which the world must be concerned now and in the decades ahead:

- Economic and social threats, including poverty, infectious diseases and environmental degradation

²⁵ National Security Strategy, 9.

²⁶ Chris Johnson et al., *Afghanistan’s Political and Constitutional Development* (London: Overseas Development Institute, January 2003), available at <<http://www.odi.org.uk/hpg>>.

²⁷ See, for example, Richard Perle, ‘Thank God for the Death of the UN’, *Guardian*, 21 March 2003.

- Inter-State conflict
- Internal conflict, including civil war, genocide and other large-scale atrocities
- Nuclear, radiological, chemical and biological weapons
- Terrorism
- Transnational organized crime

In its first 60 years, the United Nations has made crucial contributions to reducing or mitigating these threats to international security. While there have been major failures and shortcomings, the record of successes and contributions is underappreciated. This gives hope that the Organization can adapt to successfully confront the new challenges of the twenty-first century.

The primary challenge for the United Nations and its members is to ensure that, of all the threats in the categories listed, those that are distant do not become imminent and those that are imminent do not actually become destructive. This requires a framework for preventive action which addresses all these threats in all the ways they resonate most in different parts of the world. Most of all, it will require leadership at the domestic and international levels to act early, decisively and collectively against all these threats — from HIV/AIDS to nuclear terrorism — before they have their most devastating effect.

In describing how to meet the challenge of prevention, we begin with development because it is the indispensable foundation for a collective security system that takes prevention seriously. It serves multiple functions. It helps combat the poverty, infectious disease and environmental degradation that kill millions and threaten human security. It is vital in helping States prevent or reverse the erosion of State capacity, which is crucial for meeting almost every class of threat. And it is part of a long-term strategy for preventing civil war and for addressing the environments in which both terrorism and organized crime flourish.²⁸

Even in times of conflict there are opportunities for improvement in human development. Although war in itself may lead to great costs in human development terms, it may also be used as an opportunity for action. Indeed, war may serve as the catalyst for moving external assistance from amelioration of poverty to structural reforms intended to lay the foundations for sustainable growth into the future. As indicated in the latter part of this paper, however, such opportunities have not always been seized or seized effectively.

1.2 Normative changes

The normative context of state-building has also changed radically since the end of the Cold War. This is most obvious in the practice of the Security Council, which now routinely authorizes sanctions or the use of force in response to situations that would once have been regarded as within the domestic jurisdiction of a state. But it also infuses the human rights discourse at the United Nations and the manner in which development actors have moved into areas that would previously have been regarded as inappropriate.

²⁸

A More Secure World: Our Shared Responsibility (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc A/59/565 (1 December 2004), available at <<http://www.un.org/secureworld>>.

1.2.1 *Non-interference*

The UN Charter is no longer a barrier to international engagement in states with weak institutions. In the past decade, the Security Council has authorized military interventions in states unable to prevent a humanitarian catastrophe (Somalia), following the deposition of the elected head of government (Haiti), and in the wake of economic collapse and social disorder (Albania). This interventionism has not simply been coercive. From the end of the Cold War, electoral assistance has become an accepted feature of the international political landscape, with the Electoral Assistance Division of the UN Department of Political Affairs receiving over 200 requests for assistance from member states. Development actors have a longer history of intrusive engagement in weak states.

1.2.2 *Good governance*

Even as the promotion of democracy was becoming more acceptable, the questionable achievements of swift elections in Cambodia (1993) and Bosnia (1996) led to a rhetorical shift that saw ‘good governance’ sometimes replace democracy in the peacebuilding and development jargon. ‘Good governance’ was an intentionally vague term that spoke less to the formal structures of government than how a state is governed. A typical statement from the UN Development Programme (UNDP) is the following:

Good governance is, among other things, participatory, transparent and accountable. It is also effective and equitable. And it promotes the rule of law. Good governance ensures that political, social and economic priorities are based on broad consensus in society and that the voices of the poorest and the most vulnerable are heard in decision-making over the allocation of development resources.²⁹

The term ‘governance’ itself emerged within the development discourse in the 1990s as a means of expanding the prescriptions of donors to embrace not merely projects and structural adjustment but government policies. Though intergovernmental organizations like the World Bank and the International Monetary Fund are technically constrained from referring to political processes as such, ‘governance’ provided a convenient euphemism for precisely that.³⁰

1.2.3 *Legitimacy of external actors*

Such developments in practice were not matched by developments in theory. Much as peacekeeping was an invention of necessity during the Cold War (famously located by Secretary-General Dag Hammarskjöld in ‘Chapter VI½’ of the UN Charter), so efforts at state-building — most obviously transitional administration — were not based on a clear normative foundation.

Colonialism is now condemned as an international crime and acquisition of territory through military means is no longer regarded as a tolerable means of expanding a state’s power. Nevertheless, international humanitarian law — specifically the 1907 Hague Regulations and the Fourth Geneva Convention of 1949 — provides the legal basis for an occupying power to exercise temporary authority over territory that comes under its control. The occupying power is entitled to ensure the security of its forces, but is also required to ‘take all the

²⁹ UN Development Programme, *Governance for Sustainable Human Development* (New York: UNDP, January 1997), available at <<http://magnet.undp.org/policy/>>.

³⁰ Goran Hyden, ‘Governance and the Reconstitution of Political Order’, in Richard Joseph (ed), *State, Conflict and Democracy in Africa* (Boulder, CO: Lynne Rienner, 1999), 179.

measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.’ In addition to other positive obligations, such as ensuring public health and sanitation, as well as the provision of food and medical supplies, the occupying power is prohibited from changing local laws except as necessary for its own security and is limited in its capacity to change state institutions. As the purpose of transitional administration is precisely to change the laws and institutions, further legal authority is therefore required. In most of the cases examined here, that authority has tended to come from the UN Security Council. Here, as with much of the Council’s work, practice has led theory, with some members of the Council and the wider UN community apparently allergic to the development of doctrine.

These UN missions, sometimes referred to as complex peace operations, bear a curious heritage. In the heady days of the early 1990s, traditional or ‘first generation’ peacekeeping, which was non-threatening and impartial, governed by the principles of consent and minimum force, was swiftly succeeded by two further generations. Second generation or ‘multidimensional’ peacekeeping involving a civilian component was used to describe post-Cold War operations in Cambodia, El Salvador, Mozambique, and Angola, but, retrospectively, might also have included the Congo operation in 1960-1964. Third generation peacekeeping, sometimes called ‘peace enforcement’, operating with a Chapter VII mandate from the Security Council, began with the Somalia operation. The genealogy was curious — the third generation appearing a mere six months after the second — but the terminology also misleadingly suggested a linear development in peacekeeping doctrine. Evolution is a more appropriate metaphor than selective breeding, with essentially unpredictable events demanding new forms of missions.³¹

If military doctrine developed through natural selection, civil administration was a random mutation. The fact that such operations continue to be managed by the UN Department of Peacekeeping Operations is suggestive of the ad hoc approach that has characterized transitional administration. This situation has been left unchanged due to the reluctance to embrace temporary governance of post-conflict territory as an appropriate and necessary task for the United Nations. This was evident in the Brahimi Report on UN Peace Operations, which noted the likely demand for such operations as well as the ‘evident ambivalence’ within governments and the UN Secretariat itself concerning the development of an institutional capacity to undertake them. Because of this ambivalence it was impossible to achieve any consensus on recommendations, so the Department of Peacekeeping Operations continues to play the dominant supporting role.³²

³¹ For a more nuanced, six generation model, see Ramesh Thakur and Albrecht Schnabel, ‘Cascading Generations of Peacekeeping: Across the Mogadishu Line to Kosovo and Timor’, in Ramesh Thakur and Albrecht Schnabel (eds), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press, 2001), 3.

³² Cf. Strengthening of the United Nations: An Agenda for Further Change (Report of the Secretary-General), UN Doc A/57/387 (9 September 2002), para. 126: ‘To strengthen further the Secretariat’s work in international peace and security, there is a need to bring a sharper definition to the existing lead department policy, which sets out the relationship between the Department of Political Affairs and the Department of Peacekeeping Operations. The Department of Political Affairs will increase its focus in the fields of preventive diplomacy, conflict prevention and peacemaking. The Department will also intensify its engagement in policy formulation across the full spectrum of the Secretariat’s tasks in the domain of international peace and security. It will continue to be the lead department for political and peacebuilding offices in the field. The Department of Peacekeeping Operations will be the lead department for the planning and management of all peace and security operations in the field, including those in which the majority of personnel are civilians.’

Territory	Mission	Date	Primary responsibility for police?	Primary responsibility for referendum?	Primary responsibility for elections?	Executive power?	Legislative power?	Judicial power?	Treaty power?
Congo	ONUC	1960-1964	de facto in limited areas			de facto in limited areas			
West Papua	UNTEA	1962-1963	YES		regional elections only	YES	limited		
Namibia	UNTAG	1989-1990			YES				de facto (Council for Namibia)
Western Sahara	MINURSO	1991—		YES					
Cambodia	UNTAC	1992-1993	YES		YES	as necessary			
Somalia	UNOSOM II	1993-1995					disputed		
Bosnia and Herzegovina (a)	Office of the High Representative (before bonn powers)*	1995-1997			YES (OSCE)				
Bosnia and Herzegovina (b)	Office of the High Representative (after bonn powers)*	1997—			YES (OSCE)	de facto			
Bosnia and Herzegovina (c)	UNMIBH	1995-2002	de facto						
Eastern Slavonia (Croatia)	UNTAES	1996-1998	YES		YES	YES			
East Timor (a)	UNAMET	1999		YES					
Sierra Leone	UNAMSIL	1999—	de facto					limited (Special Court)	
Kosovo (Federal Republic of Yugoslavia/Serbia and Montenegro)	UNMIK	1999—	YES		YES (OSCE)	YES	YES	YES	
East Timor (b)	UNTAET	1999-2002	YES		YES	YES	YES	YES	de facto
Afghanistan	UNAMA	2002—							
Iraq (a)	Coalition Provisional Authority*	2003-2004	as occupying power		unclear	as occupying power	limited	limited	
Iraq (b)	UNAMI	2003—							

* Not a UN operation.

Table 1. Post-conflict peacebuilding operations exercising governmental powers.

2 Transitional administration

Is it possible to establish the necessary political and economic conditions for human development through a period of benevolent foreign autocracy under UN auspices? This contradiction between ends and means has plagued recent efforts to govern post-conflict territories in the Balkans, East Timor, Afghanistan, and Iraq. Such state-building operations combine an unusual mix of idealism and realism: the idealist project that a people can be saved from themselves through education, economic incentives, and the space to develop mature political institutions; the realist basis for that project in what is ultimately military occupation.

Much research has focused on the doctrinal and operational difficulties experienced by such operations. This is a valuable area of research, but may obscure three sets of contradictions between means and ends that have plagued recent efforts to govern post-conflict territories: the means are inconsistent with the ends, they are frequently inadequate for those ends, and in many situations the means are inappropriate for the ends.

2.1 *The means are inconsistent with the ends*

Benevolent autocracy is an uncertain foundation for legitimate and sustainable national governance. It is inaccurate and, often, counter-productive to assert that transitional administration depends upon the consent or ‘ownership’ of the local population. It is inaccurate because if genuine local control were possible then a transitional administration would not be necessary. It is counter-productive because insincere claims of local ownership lead to frustration and suspicion on the part of local actors. *Clarity* is therefore required in recognizing: (i) the strategic objectives; (ii) the relationship between international and local actors and how this will change over time; and (iii) the commitment required of international actors in order to achieve objectives that warrant the temporary assumption of autocratic powers under a benevolent international administration.

In a case like East Timor, the strategic objective — independence — was both clear and uncontroversial. Frustration with the slow pace of reconstruction or the inefficiencies of the UN presence could generally be tempered by reference to the uncontested aim of independence and a timetable within which this was to be achieved. In Kosovo, failure to articulate a position on its final status inhibits the development of a mature political elite and deters foreign investment. The present ambiguity derives from a compromise that was brokered between the United States and Russia at the end of the NATO campaign against the Federal Republic of Yugoslavia in 1999, formalized in Security Council resolution 1244 (1999). Nevertheless, it is the United Nations itself that is now blamed for frustrating the aspirations of Kosovars for self-determination. Many national and international observers blamed lack of progress in resolving the issue of final status as a key factor in fuelling the violence that erupted in the province in March 2004.

Obfuscation of the political objective leads to ambiguity in the mandate. Niche mandate implementation by a proliferation of post-conflict actors further complicates the transition. More than five years after the Dayton Peace Agreement, a ‘recalibration’ exercise required the various international agencies present in Bosnia and Herzegovina

to perform an institutional audit to determine what, exactly, each of them did.³³ Subsidiary bodies and specialized agencies of the United Nations should in principle place their material and human resources at the direct disposal of the transitional administration: all activities should be oriented towards an agreed political goal, which should normally be legitimate and sustainable government. Ideally, the unity of civilian authority should embrace command of the military also. In reality, the reluctance of the United States and other industrialized countries to put their troops under UN command makes this highly improbable. Coordination thus becomes more important, to avoid some of the difficulties encountered in civil-military relations in Afghanistan. (This is discussed further in section 5.2.)

Clarity in the relationship between international and local actors raises the question of ownership. This term is often used disingenuously — either to mask the assertion of potentially dictatorial powers by international actors or to carry a psychological rather than political meaning in the area of reconstruction. Ownership in this context is usually not intended to mean control and often does not even imply a direct input into political questions. This is not to suggest that local control is a substitute for international administration. As the operation in Afghanistan demonstrates, a ‘light footprint’ makes the success of an operation more than usually dependent on the political dynamic of local actors. Since the malevolence or collapse of that political dynamic is precisely the reason that power is arrogated to an international presence, the light footprint is unsustainable as a model for general application. How much power should be transferred and for how long depends upon the political transition that is required; this in turn is a function of the root causes of the conflict, the local capacity for change, and the degree of international commitment available to assist in bringing about that change.³⁴

Local ownership, then, must be the end of a transitional administration, but it is not the means. Openness about the trustee-like relationship between international and local actors would help locals by ensuring transparency about the powers that they will exercise at various stages of the transition. But openness would also help the states that mandate and fund such operations by forcing acknowledgement of their true nature and the level of commitment that is required in order to effect the transition that is required.³⁵

Clarifying the commitment necessary to bring about fundamental change in a conflict-prone territory is, however, a double-edged sword. It would ensure that political will exists prior to authorizing a transitional administration, but perhaps at the expense of other operations that would not be authorized at all. The mission in Bosnia was always expected to last beyond its nominal 12-month deadline, but might not have been established if it had been envisaged that troops would remain on the ground for a full decade or more. Donors contemplating Afghanistan in November 2001 balked at early estimates that called for a ten year, \$25 billion commitment to the country. In the lead up to the war with Iraq, the Chief of Staff of the US Army was similarly pooh-poohed by the leadership of the Defense Department when he testified to the Senate that 200,000 soldiers would be required for post-war duties. Political considerations already limit the choice of missions, of course: not for lack of opportunity, no major transitional administration has been established in Africa, where the demands are probably greatest.³⁶

Resolving the inconsistency between the means and the ends of transitional administration requires a clear-eyed recognition of the role of power. The collapse of formal state structures does not necessarily create a power vacuum; as indicated earlier, political life does not simply cease. Constructive engagement with power on this local level requires both an understanding of culture and history as well as respect for the political aspirations of the population. Clarity will help here also: either the international presence exercises quasi-sovereign powers on a temporary basis or it does not. This clarity must exist at the formal level, but leaves much room for nuance in

³³ International Crisis Group, *Bosnia: Reshaping the International Machinery* (Sarajevo/Brussels: ICG Balkans Report No 121, 29 November 2001), available at <<http://www.crisisweb.org>>, 13.

³⁴ Michael W. Doyle, ‘War-Making and Peace-Making: The United Nations’ Post-Cold War Record’, in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds), *Turbulent Peace: The Challenges of Managing International Conflict* (Washington, DC: United States Institute of Peace Press, 2001), 529, 546.

³⁵ See section 4.4.

³⁶ See also section 1.1.

implementation.

Most obviously, assertion of executive authority should be on a diminishing basis, with power devolved as appropriate to local institutions. The transfer of power must be of more than symbolic value: once power is transferred to local hands, whether at the municipal or national level, local actors should be able to exercise that power meaningfully, constrained only by the rule of law. Unless and until genuine transfer is possible, consultation is appropriate but without the pretence that this is the same as control. Where international actors do not exercise sovereign power — because of the size of the territory, the complexity of the conflict, or a simple lack of political will — this is not the same as exercising no power at all. Certain functions may be delegated to the international presence, as they were in Cambodia and Afghanistan, and international actors will continue to exercise considerable behind-the-scenes influence either because of ongoing responsibilities in a peace process or as a gatekeeper to international development assistance. In either case, the abiding need is for clarity as to who is in charge and, equally important, who is *going* to be in charge.

2.2 *The means are inadequate for the ends*

International interest in post-conflict operations tends to be ephemeral, with availability of funds linked to the prominence of a foreign crisis on the domestic agenda of the states that contribute funds and troops. Both have tended to be insufficient. Funds for post-conflict reconstruction are notoriously supply- rather than demand-driven. This leads to multiplication of bureaucracy in the recipient country, inconsistency in disbursement procedures, and a focus on projects that may be more popular with donors than they are necessary in the recipient country. Reluctance to commit funds is surpassed only by reluctance to commit troops: in the absence of security, however, meaningful political change is impossible. This was confirmed in the most brutal way possible with the attacks on UN personnel in Baghdad on 19 August 2003.

The ephemeral nature of international interest in post-conflict operations is, unfortunately, a cliché. When the United States overthrew the Taliban regime in Afghanistan, President Bush likened the commitment to rebuild the devastated country to the Marshall Plan. Just over twelve months later, in February 2003, the White House apparently forgot to include *any* money for reconstruction in the 2004 budget that it submitted to Congress. Legislators reallocated \$300 million in aid to cover the oversight.³⁷ Such oversights are disturbingly common: much of the aid that is pledged either arrives late or not at all. This demands a measure of artificiality in drafting budgets for reconstruction, which in turn leads to suspicion on the part of donors — sometimes further delaying the disbursement of funds. For example, \$880 million was pledged at the Conference on Rehabilitation and Reconstruction of Cambodia in June 1992. By the time the new government was formed in September 1993, only \$200 million had been disbursed, rising to only \$460 million by the end of 1995. The problem is not simply one of volume: Bosnia has received more per capita assistance than Europe did under the Marshall Plan, but the incoherence of funding programmes, the lack of a regional approach, and the inadequacy of state and entity institutions have contributed to it remaining in financial crisis.³⁸

Many of these problems would be reduced if donors replaced the system of voluntary funding for relief and reconstruction for transitional administrations with assessed contributions, which presently fund peacekeeping

³⁷ Paul Krugman, 'The Martial Plan', *New York Times*, 21 February 2003; James G. Lakely, 'Levin Criticizes Budget for Afghanistan; Says White House Isn't Devoting Enough to Rebuilding', *Washington Times*, 26 February 2003. Aid was later increased further: David Rohde, 'US Said to Plan Bigger Afghan Effort, Stepping Up Aid', *New York Times*, 25 August 2003.

³⁸ See, eg, International Crisis Group, *Bosnia's Precarious Economy: Still Not Open for Business* (Sarajevo/Brussels: ICG Balkans Report No 115, 7 August 2001), available at <<http://www.crisisweb.org>>.

operations. The distinction between funds supporting a peacekeeping operation and those providing assistance to a government makes sense when there is some form of indigenous government, but is arbitrary in situations where the peacekeeping operation *is* the government. Given existing strains on the peacekeeping budget, however, such a change is unlikely. A more realistic proposal would be to pool voluntary contributions through a trust fund, ideally coordinated by local actors or a mixed body of local and international personnel, perhaps also drawing upon private sector expertise. At the very least, a monitoring mechanism to track aid flows would help to ensure that money that is promised at the highpoint of international attention to a crisis is in fact delivered and spent. The experience of Afghanistan suggests that there is, perhaps, some learning taking place in this area,³⁹ though even during one of the greatest outpouring of emergency relief fund in recent history — in response to the tsunami that struck the Indian ocean region on 26 December 2004 — Secretary-General Kofi Annan felt compelled to remind donor governments that ‘We have often had gaps in the past [between pledges and actual donations] and I hope it is not going to happen in this case.’⁴⁰ The use of PricewaterhouseCoopers to track aid flows also points to a new flexibility in using private sector expertise to avoid wastage and corruption.

Parsimony of treasure is surpassed by the reluctance to expend blood in policing post-conflict territories. In the absence of security, however, meaningful political change in a post-conflict territory is next to impossible. Unless and until the United Nations develops a rapidly deployable civilian police capacity, either military tasks in a post-conflict environment will include basic law and order functions or these functions will not be performed at all. The military — especially the US military — is understandably reluctant to embrace duties that are outside its field of expertise, but this is symptomatic of an anachronistic view of UN peace operations. The dichotomy between peacekeeping and enforcement actions was always artificial, but in the context of internal armed conflict where large numbers of civilians are at risk it becomes untenable. Moreover, as most transitional administrations have followed conflicts initiated under the auspices or in the name of the United Nations, inaction is not the same as non-interference — once military operations commence, external actors have already begun a process of political transformation on the ground. And, as the Independent Inquiry on Rwanda concluded, whether or not a peace operation has a mandate or the will to protect civilians, its very presence creates an expectation that it will do so.

A key argument in the Brahimi Report was that missions with uncertain mandates or inadequate resources should not be created at all:

Although presenting and justifying planning estimates according to high operational standards might reduce the likelihood of an operation going forward, Member States must not be led to believe that they are doing something useful for countries in trouble when — by under-resourcing missions — they are more likely agreeing to a waste of human resources, time and money.⁴¹

This view finds some support in the report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, which calls for the ‘responsibility to rebuild’ to be seen as an integral part of any intervention. When an intervention is contemplated, a post-intervention strategy is both an operational necessity and an ethical imperative.⁴² There is some evidence of this principle now achieving at least rhetorical acceptance — despite his aversion to ‘nation-building’, President Bush stressed before and during operations in Afghanistan and Iraq that the United States would help in reconstructing the territories in which it had intervened.

More than rhetoric is required. Success in state-building, in addition to clarity of purpose, requires time and money. A lengthy international presence will not ensure success, but an early departure guarantees failure. Similarly, an abundance of resources will not make up for the lack of a coherent strategy — but the fact that Kosovo

³⁹ See section 4.3.

⁴⁰ Scott Shane and Raymond Bonner, ‘Annan Nudges Donors to Make Good on Full Pledges’, *New York Times*, 7 January 2005.

⁴¹ Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc A/55/305-S/2000/809 (21 August 2000), available at <http://www.un.org/peace/reports/peace_operations/>, para 59.

⁴² International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, paras 2.32, 5.1-5.6.

has been the recipient of 25 times more money and 50 times more troops, on a per capita basis, compared with Afghanistan, goes some way towards explaining the modest achievements in developing democratic institutions and the economy.⁴³

2.3 *The means may sometimes be inappropriate for the ends*

The inappropriateness of available means to desired ends presents the opposite problem to that of the inadequacy of resources. While the question of limited resources — money, personnel, and international attention — depresses the standards against which a post-conflict operation can be judged, artificially high international expectations may nevertheless be imposed in certain areas of governance. Particularly when the United Nations itself assumes a governing role, there is a temptation to demand the highest standards of democracy, human rights, the rule of law, and the provision of services.

Balancing these against the need for locally sustainable goals presents difficult problems. A computerized electoral registration system may be manifestly ill-suited to a county with a low level of literacy and intermittent electricity, but should an international NGO refrain from opening a world-class clinic if such levels of care are unsustainable? An abrupt drop from high levels of care once the crisis and international interest passes would be disruptive, but lowering standards early implies acceptance that people who might otherwise have been treated will suffer. This was the dilemma faced by the International Committee of the Red Cross, which transferred control of the Dili National Hospital to national authorities in East Timor almost a year before independence.

Although most acute in areas such as health, the issue arises in many aspects of transitional administration. In the best tradition of autocracies, the international missions in Bosnia and Kosovo subscribed to the vast majority of human rights treaties and then discovered *raisons d'Etat* that required these to be abrogated. Efforts to promote the rule of law tend to focus more on the prosecution of the highest profile crimes of the recent past than on developing institutions to manage criminal law in the near future. Humanitarian and development assistance is notorious for being driven more by supply than demand, with the result that those projects that are funded tend to represent the interests — and, frequently, the products and personnel — of donors rather than recipients. Finally, staging elections in conflict zones has become something of an art form, though more than half a dozen elections in Bosnia have yet to produce a workable government.

Different issues arise in the area of human resources. Staffing such operations always takes place in an atmosphere of crisis, but personnel tend to be selected from a limited pool of applicants (most of them internal) whose skills may be irrelevant to the tasks at hand. In East Timor, for example, it would have made sense to approach Portuguese-speaking governments to request that staff with experience in public administration be seconded to the UN mission. Instead, it was not even possible to require Portuguese (or Tetum or Bahasa Indonesia) as a language. Positions are often awarded for political reasons or simply to ensure that staff lists are full — once in place, there is no effective mechanism to assess an individual's suitability or to remove him or her quickly if this proves warranted. A separate problem is the assumption that international staff who do possess relevant skills are also able to train others in the same field. This is an entirely different skill, however, and simply pairing international and local staff tends to provide less on-the-job training than extended opportunities to stand around and watch — a problem exacerbated by the fact that English tends to be used as the working language. One element of the 'light footprint' approach adopted in Afghanistan that is certainly of general application is the need to justify every post occupied by international staff rather than a local. Cultivating relations with diaspora communities may help address this problem, serving the dual function of recruiting culturally aware staff and encouraging the return

⁴³ See James Dobbins et al., *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND, 2003), 160-166.

of skilled expatriates more generally.

The ‘can-do’ attitude of many people within the UN system is one of the most positive qualities that staff bring to a mission. If the problem is getting a hundred tons of rice to ten thousand starving refugees, niceties of procedure are less important than getting the job done. When the problem is governing a territory, however, procedure is more important. In such circumstances, the ‘can-do’ attitude may become a cavalier disregard for local sensibilities. Moreover, many staff in such situations are not used to criticism from the population that they are ‘helping’, with some regarding it as a form of ingratitude. Where the United Nations assumes the role of government, it should expect and welcome criticism appropriate to that of the sort of political environment it hopes to foster. Security issues may require limits on this, but a central element in the development of local political capacity is encouraging discussion among local actors about these matters — apart from anything else, it enhances the legitimacy of the conclusions drawn. International staff sometimes bemoan the prospect of endless consultation getting in the way of their work, but in many ways that conversation is precisely the point of their presence in the territory.

2.4 *Evaluations and exit strategies*

By the mid-1990s, a nostrum of post-conflict reconstruction was that elections were an integral part of such operations. Theoretical and normative support came from the democratic peace thesis and the growing literature on a right to democratic governance;⁴⁴ anecdotal support was found in the apparent success of the operations in Namibia and Cambodia. At the conclusion of the Bosnian wars of 1992-1995, this view coincided with the desire of President Bill Clinton to limit the commitment of US troops in the region: the Dayton Peace Agreement thus provided that elections would be held between six and nine months after conclusion of the peace, and that troops would be home in a year.⁴⁵

This was a mistake. As elections soon demonstrated, in the immediate aftermath of a conflict the issues on which it is easiest to mobilize political support are precisely those same issues that were used to mobilize support for war — politics becomes the continuation of war by other means. The speed of elections and the unrealistic expectation that troops could be withdrawn within twelve months (not unconnected with Clinton’s own election timetable) reified political divisions within Bosnia and missed opportunities for action in other areas. As Paddy Ashdown, by then the fourth person to hold the position of High Representative, admitted in 2002:

We thought that democracy was the highest priority, and we measured it by the number of elections we could organize. The result seven years later is that the people of Bosnia have grown weary of voting. In addition, the focus on elections slowed our efforts to tackle organized crime and corruption, which have jeopardized quality of life and scared off foreign investment.⁴⁶

⁴⁴ See Thomas M. Franck, ‘The Emerging Right to Democratic Governance’ (1992) 86 *American Journal of International Law* 46; Gregory H. Fox and Brad R. Roth (eds), *Democratic Governance and International Law* (Cambridge: Cambridge University Press, 2000).

⁴⁵ General Framework Agreement for Peace in Bosnia and Herzegovina (Dayton Agreement), Bosnia and Herzegovina-Croatia-Federal Republic of Yugoslavia, done at Dayton, 14 December 1995, UN Doc S/1995/999, available at <<http://www.yale.edu/lawweb/avalon/intdip/bosnia/daymenu.htm>>, Annex 3, art II(4) (elections); SC Res 1031 (1995), para 21 (troops). For early expressions of doubt about the timing, see John Pomfret, ‘Success of Bosnia Pact Hangs on Timing, Tests; Peace Pact Faces Series of Hurdles’, *Washington Post*, 20 December 1995.

⁴⁶ Paddy Ashdown, ‘What I Learned in Bosnia’, *New York Times*, 28 October 2002.

Since 1996, elections have been held in Bosnia on an almost annual basis, in each case amounting to little more than a census on ethnicity. In October 2002, Bosnians re-elected many of the same nationalist leaders who had drawn them into war in the first place.⁴⁷

2.4.1 *When to hold elections*

The question of when to hold elections balances competing tensions that depend separately on the local population and the level of international interest. The first tension concerns the impact elections will have on emerging political structures and personalities. In some circumstances, as in Bosnia, early elections may have the effect of turning generals into politicians, formalizing ethnic divisions into political fault lines. In less developed states lacking adequate bureaucratic institutions, elections held before those institutions can be created may hinder long-term democratic practices and stability.⁴⁸ In other situations, however, early elections may lock in a peace process and provide tangible political gains to stakeholders in the peace. Kosovo's elections were delayed in part because of concerns about the impact that they had had in Bosnia. With the benefit of hindsight, it might have made more sense to stage early elections in order to capitalize on the popularity of the moderates among the Kosovar Albanian community and involve them more directly in the peace process.⁴⁹ The second tension concerns the ephemeral nature of international interest in a crisis, and whether it is preferable — whatever the political situation on the ground — to run elections on a timetable agreed with donors so that the vote takes place while international attention is concentrated on the territory.

Elections held after inadequate political groundwork can, on occasion, actually contribute to the resumption of conflict. This was arguably the case in Angola's 1992 presidential election — the first ever in Angola — held under the May 1991 Bicesse Agreement, which was part of a peace process aimed at ending a civil war that had been running since the country's independence from Portugal in 1975.⁵⁰ The dominant parties in the election were the political wings of two liberation movements, the governing People's Liberation Movement of Angola, led by President Eduardo dos Santos, and Jonas Savimbi's National Union for the Total Independence of Angola (UNITA). A hastily-drafted electoral law provided for a run-off between the top two candidates in the event that no one gained a majority in the first round of voting. As Ben Reilly notes, the impact of this formula was twofold. First, it removed any possibility of power-sharing between the two main combatants. Secondly, however, it also provided a strategic opportunity for parties weakly committed to the process to gauge their support base after the first round. When Savimbi saw that he was unlikely to win the election, he rejected the process and went back to war. Such an outcome might have been inevitable, but the incentives to withdraw from the contest could have been lowered under a different process that enabled some period of power-sharing.⁵¹

These aspects of peace agreements may be better understood by the local population than international observers. In 1997, Liberians elected Charles Taylor president in a landslide victory, the very man who had drawn the country into civil war and fomented instability across West Africa since 1989. Many Liberians appeared to believe that a vote for Taylor was a vote for peace — or at least that a vote against Taylor would be interpreted by

⁴⁷ John Phillips, 'Nationalist Vote Could Set Back Bosnia Peace', *The Times* (London), 4 October 2002.

⁴⁸ See, eg, Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991); Hyden, 'Governance', 192.

⁴⁹ For an early argument along these lines, see Giuseppe Di Palma, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley: University of California Press, 1990), 85.

⁵⁰ See Margaret Joan Anstee, *Orphan of the Cold War: The Inside Story of the Angolan Peace Process, 1992-1993* (New York: St Martin's Press, 1996); James Ciment, *Angola and Mozambique: Postcolonial Wars in Southern Africa* (New York: Facts on File, 1997).

⁵¹ Benjamin Reilly, 'Post-Conflict Elections: Constraints and Dangers' (2002) 9(2) *International Peacekeeping* 118, 120.

him as a vote for war.⁵² Most post-conflict elections now try to avoid a winner-takes-all scenario.

Box: Fiji's Constitutional Process

Fiji provides a case study in the best intentions of constitutional engineers arguably contributing to the breakdown of democratic order. The constitutional rewrite was precipitated by a demographic shift, as Indo-Fijians descended from Indian plantation workers transported to Fiji in the nineteenth century surpassed the indigenous Polynesian and Melanesian communities in absolute numbers. Two coups in 1987 led to the adoption of a 1990 constitution that guaranteed majorities for ethnic Fijians in both houses of the legislature, but also provided for a review of the constitution in 1997. A three person commission (two Fijians and a New Zealander) travelled the world seeking advice from leading constitutional design specialists on the best practice approach to solving the problems of their divided state. The report was a magisterial overview of constitutional engineering and the options available to Fiji. It concluded that Fiji should adopt an open seat system with the alternate preferential vote and a grand coalition executive, with all parties winning over ten percent of the vote guaranteed seats in the cabinet. These were all reasonable proposals. When adopted by parliament in 1997, however, compromises in the text undermined those mechanisms intended to foster inter-ethnic bargaining. The grand coalition cabinet was retained but never functioned as it was intended: majority decisions within the cabinet structure meant that there was little incentive to do more than select pliable minorities and co-opt them into coalition.⁵³ More worryingly, the constitution came to be viewed — rightly or wrongly — as imposed by foreign technocrats. When the 1999 elections brought to power an Indian-led party, which held a majority through partnership with a moderate indigenous party, it was overthrown by a coup in the following year.⁵⁴

2.4.2 The burden of post-conflict elections

Post-conflict elections carry a heavy burden. At a time of national crisis, they are called in order to settle issues of internal and external legitimacy — in many cases the very issues that took a country into war — against a backdrop of insecurity, institutional breakdown, and economic uncertainty. These are not conditions that favour the introduction of democracy.⁵⁵ But democracy should not *be* the focus. Rather, the focus should be precisely on peace and security, sustainable institutions, and economic stability. Elections, then, may be part of an exit strategy, but they should not be the focal point of international involvement.⁵⁶

⁵² Adekeye Adebajo, *Liberia's Civil War Nigeria, ECOMOG, and Regional Security in West Africa* (Boulder, CO: Lynne Rienner, 2002), 223.

⁵³ Brij V. Lal and Tomasi R. Vakatora (eds), *Fiji Constitutional Review Commission Research Papers* (Suva: School of Social and Economic Development, University of the South Pacific, 1997); Andrew Reynolds, 'First, Do No Harm: Applying the Science of Medicine to the Art of Constitutional Design' (Liechtenstein: paper presented at Building a Viable and Effective Afghan State, 13-16 March 2003).

⁵⁴ See Jonathan Fraenkel, 'The Alternative Vote System in Fiji: Electoral Engineering or Ballot-Rigging?' (2001) 39(2) *Journal of Commonwealth and Comparative Politics* 1; Andrew Robertson, 'Island of Intolerance?' (2001) 23(1) *Harvard International Review* 11.

⁵⁵ See Terrence Lyons, 'The Role of Postsettlement Elections', in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), 215.

⁵⁶ As Richard Caplan has argued, there should be a phased exit strategy that incorporates ongoing assistance to the

Technical perfection is desirable but not essential — the turnout at Namibia's celebrated 1989 elections was 102.3 percent.⁵⁷ If substantial numbers of people are unable to vote, or if there are significant irregularities, trouble may ensue. The problems that have accompanied internationally supervised elections, however, have derived from underlying political differences rather than disputes over the ballot as such. Greater attention needs to be paid to the strategic purposes that an election is intended to serve and how it relates to the other facets of the transition process. A central aim must be the demilitarization of politics. Perversely, elections held too early may in fact have the opposite effect, if democratic legitimacy is conferred on non-democratic actors.

In the Security Council debate on the 'No Exit Without a Strategy' report, US Ambassador Richard Holbrooke emphasized that exit strategies should not be confused with exit deadlines.⁵⁸ This points to the need for acting states to manage public opinion effectively. The US occupation of Iraq began in 2003 with claims that it would be limited in size and duration. These claims rested on assumptions that a small occupation force could co-opt most of the Iraqi bureaucracy and a significant amount of its security sector in order to ensure that the day-to-day running of Iraq could be handled by Iraqis, with the senior leadership 'decapitated' and replaced with Americans until agreeable Iraqis were found. When General Eric K. Shinseki, Chief of Staff of the US Army, testified to the Senate Armed Services Committee three weeks before the war commenced that hundreds of thousands of soldiers might be required for the post-war operation, he was criticized by the civilian leadership of the Defense Department as 'way off the mark' and saw out the final months before his retirement under a cloud. Following the swift victory in Iraq, initial plans to begin withdrawing US troops had to be reversed in the face of lawlessness and violence. Shinseki's estimate began to look more credible and renewed calls were made to allies to support the peacebuilding process.⁵⁹

Iraq also points to the danger of not providing for some process to legitimize local rule. How to sequence stability, legitimate local rule, and the withdrawal of foreign forces — though at times more responsive to the political winds in Washington than in Baghdad — will always depend on local circumstances. One general point that may be made is that elections should not be seen as a substitute for an exit strategy. State-building after a war will always take years, perhaps decades, and it is disingenuous to suggest otherwise to domestic publics. Elections and limited devolution notwithstanding, international actors will remain in Kosovo and Bosnia for the foreseeable future, certainly with a strong military presence and with at least a supervisory civilian authority. As Karl Popper recognized, the transition to democracy requires a transformation in public mentality similar to that which underpins respect for the rule of law.⁶⁰ Elections may provide evidence of this transformation, but they are only a small part of what is required to realize it.

territory and incentives for future 'good behaviour' (such as membership of regional organizations such as the European Union): Richard Caplan, *A New Trusteeship? The International Administration of War-Torn Territories* (Oxford: Oxford University Press, 2002), 61-64.

⁵⁷ Andrew Reynolds, *Electoral Systems and Democratization in Southern Africa* (Oxford: Oxford University Press, 1999), 38.

⁵⁸ Press Release, UN Doc SC/6951 (15 November 2000).

⁵⁹ Vernon Loeb, 'Cost of War Remains Unanswered Question', *Washington Post*, 1 March 2003; Peter J. Boyer, 'The New War Machine', *New Yorker*, 30 June 2003, 55.

⁶⁰ Cf Agenda for Democratization, para 10: 'it is not for the United Nations to offer a model of democratization or democracy or to promote democracy in a specific case. Indeed, to do so could be counter-productive to the process of democratization which, in order to take root and to flourish, must derive from the society itself.'

2.5 *Learning from the past*

Just as generals are sometimes accused of planning to re-fight their last war, so the United Nations experiments in transitional administration have reflected only gradual learning. Senior UN officials now acknowledge that, to varying degrees, Kosovo got the operation that should have been planned for Bosnia four years earlier, and East Timor got that which should have been sent to Kosovo. Afghanistan's very different 'light footprint' approach draws, in turn, upon the outlines of what Lakhdar Brahimi argued would have been appropriate for East Timor in 1999.

The United Nations may never again be called upon to repeat operations comparable to Kosovo and East Timor, where it exercised sovereign powers on a temporary basis. Even so, it is certain that the circumstances that demanded such interventions will recur. Lessons derived from past experiences of transitional administration will be applicable whenever the United Nations or other international actors engage in complex peace operations that include a policing function, civilian administration, development of the rule of law, establishment of a national economy, the staging of elections, or all of the above. Learning from such lessons has not, however, been one of the strengths of the United Nations.

Even more important than learning from past mistakes, however, is learning about future circumstances. Modern trusteeships demand, above all, trust on the part of local actors. Earning and keeping that trust requires a level of understanding, sensitivity, and respect for local traditions and political aspirations that has often been lacking in transitional administration. How that trust is managed will, in large part, determine its legacy.

Transitional administration will remain an exceptional activity, performed on an ad hoc basis in a climate of institutional and political uncertainty. But in those rare situations in which the United Nations and other international actors are called upon to exercise state-like functions, they must not lose sight of their limited mandate to hold that sovereign power in trust for the population that will ultimately claim it.

3 Preventing state failure

While operations on the scale of Kosovo and East Timor are likely to be the exception rather than the rule, the trend through the 1990s of peace and security actors increasingly being called to act in response not to war but to crises in governance is likely to continue. Efforts to prevent the collapse of state institutions or the descent into such conflict may therefore become more central to the peace and security agenda. Lessons to be learned here are frequently derived from development actors, whose experience in capacity-building has been fitfully embraced in transitional administration but is more likely to be acceptable to a sovereign government in the context of a preventive effort to stave off conflict.

An immediate analytical problem is the difficulty of determining when preventive efforts have succeeded — Sherlock Holmes' proverbial dog that didn't bark. Nonetheless, increasing acceptance of the legitimacy of international efforts to prop up state institutions — driven, in part, by the more intrusive possibilities that may follow the outbreak of hostilities — means that action, once again, is likely to precede theory.

In efforts to strengthen state capacity, it is necessary to strike a balance between the responsibilities of local and international actors. Sometimes only international actors have the resources to assist with state-building, economic development, conflict prevention, and post-conflict reconstruction. But they must take care not to confiscate or monopolize political responsibility, not to foster state dependency on the international community, not to impede but to facilitate the creation and consolidation of local political competence. This section first considers

internal factors that may contribute to efforts at keeping the ship of state afloat, before turning to the role of external actors in bailing water, patching the hull, or sinking the pirates.

3.1 *Internal factors*

In the literature and policy work on failed states, terms like legitimacy and ownership are frequently invoked as touchstones for local involvement in building or rebuilding state institutions. Both terms are typically underspecified and their lack of clarity contributes to incoherent policy responses to the practical consequences of the weakening of state institutions. After reviewing the use and abuse of the term legitimacy, this sub-section examines how states have sought to institutionalize political structures to protect them from the whims of powerful individuals and the pernicious influence of regional actors.

3.1.1 *Legitimacy*

Legitimacy is sometimes used simultaneously in reference to a government, a regime, or a state itself. Its characteristics are sometimes descriptive, akin to ‘effectiveness’, or normative, denoting ‘good governance’. Max Weber’s description of different forms of legitimate authority provides a useful departure point for a more rigorous analysis. The obedience of officials and subjects to a legally established impersonal order — Weber’s definition of legal authority — may be contrasted with the exercise of power on the basis of coercion or personal affiliation. This is an elaborate way of describing the rule of law. Nevertheless, if governance is also to be effective, it is clear that a broader definition of legitimacy than respect for the rule of law is required.

In significant part, the legitimacy of state institutions may be bound up with the population’s historical experience of it. The divergent experience of colonialism, for example, colours postcolonial states in different ways. Costa Rica’s relative success is owed at least in part to a colonial legacy that encouraged liberal democracy and empowered political parties. Pakistan’s precariousness, especially in contrast to its neighbour, may be traced to the legacy of a colonial history that differed from India’s in a very interesting way. The same British Indian army, with shared social and organizational characteristics and military traditions, took over the reins of government in Pakistan not long after independence, while in India it has remained under civilian control. In Pakistan, the military and bureaucratic elites joined forces against the politicians. In India, the political and bureaucratic elites joined forces against the military. In India the repository of nationalism was the Congress Party which led the struggle for independence; the military stayed out of politics. In Pakistan the military quickly became the guardian of the national interest in terms of the perceived threat to the new nation from the much bigger and therefore menacing neighbour, and its role is pervasive in the politics and economy of the country.

Singapore emerges as a rare instance of the colony using the language and institutions of the colonial power against it. For other states, the act of independence — whether from colonial rule or not — may itself be a defining moment for the governance of a state. Some states in periods of crisis may draw on the crisis itself to generate legitimacy. Precisely those conditions that threaten the viability of state may present opportunities to demonstrate its relevance to the population. This has been done to shore up Singaporean national identity, or to mobilize the North Korean population. It is hardly a novel approach to governance: under colonialism, foreign elites also saw a vested interest in keeping a population dependent on the beneficence of its leaders.

But how can the positive aspects of nationalism, or a sense of nationhood, be encouraged without trapping a population with an autocratic leader or opening ethnic cleavages? This shared sense of nationhood was an important part of Costa Rica’s success. In Afghanistan, the belief in the Afghan state and the absence of secessionist movements is probably the only reason it has continued to exist through a generation of civil war, foreign

occupation, banditry, and theocracy.

‘Enlightened leadership’ is a partial answer. It is also a challenge to the idea that international assistance is the key to successful state-building. Strong and charismatic leadership may be essential to the success of an independence movement or seeing a country through the instability that independence can bring, but for every Jawaharlal Nehru (India), Julius Nyerere (Tanzania), Lee Kuan Yew (Singapore), and Nelson Mandela (South Africa), there is a Ne Win (Burma/Myanmar), Idi Amin (Uganda), Mobutu Sese Seko (Congo/Zaire), Robert Mugabe (Zimbabwe), and many others.

The presence or absence of a strong, capable, and honest leader can be a major factor in state-building, but it is not clear what the policy implications of such a finding might be. It is not possible to organize the response to East Timor or Afghanistan on the basis that one has to find a Xanana Gusmão or Hamid Karzai — indeed, it is questionable whether international engagement with a state experiencing a basic crisis in legitimacy should be focused on the elites at all.

A basic question confronting outside actors is whether to engage in top-down or bottom-up policies: to strengthen institutions and leaders, or foster a functioning civil society in the hope that this will cultivate enlightened leadership in the long term. The sobering assessment that emerges is that state-building works best when a population rallies behind an enlightened leader, but very little at all will work if they rally behind one who is not. Term-limits are one way of minimizing this problem, but a determined leader who identifies his or her survival with the survival of the state itself may nevertheless subvert them.

3.1.2 Political parties

The organization of political elites into parties, then, can be a helpful step in moving the exercise of power from individuals to institutions, but a damaging step in infecting the institutions with inter-group conflict. Parties can also help to move power from the military to civilian actors. In Pakistan, the dysfunction of the political elite reinforces the role of the military. Costa Rica offers a radical solution to this problem, having disbanded its military in 1949. Not all countries have such an option, however — and in any case, the ability to disband the military was evidence of the strength of civilian leadership rather than its cause. In Haiti, for example, disbanding the military in 1995 laid the foundation for state collapse nine years later when the regime was unable to defend itself against well armed militias. And in Iraq the hasty and comprehensive disbandment of Saddam Hussein’s security forces seriously hampered the post-war stabilization effort.

Parties are an important tool for recruiting candidates, organizing constituencies, and aggregating public preferences for expression in political forums. Nevertheless, post-conflict elections can serve as a catalyst for the creation of political parties that are primarily — and sometimes solely — vehicles to provide local elites with access to governing power. Such parties may be little more than a repackaging of the armed groups that fought the original conflict.

In some circumstances, international actors may collude in efforts to repackage armed groups as political parties. The decision by the UN Transitional Authority in Cambodia (UNTAC) to treat the Khmer Rouge as a recalcitrant political party rather than an enemy of the peace process was deeply controversial at the time. Including it within the process and then isolating it when it withdrew from the elections — while tactically ignoring violence carried out by Hun Sen’s State of Cambodia (SOC) — contributed to the collapse of the Khmer Rouge after the elections, at which point most of its soldiers sought amnesties and abandoned Pol Pot. This might have been an exceptional situation, however. When UNITA withdrew from elections in Angola and the Revolutionary United Front (RUF) from the peace process in Sierra Leone, they were ultimately defeated — but only after military confrontations.

Different problems arise when parties coalesce around former liberation movements, such as East Timor’s Revolutionary Front of Independent East Timor (Fretilin). Support for the party may be cultivated as identical to nationalism or a national identity, an unhealthy basis for multiparty democracy. The temptation to transform an

independence movement into the natural party of government is understandable, but the danger is that such a party comes to view itself as the ‘natural’ party of government — and the leader may come to regard himself as indispensable. Nevertheless, this should not be taken as an inevitable consequence. In India, the first great postcolonial state, the Congress Party led the independence movement and held a monopoly of power in New Delhi and in almost all states for two decades after independence; but alternation of governments by peaceful ballot has been a regular staple of political diet in the country since then.

One way of avoiding these problems is to remove political parties from the process. Democracy is commonly assumed to require a party system, though the United States itself did not develop functioning political parties until well into the nineteenth century. Without parties, however, political life is dominated exclusively by the elite personalities involved: this is the danger of a ‘no-party democracy’ such as that embraced in Yoweri Museveni’s Uganda, or the ‘permanent campaigning political movement’ of North Korea. Such a system may be attractive to a population in a country with a history of political violence, where party divisions are seen less as divergent opinions on how the state should be governed than as fault-lines that threaten a return to civil war. This was the case in East Timor, where many Timorese questioned the need for parties, an uncertainty borne of the belief that divisions between Timorese independence parties had been exploited by Indonesia in 1974-1975. If it is not possible to mobilize political activity around structured arguments for how the state should be governed, however, the issues on which political argument will turn are likely to be the inherently unstable factors of personality, or ethnic or religious affiliation.

3.1.3 *Regional influences*

An important additional local dynamic that is frequently overlooked in analyses of state failure is how a state’s governance problems relate to its regional context. Conflicts — and the economic incentives that foster them — may spill across borders and in some cases international efforts to bring peace may only displace conflict into another area. Differing regional dynamics may impact on the evolution of conflict, the nature of state institutions in a region, and the relative interest of external actors to support them.⁶¹

Adopting a regional analysis of a problem, however, will not always lead to a regional response. Importantly, the regional characteristics of a conflict — and of the proper response to it — may not overlap with regional institutions. The weakening of state institutions may itself give rise to new regional dynamics, often beginning with trade networks that respond to economic demand more than political form. It became something of a cliché to say of Yugoslavia, for example, that despite its fragmentation it nevertheless continued to form a single black market. South Asia, where political tensions have thwarted all efforts to date of regional integration, may nonetheless form a de facto single market for trafficking in women, exploiting common and persistent weaknesses in state capacity for border control. Trade networks may rely on social networks that extend across borders; these networks may not merely be useful in understanding the flow of resources into a conflict region, but in ensuring that a peace settlement lasts.

In addition to the malevolent policies of neighbouring states — such as South Africa’s policy of destabilization in Mozambique — weak institutions in one state may also have a direct impact on institutions in those near it. This is clearest when a state becomes a transit point for the illicit flow of money or weapons, as in Afghanistan and the Democratic Republic of the Congo, but may also serve a demonstration effect for what is expected in neighbouring states. Colombia is far from the weakest state in the Andean region, but nonetheless has had a corrosive effect on its neighbours.

At the same time, building up institutions of one state in isolation from its neighbours may not address the

⁶¹ Such an analysis is, of course, applicable to other regions — most obviously West Africa and the overlapping conflicts of Liberia and Sierra Leone. See, eg, John L. Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy* (Boulder, CO: Lynne Rienner, 2001).

causes of conflict. Indeed, in so far as criminal enterprises in some regions see the state as an asset to be captured, state-building without regard to regional dynamics may simply increase the value of a particular prize. Strengthening regional and international governance structures, including formal and informal forums for cooperation and collaboration, may support the emergence of virtuous circles of accountability. More ambitiously, efforts to strengthen institutions in one state may need to be accompanied by efforts to strengthen institutions in key neighbours.

In other situations, regional context may affect the state's capacity even to sustain itself. The South Pacific points to very different forms of state failure, including environmental collapse. Nauru's exhausted phosphate mines and the impact of rising sea levels on several low-lying atoll states may make these territories literally uninhabitable — these are merely the most extreme examples of a question that is implicit in many discussions of response to state failure: whether a state in a given territory is even viable.

But the remoteness of these island states has had its own impact, with some otherwise bankrupt states marketing the one commodity they have left: sovereignty. Laundering money and selling passports or flags of convenience has opened the possibility of exploitation by non-state actors, perhaps including terrorists. This has increased the willingness of states in the region — notably Australia — to strengthen regional institutions and use them as the framework for any action in response to threatened state failure. This regional response is in part necessary to avert accusations of neo-colonialism, but also strengthens regional ties that may provide early warning of trouble in other states and facilitate quick assistance at the political, economic, and military level in the event of that trouble evolving into a crisis.

A regional approach may ensure that the response to a crisis is led by those states that both understand and have an interest in a neighbouring state. These are both the advantages and disadvantages of such an approach. The disadvantages are that the approach tends towards a lowest common denominator for each region and may make assistance conditional on the ongoing national interest of a major state in that region. In the Australian context, the advantages of linking the security and development policies appear to be threefold:

- (1) It recognizes the link between development and security. Development assistance can play a role in preventing, alleviating, and recovering from conflict; at the same time, an inflow of foreign capital can actively encourage conflict.
- (2) It focuses on the special problems of the region. In this case it is the region sometimes referred to as the 'arc of instability' that is of great interest to Australia but of marginal interest to much of the rest of the world. States in this region — in particular the small island states — have special concerns that are different from larger states. These concerns range from trafficking in small arms to their very viability as geographical states subject to rising sea levels.
- (3) It makes the best use of taxpayers' money. Development actors have a clear interest in the sustainability of any peace accord — if conflict recurs the much assistance might have been wasted.

3.1.4 The importance of local actors

Though some states are, indeed, islands, dysfunctional or non-existent governance structures can have effects that impact far beyond their shores. Only a decade after the end of the Cold War, the United States redefined its National Security Strategy to warn that 'America is now threatened less by conquering states than we are by failing ones.'⁶² Strategic interests may at times coincide with humanitarian concerns about the impact of state failure on a population. But there are reasons to be wary about the capacity of external action to address internal governance problems. Indeed, much external action either undermines governance structures or puts in place structures that are unsustainable. A first priority when generating policy for such action must therefore be to ensure that it does not

⁶² National Security Strategy, iv.

undermine the local factors at work.

Diaspora groups, in particular, have generated considerable interest for their potential contribution to state-building — most prominently with the return of large numbers of Afghans to Afghanistan from 2002 onwards. And yet this is an area on which little systematic research has been undertaken. In severely depressed economies, the return of well-educated and motivated exiles may help overcome gaps in the civil service with greater legitimacy than importing large numbers of foreign personnel. That legitimacy is not unlimited, however, and the emergence of the diaspora as a new political elite may itself give rise to new political tensions. In addition, a vicious circle may emerge where educated members of the diaspora may wait for a stable political and security environment before returning to the homeland, when it is precisely their involvement that is necessary to achieve political stability.

3.2 *External action*

In 1944, Judge Learned Hand spoke at a ceremony in Central Park, New York, to swear in 150,000 naturalized citizens. ‘Liberty lies in the hearts of men and women,’ he observed, ‘when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it.’⁶³ Building or rebuilding faith in the idea of the state requires a similar transformation in mentality as much as it does in politics. The idea that one could generate a rigid template for reconstructing the institutions of law and order in a post-conflict environment is wrongheaded. As Judge Hand recognized, the major transformation required is in the hearts of the general population; any foreign involvement must therefore be sensitive to the particularities of that population both at the level of form and of substance.

As indicated earlier, the UN Charter is no longer a barrier to international engagement in states with weak institutions.⁶⁴ This section will consider the motivations for foreign actors becoming involved in state-building, before turning to the issue of early warnings that indicate that involvement might be required. This is followed by a consideration of the political context within which humanitarian action — typically the first response to a crisis — takes place, and examining the other carrots and sticks that are available to international actors. Finally, the section discusses exit strategies for when a crisis is averted or international attention moves elsewhere.

3.2.1 *Responsibility and national interest*

Although local actors will typically play the most important role in addressing a crisis in the institutions of governance, this should not be understood as an argument that international actors bear no responsibility for preventing state failure or ameliorating its consequences.

There is much to learn from history, but the wrong lessons are frequently the ones most enthusiastically embraced. If the history of colonialism teaches us anything, it is that the imposition of foreign rule can produce widely divergent results. Grafting state institutions onto pre-existing political structures through colonial expansion was often alien in both the form of the state and the manner in which it was imposed upon a given population. Nonetheless, it is striking — and rarely commented upon — that the majority of postcolonial states did not, in fact, collapse. How the legacies of anti-colonial nationalism, the territorial settlement accompanying independence, economic development, and the match between political culture and social structure played out depended on local dynamics. But reinforcing the positive aspects of nationalism, those which encourage the emergence of a state-wide

⁶³ Learned Hand, *The Spirit of Liberty*, 3rd edn (Chicago: University of Chicago Press, 1960), 190.

⁶⁴ See above note **Error! Bookmark not defined.**

national community, and tailoring economic development and constitutional structures to the reality of a given society rather than an ideal model seem uncontroversial starting points for external engagement in postcolonial territories.

The transformed strategic environment after the 11 September 2001 attacks encouraged some to think that countries led by the United States would be more willing to take on human rights violators if a regime also posed a threat to Western interests. As the war in Iraq came to demonstrate, neither of these factors was essential to some decision-makers and the capacity to follow through on intervention was substantially lacking. Humanitarian arguments in favour of removing the dictator Saddam Hussein were embraced by British Prime Minister Tony Blair in support of the goals of regime change and disarmament advocated by his US counterpart. As the existence of unauthorized weapons of mass destruction remained unproven, the failure to plan for post-conflict operations to reconstruct the country weighed heavily on those who had supported the war not because of any fear that Iraq posed a threat but precisely because the war was supposed to make Iraq a better place. The use of such human rights arguments to rationalize regime change is both intensely problematic and yet unavoidable. If the human rights discourse is to avoid being either idle rhetoric or mere window-dressing on the foreign policy agenda of major states, it needs to reconcile these tensions. This is a recipe for modesty about the capacity of external coercive intervention to make a state work, but it is not a recipe for inaction.

Indeed, inaction is peculiarly inappropriate as there is much evidence that the dynamics of certain forms of globalization actively undermine state institutions. The vulnerability of exposed markets to fluctuation in commodity prices may provide a flashpoint for political opposition or a more prolonged decay in support for the state. Even in relatively successful states, like Mozambique and Costa Rica, the impact of globalization has been ambiguous.

How, then, should action be guided? It would be naïve to expect international efforts to be driven by unvarnished altruism, but there is now some evidence that pursuit of foreign policy objectives in isolation from coherent state-building strategies is at best a waste of resources. Reconstruction in Afghanistan, for example, was driven by the desire to remove that country as a threat to the United States after the 11 September 2001 attacks; on the ground, this military strategy has been pursued in the absence of a similarly clear political strategy. There is a real danger now that the failure to deal with the underlying causes of Afghanistan's weakness could cause it to fail once again. The most perilous aspect of any exit strategy from Afghanistan is the similarity between the current domestic political constellation and the situation in 1992, when the Soviet-backed Najibullah regime collapsed and international interest began to wander from Afghanistan. Then, as now, a weak central government sought to hold the country together, while Rashid Dostum wielded power in the north, Ismael Khan held the west, and Gulbuddin Hekmatyar lurked in the wings. The disorder to which this gave rise — and, importantly, the disruption such disorder caused to trade routes — was an important factor in the emergence of the Taliban in 1994. If international attention wanders from Afghanistan again this downward spiral could be repeated.

Neighbouring Pakistan is being supported far more vigorously, though precisely with a view to supporting the status quo rather than encouraging any form of transformation into a form of government more sustainable than direct military rule. This highlights a paradox of such state-building activities: that the very act of supporting them may, when state is collapsed into the status quo regime, further undermine their legitimacy in the eyes of the general population. It need not be so. Ongoing US support for Pakistan's military actively undermines movement towards functioning democracy. If support were conditioned on democratic reforms, this would strengthen the political elite's capacity to shift power from military to civilian hands. Such support is neither sufficient nor, indeed, necessary for such reforms to take place. But it would certainly help.

In Colombia, also, opportunistic military support for a weak state has more to do with the pursuit of a domestic political agenda — the war on drugs, like the war on terror, is waged primarily for the benefit of an American audience — than the sustainability and legitimacy of the state in question. Taking a longer view on the importance of institutions for regional stability may be inadequate to satisfy such domestic political imperatives, a symptom of the 'attention deficit disorder' in foreign policy that afflicts many states.

The record of the United Nations in such situations is far from unblemished, but it does offer two important qualities that unilateral assistance — whether invited or imposed — lacks. These have nothing to do with capacity

or experience, but rather the political context within which the United Nations operates. First, greater UN involvement may remove accusations of self-interest on the part of the acting country. This was seen most prominently in the elaborate dance performed by the United States and the United Nations through 2003-04 concerning the latter's role in Iraq. Apart from securing greater international support for post-conflict reconstruction, an increased role for the United Nations in the political process was seen as a hopeful way of distancing incoming Iraqi leaders from the taint of being US puppets. Second, the involvement of the United Nations may help with the 'attention deficit disorder' problem. Repeated accelerations of US plans for the transfer of political and security authority in Iraq have been less an indication of the stability of Iraq than the need to demonstrate achievements in Iraq prior to the November 2004 presidential elections in the United States.

This raises a more general point that runs through the cases considered here. While a crisis that thrusts itself onto the international agenda tends to be focused in time, the most important work of building up state institutions takes years or decades. Ten years after a relatively successful operation in Mozambique, that country's own 'success' remains uncertain; Singapore remained fragile for decades. And though Costa Rica experienced moments of crisis, a key factor in its success was the institutional arrangement established after the 1948 Civil War. Effective state-building takes time and it is disingenuous to suggest otherwise to domestic publics.

3.2.2 *Early warning and analysis*

At what point should international actors become concerned about a particular state? The literature on predicting state failure provides a wealth of models, pointing to political, economic, and public health indicators that correlate with a high risk of political crisis. These structural variables must, however, be tempered by attention to local context.

Box: Early warning indicators

There is a growing literature on early warning indicators for conflict.

Robert Rotberg identifies three groups of signals of impending failure:

1. Economic:

- Rapid reductions in income and living standards
- Decrease of foreign and domestic investment
- Loss of jobs
- Food and fuel shortages

2. Political:

Leader and their associates

- begin to subvert democratic norms, restrict participatory processes, coerce legislature and bureaucracy into subservience.
- end judicial independence
- suborn security forces
- block civil society.

3. Level of violence (deaths in combat):

- fall of national human security rates⁶⁵

The **CIA State Failure Task Force**, points to low openness to international trade, above median infant mortality and a low level of competitive political participation and institutionalized checks on executive power.⁶⁶

Early warning is not generally a problem of lack of information. The problem is inadequate analysis and a lack of political will. The need for new 'early warning systems' is far outweighed by the need to use the information already being gathered. In Rwanda, for example, there were a number of warnings prior to the genocide in 1994. The first came from human rights non-governmental organizations (NGOs). Then the UN human rights system picked up on them, including a report by the Special Rapporteur on Summary and Extra-judicial Executions that raised the spectre of genocide in August 1993. And yet the requisite political will just could not be mustered in the UN Security Council in April 1994 to help stop the killings.

Greater analysis and coordinated dissemination of key information may therefore be more important than access to more information as such. States have nonetheless been reluctant to give the United Nations (or other inter-governmental organizations) any form of independent analytical capacity. This was most evident in the rejection of the Information and Strategic Analysis Secretariat (EISAS) recommended in the Brahimi Report on UN Peace Operations in 2000.⁶⁷

For the time being, much reliance is placed on information and analysis provided by states; the independent capacity of the UN Secretary-General to bring to the attention of the Security Council 'any matter which in his opinion may threaten the maintenance of international peace and security';⁶⁸ and the work of NGOs such as the International Crisis Group. The Report of the High Level Panel calls for the establishment of a Peacebuilding Support Office in connection with the proposed Peacebuilding Commission. Among other things, the Support Office would be tasked with submitting twice-yearly early warning analyses.⁶⁹

Report of the High Level Panel on Threats, Challenges, and Change

266. A Peacebuilding Support Office should be established in the Secretariat to give the Peacebuilding Commission appropriate Secretariat support and to ensure that the Secretary-General is able to integrate system-wide peacebuilding policies and strategies, develop best practices and provide cohesive support for field operations.

267. The Office should comprise about 20 or more staff of different backgrounds in the United Nations system and with significant experience in peacebuilding strategy and operations. In addition to supporting the Secretary-General and the Peacebuilding Commission, the Office could also, on request, provide assistance and advice to the heads of peace operations, United Nations resident coordinators or national Governments — for example in developing strategies for transitional political arrangements or building new State institutions. It should submit twice-yearly early warning analyses to the Peacebuilding Commission to help it in organizing its work.

⁶⁵ Robert I. Rotberg, 'Failed States, Collapsed States, Weak States: Causes and Indicators', in Robert I. Rotberg (ed), *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2004), 1, 21.

⁶⁶ See Sebastian von Einsiedel, 'Policy responses to state failure', in Simon Chesterman, Michael Ignatieff, and Ramesh Thakur (eds), *Making states work: State failure and the crisis of governance* (Tokyo: United Nations University Press, 2005), 13; Jean-Germain Gross, 'Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti' (1996) 17(3) *Third World Quarterly* 455.

⁶⁷ Brahimi Report, paras. 65-75.

⁶⁸ UN Charter, art. 99.

⁶⁹ High-Level Panel Report, paras 266-269.

268. The Peacebuilding Support Office should also maintain rosters of national and international experts, particularly those with experience in post-conflict cases.

269. The Office should have an inter-agency advisory board, headed by the Chair of the United Nations Development Group, that would ensure that the Office worked in effective cooperation with other elements of the system that provide related support.

3.2.3 *Humanitarian action*

When a state enters a period of crisis and its capacity to care for vulnerable populations diminishes or disappears, the first responders are usually humanitarian relief workers. The absence or ineffectiveness of state structures, however, complicates efforts to provide relief. The international humanitarian system was designed with an eye to responding to the horrors of inter-state conflict. The new environment in which humanitarians find themselves requires them to interact with a far wider array of actors — and to make decisions about which of those actors can be helpful and which will hinder efforts to restore stability. Key questions surround the actors who may go either way — leaders of political movements, legitimate businesses, individuals seeking employment, and private military companies — and how to engage with them most constructively. This ‘humanitarian intelligence’ requires both a change in tactics, but also a doctrinal shift in thinking about the role of humanitarians. At the very least, it has triggered a debate on the extent to which humanitarians can remain outside politics.

Donors have an obvious role to play also. Humanitarian assistance is, as indicated in section 2.2, notoriously supply- rather than demand-driven, with the result that it is more influenced by donor politics than those of the recipient communities. The fact that donor countries wish to retain control over how their money is spent is not, in itself, controversial. In most cases, this money comes from taxes paid by constituents who hold their respective governments accountable for how tax revenue is spent. Although donor behaviour may be rational from the donor government’s perspective, however, the sum total of donor policies rarely presents a rational whole. A particular problem is that short donor timelines encourage short-term thinking on the part of local actors, often bringing out the worst in those who might otherwise become natural partners. These choices have consequences that go far beyond the emergency phase of humanitarian relief.

3.2.4 *From persuasion to coercion*

If humanitarian assistance is coming to be seen as political in nature, development assistance has long been regarded as such. Reconstruction aid, in particular, is one of the carrots that may be held out in the course of peace negotiations, with the promise of a pledging conference to come afterwards.

But are such economic levers the most appropriate instruments for driving a state towards success, rather than simply enticing it away from the abyss? And how should success be measured? Providing assistance in isolation from political strategies runs the risk of extending conflict or reinforcing structural violence that encourages conflict to return. In any case, formal criteria for success viewed from the outside — the absence of conflict, the embrace of internationally-approved economic models — may not correspond to how success on the ground is likely to be experienced by the local population.

If a situation goes beyond the point where words are sufficient, sanctions may be imposed or force may be used (with or without the blessing of the UN Security Council). Both have been the subject of extensive research in their own right,⁷⁰ though some lessons concerning the nature of the force deployed bear emphasizing here. Two

⁷⁰

On sanctions, see especially David Cortright and George A. Lopez, *The Sanctions Decade: Assessing UN Strategies in*

recent additions to this very limited quiver are international criminal law and transitional administration.

Weber is typically invoked in this context and so it is worth stressing that the claim to a monopoly on the legitimate use of force should normally be understood as a requirement for a functioning police capacity. States where that monopoly has been called into question will generally require a robust policing — as opposed to military — response. The South Pacific, where few states face serious external threats from neighbours, is a clear example of this: most states have no real military capacity, but it is the failure of the police forces that has caused problems. This was recognized in the Report of the High-Level Panel on Threats, Challenges, and Change, which calls for a small but permanent corps of senior police officers and managers (50-100) who could undertake mission assessments and organize the start-up of police components of peace operations.⁷¹

These lessons are not new. When the UN Operation in the Congo (ONUC) was deployed in 1960, the absence of an effective government led it to assume many of the law and order functions of a civilian police force, including the apprehension and detention of criminals, as well as establishing and enforcing curfews, and conducting short- and long-range patrols. These functions were carried out despite the absence of a clear power of arrest, jails, or functioning courts — it was also unclear what law ONUC was to uphold, as the newly independent state had not had time to codify a Congolese version of the old Belgian law. Such problems were compounded by the inadequacy of troops for such tasks: it became increasingly clear that highly trained riot police would have been more suited to such tasks than military regiments; where civilian police from Ghana and Nigeria operated, they were regarded as worth ‘twenty times their number of the best fighting infantry.’⁷² Over forty years later, the slowness to deploy civilian police continues to afflict UN missions.⁷³

By contrast, one area of state-building that has seen an explosion of activity — and, to some extent, learning — is transitional justice. The creation of the International Criminal Tribunals for the Former Yugoslavia and Rwanda and the Special Court for Sierra Leone were, at least in part, designed to address the incapacity of existing institutions to deal with past atrocities. But it is vital that transitional justice be understood both widely and deeply. It must be understood widely in that it embraces not merely accountability through judicial trials but also truth-seeking and truth-telling, reconciliation, institutional reform, and reparations.⁷⁴ And transitional justice must also be seen deeply, for unless processes and institutions are tailored to address local concerns and draw upon local resources they are unlikely to be effective or sustainable.

Ideally, all such decisions would be made by local actors. But states with weak institutions are perhaps most prone to undermining faith in the rule of law. A key dilemma is how to balance the need for accountability for the past against the need for reconciliation in the future. In the mid-1990s, the widely held view appeared to be that any post-conflict environment should hold war crimes trials today and elections tomorrow. Mozambique provides some evidence that a peace process can work without trials, though perhaps it is too early to make a firm conclusion on this. Spain after Franco is another challenge to the argument that all peace processes must be accompanied by elaborate transitional justice processes. In East Timor there have been public hints of disagreement between the president and the foreign minister on whether to privilege peace and reconciliation or retributive justice in relations

the 1990s (Boulder, CO: Lynne Rienner, 2000). On coercive military intervention, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*; Chesterman, *Just War*.

⁷¹ See High-Level Panel Report, para 223.

⁷² John M. Sanderson, ‘A Review of Recent Peacekeeping Operations’ (Dacca: paper presented at Pacific Armies Management Seminar, January 1994), quoted in Trevor Findlay, *The Use of Force in UN Peace Operations* (Oxford: SIPRI & Oxford University Press, 2002), 125-126; James A. Shear, ‘Riding the Tiger: The UN and Cambodia’, in William J. Durch (ed), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York: St Martin’s Press, 1996), 135, 143.

⁷³ See Ramesh Thakur and Albrecht Schnabel (eds), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press, 2001).

⁷⁴ See Ramesh Thakur and Peter Malcontent (eds), *From Sovereign Impunity to International Accountability: The Search for Justice in a World of States* (Tokyo: United Nations University Press, 2004).

with Indonesia. In parts of Latin America we may yet witness transitional justice mechanisms instituted after a delay of over a decade.

How the balance between the past and the future is struck will depend upon local actors. Two general trends can be identified, however. First, if peaceful co-existence is a stated goal of the transition, the transitional government is likely to be restricted in its choices. Second, where such governments are restricted, societies in transition tend to move away from purely retributive models and towards more restorative models of justice.

3.2.5 *Exit strategies*

In his April 2001 report on the closure or transition of complex peacekeeping operations, UN Secretary-General Kofi Annan warned that the embarrassing withdrawal of peacekeepers from Somalia should not be repeated in future operations. ‘No Exit Without a Strategy’, the report was called.⁷⁵ For the UN Transitional Administration in East Timor (UNTAET), elections provided the basis for transfer of power to local authorities; they also set in place political processes that would last well beyond the mission and the development assistance that followed. In Kosovo, where the UN operation was determinedly called an ‘interim’ administration, the absence of an agreed end-state has left the territory in political limbo. Reflection on the absence of an exit strategy from Kosovo, following on the apparently endless operation in Bosnia and Herzegovina, led some ambassadors to the Security Council to turn the Secretary-General’s phrase on its head: ‘No strategy’, the rallying cry went, ‘without an exit.’

As indicated in section 2.4, elections are frequently cited as the appropriate endpoint for international engagement in a crisis. As a medium-term peacebuilding strategy, there is implicit deference to the ‘democratic peace’ thesis, which holds that democracies are statistically less likely to go to war than states that are undemocratic.⁷⁶ Over-emphasis on this empirical argument (which has itself been contested) obscures a secondary finding in the democratic peace literature that an autocratic state in the process of democratization may in fact be *more* likely to descend into conflict, especially internal conflict. More often, however, elections may simply be a short-term tactic that is used to encourage actors to buy into a peace process.⁷⁷

The United Nations and other bodies, notably the Organization for Security and Cooperation in Europe (OSCE), have developed an outstanding capacity to hold and monitor elections under the most challenging circumstances. Elections in conflict zones such as Cambodia and Bosnia, or impoverished countries such as East Timor, are rightly regarded as technical triumphs. Technical triumph, however, has only rarely been matched by political success.

⁷⁵ No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations (Report of the Secretary-General), UN Doc S/2001/394 (20 April 2001).

⁷⁶ See generally Michael E. Brown, Sean M. Lynn Jones, and Steven E. Miller, *Debating the Democratic Peace* (Cambridge, MA: MIT Press, 1996); Joanne S. Gowa, *Ballots and Bullets: The Elusive Democratic Peace* (Princeton, NJ: Princeton University Press, 1999); Tarak Barkawi and Mark Laffey (eds), *Democracy, Liberalism, and War: Rethinking the Democratic Peace Debate* (Boulder, CO: Lynne Rienner, 2001).

⁷⁷ For UN efforts at promoting democracy, see Edward Newman and Roland Rich (eds), *The UN Role in Promoting Democracy: Between Ideals and Reality* (Tokyo: United Nations University Press, 2004).

4 Development and conflict

Drawing upon the experience of transitional administration and specific efforts intended to prevent the collapse of state institutions, it is possible to draw some broad lessons for approaches to development assistance before, during, and after conflict. This section will attempt to distil some of those lessons.

The Marshall Plan, which followed the Second World War, is commonly held out as a model reconstruction programme. Between 1948 and 1951, Europe's aggregate gross national product (GNP) jumped by a third, agricultural production increased 11 percent, and industrial output increased 40 percent over pre-war levels. The Plan is variously attributed with laying the foundations of a prosperous European Union and launching the opening salvoes of the Cold War; today it is invoked like a mantra in the response to social and economic problems across the globe. This section first sets the Marshall Plan in its proper historical context, before turning to the nature of contemporary efforts to use humanitarian relief and development assistance to promote stability in potential conflict zones. Three issues in particular will be considered, all contrasting with the Marshall Plan-ideal so often referred to: the conflicting interests behind much aid, delays in disbursements, and inconsistent use of the language and meaning of 'ownership'.

4.1 *The Marshall Plan*

The Marshall Plan was an act of enlightened self-interest, not unvarnished altruism. Marshall himself stressed the impact that Europe's continuing weakness could have on the US economy: an injection of US funds would remedy the 'dollar gap' and enable Europe to purchase US raw materials and parts necessary for the continent's reconstruction. And, though Marshall had emphasized that the policy was 'directed not against any country or doctrine but against hunger, poverty, desperation and chaos,' US officials were deeply concerned about the leftward turn in European politics. Writing in December 1947, George Kennan argued that the Marshall Plan would be an effective tool in the strategy of containment. The Soviet blockade of Berlin from 1948-1949 actually saved the Plan for West Germany, as it undermined British and French efforts to use US contributions to their respective zones of occupation as a source of funds for war reparations.

Speaking in April 2002, US President George W. Bush likened reconstruction efforts in Afghanistan to Marshall's programme for Europe, though the analogy was criticized for being stronger on rhetoric than cash. The experience of Bosnia suggests that the success of reconstruction is not dependent on funds alone: far more has been spent per capita there than under the Marshall Plan, yet the economy remains feeble. The scale of the funding was certainly important — Senator Arthur Vandenberg responded to an early report of the proposed figures for Marshall's initiative by suggesting that a mistake must have been made, as Congress would never appropriate that amount of money to save anybody. Equally significant, however, was the multilateral nature of the assistance and the fact that it was channelled through local institutions. It is easy to overstate the level of European ownership; in private, US intervention was said to be 'frequent, often insistent.' But appearances had to be and were preserved. These appearances were bolstered by a public relations campaign that may represent the largest international propaganda operation in peacetime. This use of local institutions combined with a due regard for propaganda was repeated in the reconstruction component in Afghanistan in 2002. Such genuine and tactical forms of ownership — at least in the area of economic reconstruction — have generally been more effective than mere reliance on its rhetoric.

The scale of the Marshall Plan, its regional focus, and the channelling of funds through local institutions certainly bear some lessons for contemporary efforts. But these factors were linked to the circumstances in which the Marshall Plan was formulated and implemented. The very different circumstances in which aid is delivered

today suggest the limits of this analogy.

Four themes stand out. First, the resolution of the Second World War provided a clear military and political context for reconstruction. Strategic concerns dominated, ensuring greater resources and a sustained commitment; the clarity of the outcome of the war and the recognition of most borders in Europe also ensured that the legitimacy of recipient governments was, for the most part, uncontested. More recent conflicts have tended to be localized, frequently involving irregular forces and leading to an inconclusive peace. The absence of a common threat and the prominence of actors other than the United States have meant that multiple donors pursue independent objectives, at times inconsistently. Domestic considerations may thus complicate coordination between different governments, with each seeking to finance ‘pet’ projects.

Second, post-war Europe was very different from recipient countries today. The Marshall Plan targeted relatively wealthy democracies with advanced capitalist economies and highly educated populations: the challenge was recovery, not creation. The approach was regional in character and built upon political and military alliances. Recipients now tend to be fragile democracies at best, usually of limited long-term interest to donors. The economies in question are constrained in their capacity to absorb a sudden influx of aid, which tends to be concentrated over a relatively short period. Where state institutions are weak or non-existent, this aid may be largely in the form of emergency humanitarian relief at the expense of development-oriented assistance.

Third, the number of actors has greatly increased, most obviously with the rise of NGOs. This proliferation has fostered niche assistance that contributes targeted assistance in some sectors, but further complicates coordination. Many NGOs now function more as service providers for donor agencies rather than as programming agencies in their own right. This encourages some to become ‘ambulance chasers’, deploying to a crisis situation with little or no funding. Though they may bring skills and commitment to the emergency, considerable initial effort is spent raising funds from local donor missions and UN agencies. One Afghan analyst in Kabul wryly observes that ‘NGOs are cows that drink the milk themselves.’ Reliance upon multiple sources of funding has also increased the influence of the media, encouraging a focus on crises that are the subject of public attention and sometimes limiting assistance to the duration of that attention. A further consequence is the rise of ‘flag-waving’ activities on the part of donors and NGOs, which seek to gain maximum credit for their activities. This may in turn lead to competition for telegenic projects and a reluctance to engage in mundane or unattractive projects.

Finally, the Marshall Plan took place in an era when the benefits of government intervention were generally uncontested. Donor scepticism today about the appropriate role of government in economic activity at home has, at times, challenged approaches to foreign assistance abroad. The prevailing view in the industrialized world now is that the function of government is to do little more than facilitate a market economy and provide a very few public goods. This is at odds with the widespread view that a strong government often lies at the heart of economic and political reconstruction.

The context within which assistance is delivered to post-conflict territories is therefore quite different from the aftermath of the Second World War. Political considerations continue to play a major part in the decision to provide assistance, but the purposes that assistance is intended to serve are less coherent than the grand strategy envisioned in the Marshall Plan. This is, of course, if it arrives at all. Funds for post-conflict relief may not arrive, or arrive only very slowly. Actors implementing programmes on the ground must take this into account when they construct budgets, often requiring them to engage in fictional accounting for targets that they know will not be met. This makes responsible financial planning still more difficult.⁷⁸

⁷⁸ See generally Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000).

4.2 *Charity with interest*

The political economy of humanitarian and development assistance in post-conflict territories is the subject of an entire literature in its own right.⁷⁹ Assistance is notoriously supply- rather than demand-driven, with the result that it is more influenced by donor politics than those of the recipient communities.

The sub-section addresses both humanitarian and development assistance. While often conflated in a post-conflict environment (sometimes termed recovery or reconstruction aid), it is important to acknowledge the distinction between the two. Humanitarian assistance is intended to relieve immediate suffering; development aims to support the emergence of a self-sustaining economy. Where assistance takes the form of providing basic public goods, such as medical care, or when famine relief blends into agricultural reform, the two may overlap. However, as with the distinction between development assistance and peacekeeping — which determines how different parts of a complex peace operation are funded — the dichotomy between humanitarian and development assistance is generally of more interest to donors than it is to the people they are seeking to help.

Humanitarian assistance is, in theory, driven by need and intended to relieve suffering. Development assistance in the aftermath of conflict aims more generally at helping an economy to recover and, in theory, become self-sustaining. It may target human welfare (health, education, children's welfare, de-mining), institution-building (new structures of governance, rebuilding of ministries), or addressing rule of law issues (police salaries, construction of prisons). In reality, humanitarian and development assistance are both supply- rather than demand-driven, and donors may fail to distinguish between the two. Donors commit funds largely on the basis of their domestic priorities and capacity, with international agencies balancing the need to seek equity in human suffering against the need to capitalize on telegenic crises that correspond to donor priorities. For this reason, the crises in the Balkans typically received far more assistance per capita assistance than comparable or worse crises in Africa.⁸⁰

In addition to determining which crises receive funds, these considerations also determine how those funds are allocated and with what political conditions attached. Here the distinction between humanitarian and development assistance becomes more important, as the attachment of political conditions to humanitarian assistance arguably removes its 'humanitarian' character. The Commentary on the Fourth Geneva Convention, for example, defines humanitarian as 'being concerned with the condition of man considered solely as a human being, regardless of his value as a military, political, professional or other unit', and 'not affected by any political or military consideration'.⁸¹ Similarly, the International Court of Justice has held that an 'essential feature of truly humanitarian aid is that it is given "without discrimination" of any kind'.⁸² Nevertheless, political conditions are frequently attached to nominally humanitarian assistance, as in the European Union's 'Energy for Democracy' programme (1999-2000), which allowed the delivery of heating oil to 'democratic' Serbian municipalities, meaning

⁷⁹ See Mats R. Berdal and David M. Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder, CO: Lynne Rienner, 2000); Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2000); Paul Collier, *Breaking the Conflict Trap: Civil War and Development Policy* (New York: Oxford University Press, 2003); Michael Pugh and Neil Cooper, *War Economies in a Regional Context: The Challenge of Transformation* (Boulder, CO: Lynne Rienner, 2004).

⁸⁰ In 1999, for example, the annual per capita assistance received in the Democratic Republic of the Congo was \$8; in Sierra Leone it was \$16; in Angola it was \$48; for the former Yugoslavia the figure was \$207: Oxfam, *An End to Forgotten Emergencies?* (Oxford: Oxfam GB Briefing Paper 5/00, May 2000), available at <<http://www.oxfam.org.uk>>.

⁸¹ Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention), done at Geneva, 12 August 1949, available at <<http://www.icrc.org/ihl>>, Commentary, art 10.

⁸² *Military and Paramilitary Activities in and Against Nicaragua (Nicaragua v United States of America)* [1986] ICJ Rep 243.

those where a majority had voted for opponents of President Slobodan Milosevic.⁸³

The attachment of such conditions is typically intended to influence a peace process within which assistance is being delivered, but this may embrace a variety of distinct purposes, each dependent in turn on a specific dynamic within the post-conflict environment. Assistance may be expected to provide incentives and rewards to peacebuilders, or to punish spoilers. It may be intended to demonstrate the benefits of peace to ordinary people, in the hope that a popular constituency for the peace process can be cultivated. Or it may seek to address the underlying causes of grievance in a society and dampen potential triggers for violence. Assistance rarely lives up to these aspirations, but carrots may often be a useful supplement to a peace process — especially when, as in Afghanistan, sticks are few and far between.⁸⁴

Other forms of conditions may be less attuned to local political circumstances. Macroeconomic conditions imposed by the Bretton Woods Institutions (the International Monetary Fund (IMF) and the World Bank), for example, have given rise to disputes when applied to a peace process. In Cambodia, the IMF and the Bank pressed the coalition government that succeeded the UN Transitional Authority in Cambodia (UNTAC) to reduce the civil service by 20 percent. This was never politically viable and ignored the devastation that the previous decades had wrought on Cambodia's civil service and its intelligentsia.⁸⁵ From the mid-1990s, the Bank began a process of reassessing its role in rebuilding post-conflict territories and in 1997 created an internal Post-Conflict Unit (renamed in 2001 the Conflict Prevention and Reconstruction Unit). The IMF was slower to adapt its procedures to post-conflict needs, continuing to impose conditions tied to macroeconomic stability and structural adjustment. This ignored the fact that, in an immediate post-conflict environment, equity is generally of greater concern than efficiency,⁸⁶ but reflected a tendency among many donors to view complex emergencies as a 'blip' on an otherwise steady development path. It also underestimates the effect that conflict can have on a society and the range of transitions that are required in the move from war to peace, from a controlled to a market economy, and from autocratic to democratic governance.⁸⁷

These institutional changes were part of a broader transformation as development actors began establishing small units and budget lines dedicated to more traditionally humanitarian forms of assistance. Two years before the Bank established its Post-Conflict Unit, UNDP created an Emergency Response Division (later the Bureau for Crisis Prevention and Recovery), setting aside 5 percent of its core budget for assistance to 'countries in special development situations'. Other UN agencies followed suit: the UN Children's Fund (UNICEF) set up an Office of Emergency Operations and the World Food Programme (WFP) generated Protracted Relief and Recovery Operations. Some now argue that demand and resource flows have transformed WFP and UNICEF from development to humanitarian actors.⁸⁸ In recent years, European donors in particular have begun to earmark funds

⁸³ See UN Office for the Coordination of Humanitarian Assistance, Humanitarian Risk Analysis No 12 Federal Republic of Yugoslavia (Belgrade: OCHA, 9 August 2000), available at <<http://www.reliefweb.int>>.

⁸⁴ See Alvaro de Soto and Graciana del Castillo, 'Obstacles to Peacebuilding in El Salvador', *Foreign Policy* 94, Spring 1994, 69; James K. Boyce, *Investing in Peace: Aid and Conditionality After Civil Wars* (Oxford: Oxford University Press, 2002).

⁸⁵ James K. Boyce, 'Beyond Good Intentions: External Assistance and Peace Building', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 367, 375-376.

⁸⁶ As a factor leading to the return to conflict, inequality of distribution appears to be more significant than overall distribution of resources: see generally E. Wayne Nafziger, Frances Stewart, and Raimo Väyrynen (eds), *War, Hunger, and Displacement: The Origins of Humanitarian Emergencies* (Oxford: Oxford University Press, 2000); Berdal and Malone (eds), *Greed and Grievance*.

⁸⁷ Stewart Patrick, 'The Donor Community and the Challenge of Postconflict Recovery', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 35, 45.

⁸⁸ Michèle Griffin, 'The Helmet and the Hoe: Linkages Between United Nations Development Assistance and Conflict Management' (2003) 9(2) *Global Governance* 199, 203.

specifically for the ‘grey zone’ between emergency relief and longer-term development. Examples include ECHO’s Global Plans and the European Commission’s Humanitarian Plus funding; the Netherlands’ Stability Fund; the British Global Conflict Prevention Pools; Ireland’s Emergency Preparedness and Post-Emergency Recovery Fund; and Norway’s Transitional ‘Gap’ Fund.⁸⁹

A global standing fund for peacebuilding, as called for in the Report of the High-Level Panel, would help bridge some of the remaining gaps in the crucial first months after the end of conflict. Funds for the recurrent expenditures of a nascent government may be the hardest to locate within existing donor strategies — though they may be the most important in establishing the credibility of a new regime and staving off a return to conflict.⁹⁰

An underlying tension in the conflation of humanitarian and development assistance is the question of short-term relief versus longer-term sustainability. This raises questions of the appropriateness of the international response to a crisis, discussed earlier in section 2.3, and how strategy should be tailored to suit the present and future needs of a society. Sustainability should generally take precedence over temporary standards. Determining what is sustainable when national institutions do not exist or have been eviscerated is difficult. In such cases, the concept of shadow alignment may be helpful. (See further section 5.1.)

4.3 Disbursement of funds

Whatever conditions are attached to assistance, these may be less disruptive to economic reconstruction than the fact that a significant proportion of pledged resources either does not materialize or does so very slowly.⁹¹ As the World Bank itself has observed, ‘pledges are made, but commitment takes longer, and there is a considerable lag before actual disbursement takes place. Sustainable transitions out of conflict take several years, yet there is a tendency for donors to disengage once the conflict has receded from public attention.’⁹²

The reasons for unfulfilled and delayed pledges are attributable both to donors and recipients. On the ‘supply’ side, ostensibly generous pledges at multilateral conferences may in fact simply repackage previously committed funds. Lengthy bureaucratic formalities, legislative reviews, and inefficient procurement procedures add to these delays. Donors tend to focus on their own political interests — including the interests of their national service providers, who may be tasked with implementing reconstruction contracts. And poor coordination among donors and recipients may result in duplicated or contradictory efforts. On the ‘demand’ side, states recovering from war may lack the capacity to absorb large sums of money and in-kind assistance. Administrative structures may be inadequate to receive funds from diverse sources and for multiple purposes. Inadequate legal structures may encourage inefficiency and corruption.⁹³

This has improved slightly. In Afghanistan, for example, three-quarters of the \$2 billion pledged for 2002 had been disbursed by the end of the calendar year, though much of it was on emergency relief and revealed that

⁸⁹ Barnaby Willitts-King, *Good Humanitarian Donorship and the European Union: A Study of Good Practice and Recent Initiatives* (Development Cooperation Ireland, 15 September 2004), available at <http://www.reliefweb.int/ghd/EU_GHD_study_final_report.pdf>, 26

⁹⁰ High-Level Panel Report, para 228.

⁹¹ Shepard Forman and Stewart Patrick, ‘Introduction’, in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 1, 1.

⁹² World Bank, *Post-Conflict Reconstruction: The Role of the World Bank* (Washington, DC: World Bank, 1998), 21. See, eg, the discussion of aid to Cambodia in section 2.2.

⁹³ Forman and Patrick, ‘Introduction’, 9. Cf Graham Hancock, *Lords of Poverty: The Free-Wheeling Lifestyles, Power, Prestige, and Corruption of the International Aid Business* (London: Macmillan, 1989).

donors had underestimated need in the first years of recovery.⁹⁴ This highlights a different bottleneck for international assistance: the lag between disbursement and the financing of effective projects. By May 2003, completed reconstruction projects in Afghanistan had a total expenditure of less than \$200 million.⁹⁵

Effective early assistance is vital in order to establish the foundations for peace, but also to capitalize on the brief period of international goodwill that accompanies a crisis. In fact, needs in post-conflict situations generally rise over the first few years of recovery, as the absorptive capacity of the economy increases. Given the political nature of assistance, however, most donor money is likely to be committed in the first six months to a year of a crisis, when it is splashed across newspapers and donors and agencies can get maximum recognition for their funds and activities.

4.3.1 Donor policies

As indicated earlier, in section 3.2.3, the fact that donor countries wish to retain control over how their money is spent is not, in itself, controversial. In most cases, this money comes from taxes paid by constituents who hold their respective governments accountable for how tax revenue is spent. Although donor behaviour may be rational from the donor government's perspective, however, the sum total of donor policies rarely presents a rational whole.⁹⁶

In considering the ways in which donor policies affect the overall assistance effort, it is useful to separate three discrete factors: national interest, domestic politics, and local bureaucratic procedures. Geopolitics, though less significant than during the Cold War, continue to influence the delivery of assistance. European and North American support for Bosnia and Herzegovina and Kosovo through the 1990s, Japanese and Australian support for East Timor at the end of the decade, and the sudden rise in assistance to Afghanistan in late 2001 after years of neglect were all attributable to strategic interests. Interest, of course, is not necessarily a bad thing in the formulation of aid policies. The engagement of high-level policy makers in a post-conflict environment can ensure a more sustained commitment, but raising the political stakes complicates donor policies by binding them to a domestic political agenda rather than a humanitarian one. Peace and prosperity in Afghanistan, for example, was less important to the United States than ensuring that the territory was not used as a haven for terrorists; this military agenda at times ran against the broader aims of peacebuilding. Similarly, the concentration of limited aid resources on situations of political importance may lower the standards to which other operations are held — thus order and stability in Somalia was less important than order and stability in Kosovo.

As most assistance from donor governments is derived from taxation, it is natural that donors are driven in part by domestic political considerations. These may take the form of historical or personal connections, favouring assistance to former colonies or the homeland from which a diaspora community derives. Physical proximity may also be important, especially when it raises the spectre of large refugee flows. Implementation may also be affected by domestic concerns, with some donors insisting on the use of their nationals in humanitarian programmes or on aid being delivered in the form of nationally-produced goods or through 'their' NGOs. The importance of domestic politics is frequently linked to the role of the media. Though the media is certainly important in determining aid priorities, this is sometimes overstated. North Korea, Sudan, and Angola, for example, each received considerable support for several years in the absence of ongoing media reporting. Nevertheless, well-reported events that capture public attention do create a spike in the flow of aid, with some evidence that this may correspond to reduction in aid

⁹⁴ Mukesh Kapila and Karin Wermester, 'The Afghan Job Is Bigger Than Expected', *International Herald Tribune*, 14 January 2003.

⁹⁵ Barnett R. Rubin, Humayun Hamidzada, and Abby Stoddard, *Through the Fog of Peacebuilding: Evaluating the Reconstruction of Afghanistan* (New York: Center on International Cooperation, June 2003), available at <<http://www.cic.nyu.edu>>.

⁹⁶ This subsection draws upon work in progress at the Humanitarianism and War Project at Tufts University. See <<http://hwproject.tufts.edu>>.

to other crises. The mobilization of public support for Kosovo in 1999, for example, effectively diverted funds that might otherwise have gone to Angola.⁹⁷ By contrast, the role of political leadership in generating public support for assistance to a crisis is generally underestimated.⁹⁸

The procedures for allocating and disbursing assistance vary considerably between countries, ranging from those that articulate clear guidelines for assistance to those that are framed more generally. Swiss law, for example, provides clear objectives for the activities of the Swiss Agency for Development and Cooperation and specifies that resources will be divided between the International Committee of the Red Cross, UN agencies, and NGOs. US legislation, by contrast, grants far greater discretion to officials — at times encouraging turf disputes between those branches of the executive that favour UN agencies (such as the State Department's Bureau for Population, Migration, and Refugees) and those that fund NGOs (such as the US Agency for International Development). The Office of Management and Budget, which oversees the US national budget, is largely uninterested in humanitarian policy.⁹⁹ These turf disputes may be dismissed as petty politics, but they can cause significant problems in areas such as security sector reform. If assistance to the security sector is not classed as official development assistance (ODA), the funding base may be uncertain, reducing the stabilizing effect that such assistance is intended to have. At the same time, if all military assistance were to fall within ODA, this could lead to a reduction in real humanitarian assistance. Some governments have therefore established pooled funds for activities that straddle this functional divide.¹⁰⁰

The outcome of these various influences on policy is that each donor drafts its own assistance strategy. Britain produces a 'Country Strategy Paper', Japan develops 'Country Aid Implementation Guidelines', the United States has a 'Strategic Plan', UNDP uses a 'Country Cooperation Framework', and so on. This is replicated in the International Financial Institutions, which follow a 'Policy Framework Paper' (IMF), a 'Country Assistance Strategy' (World Bank), and so forth. Attempts to coordinate these disparate activities are, needless to say, complicated. There has been some progress, including greater cooperation between donors with semi-annual meetings of functional bureaus to share information and resources, establish common standards, and collect 'lessons learned'.¹⁰¹ But there remains great resistance to the coordination of activities at a strategic level.

4.3.2 *Pledging conferences*

One of the most important forms of coordination for donors is the pledging conference. In the absence of funds that can be disbursed quickly to a recovery process, significant external resources typically arrive only after such a conference, which brings donor states, UN agencies, and the International Financial Institutions together with local representatives to evaluate proposed reconstruction plans. The relative transparency of these meetings reduces the temptation of donors to 'free ride' on the efforts of others. More subtly, by involving disparate actors in

⁹⁷ Vivienne Walt, 'Focus on Kosovo's Refugees Comes at a Price', *Washington Post*, 16 May 1999.

⁹⁸ Ian Smillie and Larry Minear, 'Humanitarian Financing: Donor Behavior' (Montreux: paper presented at Humanitarianism and War Project, 26-28 February 2003). When such assistance is offered, it may often be largely misunderstood by all but specialists. In his 2003 State of the Union address, President Bush proposed a 50 percent increase in foreign assistance. Opinion polls show, however, that Americans generally think that up to 20 percent of government spending goes abroad, when the actual figure is less than one percent. See, eg, Adam Zagorin, 'Spreading the Wealth', *Hoover Digest*, Spring 2003.

⁹⁹ Smillie and Minear, 'Donor Behaviour'.

¹⁰⁰ For example, the British Department for International Development, Ministry of Defence, and Foreign and Commonwealth Office have begun pooling funds and developing joint strategies in their response to conflict areas: [British] Centre for Management and Policy Studies, *Nine Key Characteristics of Modern Policy-Making* (London: Cabinet Office, January 2002), available at <<http://www.cmps.co.uk>>.

¹⁰¹ See, eg, OECD, *Helping Prevent Violent Conflict*.

providing support for post-conflict recovery as a form of public good, the pledging conference encourages the notion of a ‘donor community’, bound by certain ethical obligations towards the recovering state. Pledging conferences also enable donors to shape and publicize recovery plans jointly, which may increase domestic support for foreign assistance as part of an international effort. For recipients, pledging conferences offer the opportunity to focus the minds of donors on a crisis and to gain public assurances that some of their needs will be met. While these aspects are positive, pledging conferences often bear the trappings of political theatre. As indicated earlier, donors may make grand gestures that in reality double-count resources previously committed to a country, or which cannot be delivered promptly. In addition, mediating different donor interests through a conference does not remove the problems caused by the inconsistency of those interests. Donors continue to avoid controversial areas like security sector reform, preferring to fund items that will gain recognition and prestige. Finally, despite the public nature of the pledges made, there is no consistent monitoring process to ensure that pledges are realistic and transparent.¹⁰²

Within the UN framework, the consolidated inter-agency appeal process (CAP) is nominally the vehicle for coordinating humanitarian assistance.¹⁰³ It is far from clear, however, whether a CAP is primarily intended to set priorities, coordinate efforts, or simply to raise funds. Different donors appear to view the process differently, but it cannot function effectively as all three. The variable funding also lends a certain artificiality to the process. In 2001, the CAP realized only 55 percent of its overall requests; provisional figures for 2002 showed 68 percent of total requests being met, varying by country or region from 20 percent to 95 percent.¹⁰⁴ This creates a vicious circle where agencies artificially inflate requests, leading in turn to donor scepticism about the merits of supporting a CAP in its entirety.¹⁰⁵

4.3.3 *Bureaucracy*

In post-conflict situations administered by the United Nations, a further layer of complication is the bureaucratic framework within which funds supporting a transitional administration must be spent. Funding for such operations typically comes from two sources: assessed and voluntary contributions. Assessed contributions for peacekeeping operations are calculated on the basis of gross national product (GNP) and range from 0.001 percent of the budget to 25 percent. The 2003-2004 budget for peacekeeping was \$2.2 billion.¹⁰⁶ Voluntary contributions from member states support specialized agencies and subsidiary organizations of the UN family, including UNDP, the UN High Commissioner for Refugees (UNHCR), and so on.

In East Timor, despite the repeated assertions that this was a unique operation, the mission was subject to the same budgetary procedures as other peacekeeping operations — thus meaning a strict division between funds that could be used to support the peacekeeping mission and funds that could be used for humanitarian and development assistance. This might be reasonable in a country where the UN operation sits parallel to an existing government, but when the United Nations *was* the government it led to absurdity. Speaking in June 2000, Special Representative of the Secretary-General Sergio Vieira de Mello noted Timorese frustration with the slow pace of reconstruction. In part this was due to the slow rate of disbursement into the World Bank Trust Fund, but on a more

¹⁰² Patrick, ‘Donor Community’, 40-41.

¹⁰³ See GA Res 46/182 (1991).

¹⁰⁴ UN Office for the Coordination of Humanitarian Assistance, Consolidated Inter-Agency Humanitarian Assistance Appeals: Summary of Requirements and Contributions by Affected Country/Region, available at <<http://www.reliefweb.int/fts>>.

¹⁰⁵ Patrick, ‘Donor Community’, 43.

¹⁰⁶ Press Release, UN Doc GA/AB/3570 (4 June 2003). Assessed contributions for peacekeeping vary slightly from those to the regular budget of the United Nations, taking into account the ‘special status’ of the permanent members of the Security Council.

basic level he acknowledged that criticism was certain to continue while UN engineers were prohibited from fixing buildings used by Timorese officials.¹⁰⁷

Coordinating the many interests, policies, and practices of donors and agencies outlined in this section can be an overwhelming task. The obvious solution would appear to be to allow recipients a measure of control in how funds are allocated and spent. Local ‘ownership’, however, is more frequently invoked in word than in deed.

4.4 Ownership

Ownership is frequently asserted in both the political and economic processes of transition, though its meaning is often unclear. It certainly does not mean control and often does not even imply a direct input. Sometimes qualified by ‘a sense of’, ownership appears to bear more psychological than political import. This meaning in English, however, does not always translate well into local languages — in the languages of the Balkans, for example, ‘ownership’ only makes sense in the way that one might own a car.

As discussed earlier, political ownership may well be the end of a transitional administration, but it is not the means of achieving it.¹⁰⁸ Local leadership may be desirable in development projects in general, but in a post-conflict situation this must be tempered by those concerns that brought international administration to the country concerned in the first place — at times creating a tension between the need to resolve conflict and respecting the political aspirations of the population. Nevertheless, structuring assistance around local needs as articulated by local actors may help to mitigate the supply-driven nature of aid. In addition, the transfer of funds directly to local hands is more likely to stimulate sustainable economic activity and reduce dependence on hand-outs.

Managing expectations, as in every other aspect of post-conflict transition, is vital. Recipients may have inflated expectations of what donors can and should do — expectations that are sometimes fostered by political leaders both in recipient and donor countries. This section considers two ways in which local ownership can and should be taken seriously in the immediate post-conflict environment. If it is not possible to allow local actors to control how assistance is distributed, this power may be exercised on their behalf by a trustee. Trust funds have been a common feature of post-conflict recovery, but donors have often been reluctant to embrace them; such funds have therefore tended to be relatively marginal players. The alternative, of course, is actually to empower local officials to manage assistance for themselves.

4.4.1 Trust Funds

The obvious solution to the problem of coordination assistance is to pool resources and centralize the processes of assessing needs and disbursing funds. This runs up against another form of ownership, however, which is the desire of donors to retain control over the manner in which scarce resources are spent. Centralization in the form of a trust fund has clear benefits. It enables a more strategic approach to recovery, encouraging earlier local planning and sustaining multi-year projects. This is important in economies where the capacity to absorb a sudden influx of aid may be low — in such situations, supply may initially exceed demand. A trust fund should also encourage a division of labour among implementing partners and facilitate coordination. Providing a basket of

¹⁰⁷ Press Release, UN Doc SC/6882 (27 June 2000). See also Michael G. Smith, *Peacekeeping in East Timor* (Boulder, CO: Lynne Rienner, 2003), 136-137. In practice, these funding distinctions are often blurred — de-mining, for example, is sometimes funded through assessed contributions when it coincides with a peacekeeping operation.

¹⁰⁸ See section 2.4.

resources also reduces the likelihood of redundant or duplicated projects, limits wasteful competition among NGOs, and simplifies reporting requirements for the recipients.¹⁰⁹

Donors — especially larger contributors — have generally refused to commit significant resources to trust funds, however. This has been for good reasons and bad. The good reasons concern the high overheads and at times glacial pace of the World Bank and UNDP, which are typically nominated to oversee trust funds. The bad reasons are that countries often want their names up in lights next to pet programmes, often being implemented by their own national NGOs. Everyone wants to be seen sending children back to school; no one wants to pay military salaries.

The result is that many donors insist on doing their own feasibility studies — sometimes on the same sector, sometimes even using the same consultant. This leads to a proliferation of local NGOs (and, in Afghanistan, government agencies) spending an increasing proportion of their time working out how to get foreign money and keep donors happy than actually running their programmes. Chairman of the Afghan Interim Authority Hamid Karzai railed against this at an April 2002 donors conference, attacking criticism of Afghan bureaucracy when donor procedures were at least as obtuse: ‘We will not remove our red-tapeism unless you remove yours ... Don’t expect us to give you a report every month: we will give you a report when we like to give you a report. There are too many groups of donors, reconstruction groups, assistance groups. I don’t know the names of all of them.’¹¹⁰ Other recipient states would have been quietly cheering him on.

A radical approach to dealing with this problem in Afghanistan was proposed in early 2002 but not pursued. This was to retain a private consulting firm to set up a trust fund that could be drawn upon directly by the Interim Authority, overseen by a board that would include both Afghan and UN members. Such a mechanism might allay the concerns of donors about giving funds directly to the United Nations or the World Bank, while at the same time directing money where it is most needed and encouraging fiscal responsibility on the part of the new regime. This would only be possible where local partners were in a position to absorb the money, which seemed to be the case in Afghanistan. It remains an interesting hypothesis, with the use of PricewaterhouseCoopers to monitor delivery of aid in response to the 26 December 2004 tsunami being a useful test case in this approach.

In the short-term, a realistic innovation would be to ensure that the special representative of the Secretary-General is given a discretionary budget to finance political goals as they arise. In Mozambique, for example, the smooth transition to peace was lubricated by the creation of a \$17.5 million fund under the control of Special Representative Aldo Ajello to support the transformation of the Mozambique National Resistance (Renamo) from a fighting force into a political party.¹¹¹ Lakhdar Brahimi fought to secure the use of a similar fund in Afghanistan.

4.4.2 *Local Control in Afghanistan*

Although ‘ownership’ has long been a mantra of the development community, consistency has generally been limited to the lip service that is paid to this concept. ‘Afghan solutions for Afghan problems’, for example, was a catchphrase of the preparations for Afghanistan’s reconstruction late in 2001. But this was one of the first such missions where some of the local population themselves truly attempted to take charge.

If the ‘light footprint’ approach complicated the high-level diplomacy of the UN Assistance Mission in

¹⁰⁹ See World Bank, *Financing and Aid Management Arrangements in Post-Conflict Settings* (Washington, DC: Conflict Prevention and Reconstruction Unit, CPR Note 12, June 2003), available at <<http://www.worldbank.org/conflict>>.

¹¹⁰ ‘Karzai Urges Donors to Fulfil Pledges’, *Financial Times* (London), 11 April 2002.

¹¹¹ Susan L. Woodward, ‘Economic Priorities for Successful Peace Implementation’, in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), 183, 205.

Afghanistan's (UNAMA) political pillar, it turned the development components of the UN mission on their head.¹¹² During the chaotic Taliban period, humanitarian and development agencies frequently ran their programmes in Afghanistan without any formal relations with the government (with the notable exception of the health sector). In the absence of government capacity, UN agencies sometimes functioned as a surrogate ministry of planning. Under UNAMA, with a recognized Afghan administration and a UN commitment to respect its authority, agencies and NGOs had to undergo a mental revolution.

In part this unusual dynamic was the work of one man. Ashraf Ghani, formerly employed at the senior levels of the World Bank, returned to Afghanistan and established an organization called the Afghan Assistance Coordination Authority (AACA). Chaired by Karzai, AACA functioned like a cabinet office on development issues. This combination of experience and relative legitimacy ruffled feathers, particularly when the AACA refused to let development agencies and non-governmental organizations unroll their pre-packaged programmes and lay them out over Afghanistan.

Ghani, who was later appointed Finance Minister, stated in the most explicit terms that he was determined not to allow Afghanistan to become a beggar state, dependent on international aid. The draft National Development Framework issued by AACA in April 2002 at times read like a manifesto to which many developing countries might subscribe: 'donor-funded investment projects, unless they are anchored in coherent programs of government, are not sustainable. Structural adjustment programs, unless they are translated into feasible projects, do not result in reform.'¹¹³ Agencies and NGOs complained that their programmes were being held up at the whim of a single person. AACA responded that aid packages with recurrent expenditures either had to fit into a national framework or they would undermine it. Together with the Interim and later Transitional Authority, AACA generated a National Development Budget to guide donors and agencies.

This served a political function also. The legitimacy of the Afghan Interim Authority depended on being seen to deliver a peace dividend. Agencies were therefore encouraged to do less of their own flag-waving (at least within Afghanistan) and to present their projects as action taken in support of the Karzai administration. As a senior UN development official in Kabul described it, 'we are supporting the creation of the *appearance* of authority in the hope that it leads to the creation of *actual* authority'.

Afghanistan is unusual but not unique in the level of support given directly to local institutions. Mozambique in the period 1992-1994 benefited from donors that were prepared to criticize the IMF and strengthen the capacity of the Ministry of Finance and Planning.¹¹⁴ Assistance to Ethiopia after 1994 drew upon a largely intact bureaucracy through which much assistance could be channelled.¹¹⁵ What is unusual about Afghanistan is the extent to which this was locally driven. This raises questions about whether lessons learned from this experience can be generalized — for every Ashraf Ghani there may be a dozen kleptocrats who will waste, squander, or steal aid money. At the very least, the benefits of coordinating assistance through locally generated budgets (whether they are in fact generated by locals or expatriates) appear uncontroversial. Tailoring assistance programmes to local needs is an obvious point, but one that is often understood in isolation from the broader political transformations that accompany humanitarian and development assistance. Constructing a budget and explicitly linking oversight of assistance activities to the institutions of the state — regardless of who actually implements programmes — is a useful way of laying the groundwork for true ownership of an economy.

¹¹² See above sections 2.1 and 2.3.

¹¹³ National Development Framework (Draft for Consultation) (Kabul: Afghan Assistance Coordination Authority, April 2002), 6.

¹¹⁴ Nicole Ball and Sam Barnes, 'Mozambique', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 159, 195-198.

¹¹⁵ Joanna Macrae, *Aiding Recovery? The Crisis of Aid in Chronic Political Emergencies* (New York: Zed Books, 2001), 89.

4.4.3 Ensuring buy-in

The introduction of the euro to Kosovo in January 2002 was intended to have at least as much impact on the political system as on Kosovo's economy. The change of currency was explicitly used to cultivate aspirations to membership of the European Union, and thereby the political values that go with membership. This reflected a curious by-product of a decade of international engagement in the Balkans — after four years of inter-ethnic war and ongoing tensions, the only inter-ethnic cooperation across the region was in the single black market. Peacemakers often speak of getting combatants to 'buy into' a peace process. This is generally meant metaphorically, but it should also be understood literally.

And yet the dominant factors affecting how assistance is allocated and spent are the politics of donor countries themselves. This means that donors typically fail to engage meaningfully with local 'partners' or to see the opportunity that aid can present. None of this is intended to malign the charitable impulses that contribute to the provision of aid, but it often appears that the giving is more important than the receiving. Assistance flows most freely to humanitarian relief, but this rarely addresses the underlying causes of poverty and conflict. In fact, it may undermine medium-term recovery by establishing relationships of dependency and distorting the economy with unsustainable allocations of resources. There is, however, astonishingly little interest in assessing whether aid actually achieves what it is intended to do. Within donor agencies, incentives are generally aimed at 'moving money' rather than ensuring that it is employed productively.

Codes of conduct to regulate the behaviour of donors are a minimum requirement for reducing the distortion caused by a sudden influx of assistance. There have been some efforts at formulating guidelines at a fairly general level within the United Nations,¹¹⁶ the World Bank,¹¹⁷ the OECD,¹¹⁸ and NGOs.¹¹⁹ Further layers of coordination have also been generated within the UN system, including the Executive Committees on Peace and Security (ECPS) and Humanitarian Assistance (ECHA), the UN Development Group (UNDG), the Inter-Agency Standing Committee (IASC) Reference Group on Post-Conflict Reintegration, and the Humanitarian Segment of the Economic and Social Council (ECOSOC). The problem with these initiatives is that placing the United Nations at the centre of several concentric rings of actors presumes that other players, such as major bilateral donors and NGOs, are of secondary importance. In reality, it is often the United Nations that plays a peripheral role.¹²⁰

Humanitarian and development assistance remains, therefore, a voluntary and essentially ad hoc enterprise. Coordination at the level of donors is less of a problem, however, than the impact that such inconstant charity can have on the ground. The most realistic assertion of ownership might be simply to establish a mechanism that monitors aid flows. This could ensure that pledged money actually arrives and is spent efficiently. More ambitiously, Afghanistan shows that even if it is not possible to create coordination structures from above, it may sometimes be possible to do so from below.

Box: Perverse Effects

¹¹⁶ See, eg, Draft Generic Guidelines for a Strategic Framework Approach for Response to and Recovery from Crisis (New York: United Nations, Office of the Deputy Secretary-General, 27 October 1997). The related move towards 'principled common programming' led in part to the institutionalization of the CAP. See Penny Harrison, *The Strategic Framework and Principled Common Programming: A Challenge to Humanitarian Assistance* (London: Overseas Development Institute, 10 September 2001), available at <<http://www.odihpn.org>>.

¹¹⁷ World Bank, *Post-Conflict Reconstruction: The Role of the World Bank*.

¹¹⁸ OECD, *DAC Guidelines on Conflict, Peace, and Development Cooperation* (Paris: OECD, 1997), available at <<http://www.oecd.org>>; OECD, *Helping Prevent Violent Conflict*.

¹¹⁹ See, eg, Sphere Project, *The Humanitarian Charter and Minimum Standards in Disaster Response* (Oxford: Oxfam Publishing, 2000), available at <<http://www.sphereproject.org>>.

¹²⁰ Shepard Forman, Stewart Patrick, and Dirk Salomons, *Recovering from Conflict: Strategy for an International Response* (New York: Center on International Cooperation, 2000), available at <<http://www.cic.nyu.edu>>, 31.

The road to Hell, as the sixteenth century proverb has it, is paved with good intentions. One of the least studied aspects of humanitarian and development assistance is the perverse effects that a large international presence can have on the economy of a post-conflict territory. This is particularly acute in transitional administration operations, where an unusually large influx of expatriate personnel dominates the local economy for a period of years — precisely the period in which international assistance should be making its greatest contribution to the establishment of a self-sustaining economy.

Afghanistan's economy before the overthrow of the Taliban in 2001 was based on agriculture and narcotics. By 2003 it was based on agriculture, narcotics, and the international presence. These three sectors sometimes intersected in unusual ways. For example, WFP guidelines prevented it from purchasing grain from the relatively fertile south of the country in order to address food shortages in the north. Meanwhile, efforts to reduce opium production led to Afghan farmers being offered cash if they switched from poppies to crops like grain. Enterprising grain farmers thus switched from grain to poppies in order to be paid to switch back again.

Every significant UN mission creates a parasitic and unsustainable economy to serve the needs of the transient internationals. As in cities from Dili to Freetown, the rental market in Kabul exploded, accompanied by dubious evictions of existing tenants to make way for more lucrative foreign occupants. This can be a benefit to the economy if, as sometimes happened in East Timor, families move into a back room and rent out the rest of the house, using some of the income to renovate their property. In Kabul, however, many houses were of questionable ownership, or were claimed by absentee landlords. Much foreign money that entered the country thus left almost as quickly, while occupants formerly in cheaper accommodation become homeless. In some cases, UN agencies rented property from organized criminal networks — exactly the groups that the UN presence should be attempting to remove. In addition to diversion of other resources to sustain a temporary service economy focused on restaurants and bars, prostitution, and illegal drug use tend to rise, with predictable effects on local health and, some argue, morals.¹²¹

When disputes have arisen over the microeconomic impact of the UN presence, they have tended to focus on the question of salaries. The average monthly salary of an Afghan civil servant working for the government in early 2002 was about \$28, a figure that rose to \$40 for some ministers, or \$80 for a supreme court judge. An Afghan national doing the same work for the United Nations or an international NGO earned between 15 and 400 times that amount, according to salary scales established by the International Civil Services Commission (ICSC). In May 2002, this figure was increased. Such differences foster and deepen the bubble economy, with staff leaving government positions to take the short-term international jobs on offer — even if it means that a judge is working as a driver, or an electrical engineer as a security guard. This causes predictable problems as staff are poached from one place to the next, with organizations losing their institutional memories and such local capacity as actually exists being

¹²¹

See UN Development Fund for Women, *Women, War, and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (New York: UNIFEM, October 2002), 61-74. UNTAC suffered 58 deaths from hostile fire, accidents and disease during the 18 month operation. The impact of sexually transmitted diseases was probably far more lethal, with one estimate suggesting that nearly three times as many former UNTAC workers were likely to die of AIDS: Elisabeth Uphoff Kato, 'Quick Impacts, Slow Rehabilitation in Cambodia', in Michael W. Doyle, Ian Johnstone, and Robert C. Orr (eds), *Keeping the Peace: Multidimensional Peacekeeping in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997), 186, 202.

distorted into servicing the needs of the internationals.

The problem is unfairly blamed on the United Nations alone, when it is the ICSC that independently establishes the pay-scales for national staff. A creature of the UN General Assembly, modification of its procedures requires the initiative of a member state. Moves to lower the pay of national staff are unpopular in New York, however. The problems in Kabul were exacerbated by the low and relatively flat pay-scales of the Afghan administration.

Raising basic pay and increasing the differential on the basis of responsibility might help reduce the incentive for skilled local staff to leave their positions, but a post-conflict government will never be able to compete with the United Nations and international NGOs. Innovative solutions have been mooted, such as a proactive policy to recruit UN staff from diaspora communities, and establishing two-way secondments between UN agencies and the government. In the short-term, basic respect for notice requirements in contracts would help minimize the disruption of sudden staff changes in the various programmes. This could be enforced through a code of conduct — if such things were routinely adopted. Ultimately, such problems solve themselves. As the international presence peaks and begins to decline, the job and property balloon bursts.

5 Challenges

If there is a single generalizable lesson to be learned from the recent experience of state-building, whether as transitional administration or preventing state failure, it is modesty. The challenges before the United Nations community now are not, therefore, to develop grand theories or a trusteeship capacity. Rather, what is required are workable strategies and tactics with which to support institutions of the state before, during, and after conflict. Doing this effectively requires, first of all, clarity in three areas, building upon the argument with respect to transitional administration made earlier:¹²² (i) the strategic aims of the action; (ii) the necessary institutional coordination to put all actors — especially security and development actors — on the same page; and (iii) a realistic basis for evaluating the success or failure of the action.¹²³

5.1 Strategy

The accepted wisdom within the UN community, articulated most recently in the Brahimi Report, is that a successful UN peace operation should ideally consist of three sequential stages. First, the political basis for peace must be determined. Then a suitable mandate for a UN mission should be formulated. Finally, that mission should be given all the resources necessary to complete the mandate.¹²⁴ The accepted reality is that this usually happens in the reverse order: member states determine what resources they are prepared to commit to a problem and a mandate is cobbled together around those resources — often in the hope that a political solution will be forthcoming at some

¹²² See above section 2.

¹²³ See also section 2.

¹²⁴ Brahimi Report, paras 9-83.

later date.

Strategic failure may take place at any level of an operation. The most common types of failures are at the level of overall mandate, in the interaction between different international actors with competing or inconsistent mandates, and in the relationship between international and national actors on the ground.

As indicated earlier, Kosovo's uncertain final status has severely undermined the ongoing peace operation there, contrasting starkly with the simplicity of East Timor's transition to independence. Clarity concerning the political trajectory of a territory under transitional administration is essential, but lack of strategy will also undermine efforts to prevent the collapse of state institutions. In Afghanistan, prioritising the military strategy at times undermined the professed political aims — most prominently in decisions to support warlords for tactical reasons in the hunt for al Qaeda even as that undermined Hamid Karzai's embryonic government in Kabul.

A second level at which strategic failure may take place is when different actors have competing or inconsistent mandates. Security actors are a notorious example of this — with the independence of KFOR in Kosovo and ISAF in Afghanistan at times undermining the authority of the international civilian presence. Ensuring a single chain of command would be desirable, but runs against the received wisdom that the United Nations is incapable of waging war. A more achievable goal would be bringing the political process into line with development assistance. The United Nations has done this rhetorically in the term 'peacebuilding',¹²⁵ but without creating any capacity to focus political attention, design policy and strategy, and oversee operations in this area. (The Peacebuilding Commission proposed by the High-Level Panel is considered in section 5.2 on coordination.)

As indicated by the discussion on political trajectory and ownership, international actors have sometimes been less than effective at managing expectations and relationships with national actors. Clarity about respective roles — and about the final authority of the population in question to determine its own future once a territory is stabilized and no longer regarded as a threat to international peace and security — would help. Where there is no existing legitimate governance structure in place, or if there are competing structures, the concept of 'shadow alignment' may be helpful. This requires an assessment of available formal and informal policies and systems that can be built on, adapted, and reformed. The aim is to avoid a legacy of diverted institutions that may undermine the development of legitimate and accountable structures.¹²⁶

Reference to strategy should not be misunderstood as suggesting that there is some template for governance that can be applied across cases. Instead, clarity about the purposes of engagement and the respective responsibilities of international and national actors provides a framework for developing a coherent strategy that takes the state itself as the starting point.

5.2 Coordination and the Report of the High-Level Panel

The High-Level Panel on Threats, Challenges, and Change rightly criticized the UN experience of post-conflict operations as characterized by 'countless ill-coordinated and overlapping bilateral and United Nations programmes, with inter-agency competition preventing the best use of scarce resources.'¹²⁷ Its key recommendation to remedy this situation is the call for a Peacebuilding Commission to be established as a subsidiary organ of the UN Security

¹²⁵ See above n 3.

¹²⁶ High-Level Forum on the Health MDGs, *Achieving the Health Millennium Development Goals in Fragile States* (Abuja: December 2004), available at <<http://www.hlfhealthmdgs.org/Documents/FragileStates.pdf>>, 21.

¹²⁷ High-Level Panel Report, para 38.

Council under article 29 of the UN Charter.¹²⁸

264. The core functions of the Peacebuilding Commission should be to identify countries which are under stress and risk sliding towards State collapse; to organize, in partnership with the national Government, proactive assistance in preventing that process from developing further; to assist in the planning for transitions between conflict and post-conflict peacebuilding; and in particular to marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary.

265. While the precise composition, procedures, and reporting lines of the Peacebuilding Commission will need to be established, they should take account of the following guidelines:

- (a) The Peacebuilding Commission should be reasonably small;
- (b) It should meet in different configurations, to consider both general policy issues and country-by-country strategies;
- (c) It should be chaired for at least one year and perhaps longer by a member approved by the Security Council;
- (d) In addition to representation from the Security Council, it should include representation from the Economic and Social Council;
- (e) National representatives of the country under consideration should be invited to attend;
- (f) The Managing Director of the International Monetary Fund, the President of the World Bank and, when appropriate, heads of regional development banks should be represented at its meetings by appropriate senior officials;
- (g) Representatives of the principal donor countries and, when appropriate, the principal troop contributors should be invited to participate in its deliberations;
- (h) Representatives of regional and subregional organizations should be invited to participate in its deliberations when such organizations are actively involved in the country in question.

These recommendations rightly address the need for coordination, though it is debatable whether they will resolve the problems in coordination that manifest in practice. These problems tend to arise at three levels: (1) the strategic level (for example, the final status of Kosovo); (2) the operational level (for example, competing donor agencies in Bosnia); and (3) the national level (for example, getting international actors to sign onto a national development framework in Afghanistan).

The problem with the Peacebuilding Commission proposal is that its establishment under the Security Council may see it fall somewhere between (1) and (2) — lacking the authority to challenge the Security Council in New York and lacking a field presence to ensure operational cohesion on the ground. Much will, of course, depend on how the proposed commission functions. If it acts as an operational body that can bring key stakeholders — importantly including the IFIs, troop contributors, donor governments, and national representatives — onto the same page in terms of the security, humanitarian, political, and economic priorities and sequencing for a territory, it may avoid the wasted resources seen in previous operations. But the key component required is some body that is able to speak truth to power: unless the commission (or the proposed Peacebuilding Support Office¹²⁹) is able to advise the Security Council against dysfunctional mandates or unrealistic strategies it will not fulfil its lofty aspirations.

If it is to be successful, two additional coordination dynamics need to be addressed. The first is the problem of coordination across time. This embraces both the conflicting time-tables of internationals (diminishing interest)

¹²⁸ Ibid, paras 261-265.

¹²⁹ Ibid, paras 266-269.

and locals (increasing absorptive capacity), as well as the tension between demands for quick impact and gap-filling projects versus the development of sustainable institutions. The second coordination dynamic is the emergence of local actors as an independent political force. Consultation through an instrument such as the Peacebuilding Commission would be helpful, but not if it complicates the more important consultative mechanisms on the ground that manage day-to-day political life in the post-conflict territory. The most important aspect of this second dynamic is clarity: clarity about who is in charge at any given time, but also clarity about who is *going* to be in charge.

5.3 *Evaluation and exit strategies*

East Timor presents two contradictory stories in the history of UN peace operations. On the one hand, it is presented as an outstanding success. In two and a half years, a territory that had been reduced to ashes after the 1999 referendum on independence held peaceful elections and celebrated independence. On the other hand, however, East Timor can be seen as a series of missed opportunities and wastage. Of the UN Transitional Administration's annual budget of over \$500 million, around one-tenth actually reached the East Timorese. At one point, \$27 million was spent annually on bottled water for the international staff — approximately half the budget of the embryonic Timorese government, and money that might have paid for water purification plants to serve both international staff and locals well beyond the life of the mission. More could have been done, or done earlier to reconstruct public facilities. This did not happen in part because of budgetary restrictions on UN peacekeeping operations that, to the Timorese, were not simply absurd but insulting. Such problems were compounded by coordination failures, the displacement of local initiatives by bilateral donor activities, and the lack of any significant private sector investment. When East Timor (now Timor-Leste) became independent, it did so with the dubious honour of becoming the poorest country in Asia.¹³⁰

Evaluations of the UN operation in Cambodia (1992-93) varied considerably in the course of the mission and have continued to do so with the benefit of hindsight. Prior to the 1993 election, prophecies of doom were widespread, with questions raised about the capacity of the United Nations to complete a large military and administrative operation.¹³¹ Immediately after the election was held with minimal violence, Cambodia was embraced as a success and a model for future such tasks.¹³² Subsequent events suggested that these initially positive evaluations were premature. Many commentators outside the United Nations now regard UNTAC as a partial failure, pointing to the departure from democratic norms in the 1997 coup. Within the United Nations, UNTAC continues to be regarded as a partial success.¹³³

The important variable is how one views the political context within which UNTAC operated. If the purpose of the mission was to transform Cambodia into a multiparty liberal democracy in 18 months, it clearly did not succeed. If, however, one takes the view that Hun Sen — who had led Cambodia from 1979 and later seized power from his coalition partners in a coup four years after the 1993 elections — was always going to be the dominant political force in Cambodia, and that the purpose of the mission was to mollify the exercise of that power through introducing the language of human rights to Cambodian civil society, fostering the establishment of a relatively free press, and taking steps in the direction of a democratic basis for legitimate government, the mission was indeed a partial success.

¹³⁰ 'Getting Ready for Statehood', *Economist*, 13 April 2002.

¹³¹ See, eg, William Branigin, 'UN Performance at Issue as Cambodian Vote Nears', *Washington Post*, 20 May 1993.

¹³² 'A UN Success in Cambodia', *Washington Post*, 18 June 1993.

¹³³ On Cambodia's July 2003 election, see 'Counting on the Young: Cambodia's General Election', *Economist*, 2 August 2003.

Two lessons were (or should have been) learned in Cambodia. The first was to underscore the fragility of complex peace operations. Even though UNTAC was, at the time, the largest and most expensive operation in UN history, it still faced enormous difficulties in bringing about a fundamental change in the psyche of the country. Without peace and security, and without the rule of law, democratic processes may in themselves be unsustainable. Providing these foundations, if it was possible at all, would have required a more sustained commitment to remaining in Cambodia after the elections. The counterfactual is hypothetical as there was no willingness before or after the vote for UNTAC to remain beyond the completion of its mandate.

Secondly, the aftermath of the UN engagement in Cambodia — the 1997 coup, the flawed elections in 1998 — began to raise questions about the relative importance of democracy. Though it may not be directly traceable to Cambodia, a shift began to occur in the rhetoric that saw ‘good governance’ sometimes replace democracy in the peacebuilding and development jargon.¹³⁴

Clarity about the objectives of an operation, then, may be helpful — even if it requires a retreat from the rhetoric that justifies the expenditure of resources for a peace effort. Often it will not be possible — even if it were desirable — to transform a country over the course of eighteen months into, say, Canada. Instead, perhaps the most that can be hoped for is to create the conditions in which a vulnerable population can start a conversation about what kind of country they want theirs to be.

5.4 *Making states work*

In his book *In My Father's House*, Kwame Anthony Appiah notes that the apparent ease of colonial administration generated in some of the inheritors of postcolonial nations an illusion that control of the state would allow them to pursue as easily their much more ambitious objectives. Once the state was turned to the tasks of massive developments in infrastructure, however, it was shown wanting: ‘When the postcolonial rulers inherited the apparatus of the colonial state, they inherited the reins of power; few noticed, at first, that they were not attached to a bit.’¹³⁵

Given the fraught history of so many of the world's states, it is not remarkable that some states suffer basic crises in their capacity to protect and provide services for a population — on the contrary, it is remarkable that more do not. This paper has sought to examine states in crisis and, in particular, examine what internal and external factors enabled some states to avoid altogether going to, others to go over, and a third group to return from the precipice. As indicated in the introduction, discussion of such institutional crises frequently suggests that, when a state ‘fails’, power is no longer exercised within the territory. In fact, the control of power becomes more important than ever — even though it may be exercised in an incoherent fashion.

Engagement with such states requires, first and foremost, understanding the local dynamics of power. The much-cited Weberian definition of the state as claimant to a monopoly of the legitimate use of force is less a definition of what the state *is* than what it *does*. The legitimacy and sustainability of local power structures depends, ultimately, upon local actors. Certain policies can help — channelling political power through parties rather than individuals, and through civilians rather than the military; imposing term limits on heads of state and government; encouraging and regulating political parties — but their implementation depends on the capacity of local leaders to submit themselves to the rule of law, and local populations to hold their leaders to that standard.

For international actors, a troubling analogy is to compare engagement with weak states to previous models

¹³⁴ See section 1.2.2.

¹³⁵ Kwame Anthony Appiah, *In My Father's House: Africa in the Philosophy of Culture* (New York: Oxford University Press, 1992), 266.

of trusteeship and empire. Current efforts at state-building attempt — at least in part — to reproduce the better effects of empire (inward investment, pacification, and impartial administration) without reproducing its worst features (repression, corruption, and confiscation of local capacity). This is not to suggest nostalgia for empire or that such policies should be resurrected. Only two generations ago, one-third of the world's population lived in territory considered non-self-governing; the end of colonialism was one of the most significant transformations in the international order since the emergence of sovereign states. But it is intended to suggest that a realistic assessment of power is necessary to formulate effective policies rather than effective rhetoric.

States cannot be made to work from the outside. International assistance may be necessary but it is never sufficient to establish institutions that are legitimate and sustainable. This is not an excuse for inaction, if only to minimize the humanitarian consequences of a state's incapacity to care for its vulnerable population. Beyond that, however, international action should be seen first and foremost as facilitating local processes, providing resources and creating the space for local actors to start a conversation that will define and consolidate their polity by mediating their vision of a good life into responsive, robust, and resilient institutions.

6 Bibliography

An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping (Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992), UN Doc A/47/277-S/24111 (17 June 1992).

Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations, UN Doc A/50/60-S/1995/1 (3 January 1995).

Draft Generic Guidelines for a Strategic Framework Approach for Response to and Recovery from Crisis (New York: United Nations, Office of the Deputy Secretary-General, 27 October 1997).

Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc A/55/305-S/2000/809 (21 August 2000), available at <http://www.un.org/peace/reports/peace_operations/>.

Role of UNDP in Crisis and Post-Conflict Situations (Policy Paper Distributed to the Executive Board of the United Nations Development Programme and of the United Nations Population Fund), DP/2001/4 (New York: UNDP, 27 November 2000), available at <<http://www.undp.org>>.

No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations (Report of the Secretary-General), UN Doc S/2001/394 (20 April 2001).

The National Security Strategy of the United States of America (Washington, DC: President of the United States, September 2002), available at <<http://www.whitehouse.gov/nsc/nss.html>>.

Strengthening of the United Nations: An Agenda for Further Change (Report of the Secretary-General), UN Doc A/57/387 (9 September 2002).

A More Secure World: Our Shared Responsibility (Report of the High-Level Panel on Threats, Challenges, and Change), UN Doc A/59/565 (1 December 2004), available at <<http://www.un.org/secureworld>>.

Adebajo, Adekeye, *Liberia's Civil War Nigeria, ECOMOG, and Regional Security in West Africa* (Boulder, CO: Lynne Rienner, 2002).

Anderson, Benedict, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

- Annan, Kofi A., *"We the Peoples": The Role of the United Nations in the 21st Century* (New York: United Nations, Department of Public Information, 2000).
- Anstee, Margaret Joan, *Orphan of the Cold War: The Inside Story of the Angolan Peace Process, 1992-1993* (New York: St Martin's Press, 1996).
- Appiah, Kwame Anthony, *In My Father's House: Africa in the Philosophy of Culture* (New York: Oxford University Press, 1992).
- Ball, Nicole and Sam Barnes, 'Mozambique', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 159.
- Barkawi, Tarak and Mark Laffey (eds), *Democracy, Liberalism, and War: Rethinking the Democratic Peace Debate* (Boulder, CO: Lynne Rienner, 2001).
- Berdal, Mats R. and David M. Malone (eds), *Greed and Grievance: Economic Agendas in Civil Wars* (Boulder, CO: Lynne Rienner, 2000).
- Boyce, James K., 'Beyond Good Intentions: External Assistance and Peace Building', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 367.
- , *Investing in Peace: Aid and Conditionality After Civil Wars* (Oxford: Oxford University Press, 2002).
- [British] Centre for Management and Policy Studies, *Nine Key Characteristics of Modern Policy-Making* (London: Cabinet Office, January 2002), available at <<http://www.cmps.co.uk>>.
- Brown, Michael E., Sean M. Lynn Jones, and Steven E. Miller, *Debating the Democratic Peace* (Cambridge, MA: MIT Press, 1996).
- Caplan, Richard, *A New Trusteeship? The International Administration of War-Torn Territories* (Oxford: Oxford University Press, 2002).
- Chesterman, Simon, *Just War or Just Peace? Humanitarian Intervention and International Law* (Oxford: Oxford University Press, 2001).
- , *You, The People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004).
- Ciment, James, *Angola and Mozambique: Postcolonial Wars in Southern Africa* (New York: Facts on File, 1997).
- Collier, Paul, *Breaking the Conflict Trap: Civil War and Development Policy* (New York: Oxford University Press, 2003).
- Cortright, David and George A. Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s* (Boulder, CO: Lynne Rienner, 2000).
- Cousens, Elizabeth M., 'Introduction', in Elizabeth M. Cousens and Chetan Kumar (eds), *Peacebuilding as Politics* (Boulder, CO: Lynne Rienner, 2001), 1.
- Crawford, James, *The Creation of States in International Law* (Oxford: Clarendon Press, 1979).
- Di Palma, Giuseppe, *To Craft Democracies: An Essay on Democratic Transitions* (Berkeley: University of California Press, 1990).
- Dobbins, James, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel Swanger, and Anga Timilsina, *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica, CA: RAND, 2003).
- Doyle, Michael W., 'War-Making and Peace-Making: The United Nations' Post-Cold War Record', in Chester A. Crocker, Fen Osler Hampson, and Pamela Aall (eds), *Turbulent Peace: The Challenges of Managing International Conflict* (Washington, DC: United States Institute of Peace Press, 2001), 529.

- Einsiedel, Sebastian von, 'Policy responses to state failure', in Simon Chesterman, Michael Ignatieff, and Ramesh Thakur (eds), *Making states work: State failure and the crisis of governance* (Tokyo: United Nations University Press, 2005), 13.
- Findlay, Trevor, *The Use of Force in UN Peace Operations* (Oxford: SIPRI & Oxford University Press, 2002).
- Forman, Shepard and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000).
- Forman, Shepard, Stewart Patrick, and Dirk Salomons, *Recovering from Conflict: Strategy for an International Response* (New York: Center on International Cooperation, 2000), available at <<http://www.cic.nyu.edu>>.
- Fox, Gregory H. and Brad R. Roth (eds), *Democratic Governance and International Law* (Cambridge: Cambridge University Press, 2000).
- Fraenkel, Jonathan, 'The Alternative Vote System in Fiji: Electoral Engineering or Ballot-Rigging?' (2001) 39(2) *Journal of Commonwealth and Comparative Politics* 1.
- Franck, Thomas M., 'The Emerging Right to Democratic Governance' (1992) 86 *American Journal of International Law* 46.
- Gowa, Joanne S., *Ballots and Bullets: The Elusive Democratic Peace* (Princeton, NJ: Princeton University Press, 1999).
- Griffin, Michèle, 'The Helmet and the Hoe: Linkages Between United Nations Development Assistance and Conflict Management' (2003) 9(2) *Global Governance* 199.
- Gross, Jean-Germain, 'Towards a taxonomy of failed states in the New World Order: decaying Somalia, Liberia, Rwanda and Haiti' (1996) 17(3) *Third World Quarterly* 455.
- Guha, Ranajit (ed), *A Subaltern Studies Reader, 1986-1995* (Minneapolis: University of Minnesota Press, 1997).
- Hamre, John J. and Gordon R. Autumn 2002 Sullivan, available at, 'Toward Postconflict Reconstruction' (2002) 25(4) *Washington Quarterly* 85.
- Hancock, Graham, *Lords of Poverty: The Free-Wheeling Lifestyles, Power, Prestige, and Corruption of the International Aid Business* (London: Macmillan, 1989).
- Hand, Learned, *The Spirit of Liberty*, 3rd edn (Chicago: University of Chicago Press, 1960).
- Harrison, Penny, *The Strategic Framework and Principled Common Programming: A Challenge to Humanitarian Assistance* (London: Overseas Development Institute, 10 September 2001), available at <<http://www.odihpn.org>>.
- High-Level Forum on the Health MDGs, *Achieving the Health Millennium Development Goals in Fragile States* (Abuja: December 2004), available at <<http://www.hlfhealthmdgs.org/Documents/FragileStates.pdf>>.
- Hirsch, John L., *Sierra Leone: Diamonds and the Struggle for Democracy* (Boulder, CO: Lynne Rienner, 2001).
- Huntington, Samuel P., *The Third Wave: Democratization in the Late Twentieth Century* (Norman: University of Oklahoma Press, 1991).
- Hyden, Goran, 'Governance and the Reconstitution of Political Order', in Richard Joseph (ed), *State, Conflict and Democracy in Africa* (Boulder, CO: Lynne Rienner, 1999), 179.
- International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, December 2001), available at <<http://www.iciss.gc.ca>>.
- Johnson, Chris, William Maley, Alexander Thier, and Ali Wardak, *Afghanistan's Political and Constitutional Development* (London: Overseas Development Institute, January 2003), available at <<http://http://www.odi.org.uk/hpg>>.

- Lal, Brij V. and Tomasi R. Vakatora (eds), *Fiji Constitutional Review Commission Research Papers* (Suva: School of Social and Economic Development, University of the South Pacific, 1997).
- Lyons, Terrence, 'The Role of Postsettlement Elections', in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), 215.
- MacLaughlin, Jim, *Reimagining the Nation-State: The Contested Terrains of Nation-Building* (London: Pluto Press, 2001).
- Macrae, Joanna, *Aiding Recovery? The Crisis of Aid in Chronic Political Emergencies* (New York: Zed Books, 2001).
- Nafziger, E. Wayne, Frances Stewart, and Raimo Väyrynen (eds), *War, Hunger, and Displacement: The Origins of Humanitarian Emergencies* (Oxford: Oxford University Press, 2000).
- Newman, Edward and Roland Rich (eds), *The UN Role in Promoting Democracy: Between Ideals and Reality* (Tokyo: United Nations University Press, 2004).
- OECD, DAC Guidelines on Conflict, Peace, and Development Cooperation (Paris: OECD, 1997), available at <<http://www.oecd.org>>.
- , Helping Prevent Violent Conflict, Development Assistance Committee Guidelines (Paris: OECD, 2001), available at <<http://www.oecd.org>>.
- Oxfam, An End to Forgotten Emergencies? (Oxford: Oxfam GB Briefing Paper 5/00, May 2000), available at <<http://www.oxfam.org.uk>>.
- Patrick, Stewart, 'The Donor Community and the Challenge of Postconflict Recovery', in Shepard Forman and Stewart Patrick (eds), *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner, 2000), 35.
- Pugh, Michael and Neil Cooper, *War Economies in a Regional Context: The Challenge of Transformation* (Boulder, CO: Lynne Rienner, 2004).
- Reilly, Benjamin, 'Post-Conflict Elections: Constraints and Dangers' (2002) 9(2) *International Peacekeeping* 118.
- Reynolds, Andrew, *Electoral Systems and Democratization in Southern Africa* (Oxford: Oxford University Press, 1999).
- Robertson, Andrew, 'Island of Intolerance?' (2001) 23(1) *Harvard International Review* 11.
- Rose, Michael, *Fighting for Peace: Lessons from Bosnia* (London: Warner, 1999).
- Rotberg, Robert I., 'Failed States, Collapsed States, Weak States: Causes and Indicators', in Robert I. Rotberg (ed), *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2004), 1.
- Rubin, Barnett R., Humayun Hamidzada, and Abby Stoddard, Through the Fog of Peacebuilding: Evaluating the Reconstruction of Afghanistan (New York: Center on International Cooperation, June 2003), available at <<http://www.cic.nyu.edu>>.
- Schear, James A., 'Riding the Tiger: The UN and Cambodia', in William J. Durch (ed), *UN Peacekeeping, American Policy, and the Uncivil Wars of the 1990s* (New York: St Martin's Press, 1996), 135.
- Smith, Michael G., *Peacekeeping in East Timor* (Boulder, CO: Lynne Rienner, 2003).
- Soto, Alvaro de and Graciana del Castillo, 'Obstacles to Peacebuilding in El Salvador', *Foreign Policy* 94, Spring 1994, 69.
- Soto, Hernando de, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else* (New York: Basic Books, 2000).

- Sphere Project, *The Humanitarian Charter and Minimum Standards in Disaster Response* (Oxford: Oxfam Publishing, 2000), available at <<http://www.sphereproject.org>>.
- Thakur, Ramesh and Peter Malcontent (eds), *From Sovereign Impunity to International Accountability: The Search for Justice in a World of States* (Tokyo: United Nations University Press, 2004).
- Thakur, Ramesh and Albrecht Schnabel, 'Cascading Generations of Peacekeeping: Across the Mogadishu Line to Kosovo and Timor', in Ramesh Thakur and Albrecht Schnabel (eds), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press, 2001), 3.
- (eds), *United Nations Peacekeeping Operations: Ad Hoc Missions, Permanent Engagement* (Tokyo: United Nations University Press, 2001).
- UN Development Fund for Women, *Women, War, and Peace: The Independent Experts' Assessment on the Impact of Armed Conflict on Women and Women's Role in Peacebuilding* (New York: UNIFEM, October 2002).
- UN Development Programme, *Governance for Sustainable Human Development* (New York: UNDP, January 1997), available at <<http://magnet.undp.org/policy/>>.
- Uphoff Kato, Elisabeth, 'Quick Impacts, Slow Rehabilitation in Cambodia', in Michael W. Doyle, Ian Johnstone, and Robert C. Orr (eds), *Keeping the Peace: Multidimensional Peacekeeping in Cambodia and El Salvador* (Cambridge: Cambridge University Press, 1997), 186.
- Weinstein, Jeremy M., John Edward Porter, and Stuart E. Eizenstat, *On the Brink: Weak States and US National Security* (Commission for Weak States and US National Security, 2004), available at <http://www.cgdev.org/docs/Full_Report.pdf>.
- Willitts-King, Barnaby, *Good Humanitarian Donorship and the European Union: A Study of Good Practice and Recent Initiatives* (Development Cooperation Ireland, 15 September 2004), available at <http://www.reliefweb.int/ghd/EU_GHD_study_final_report.pdf>.
- Woodward, Susan L., 'Economic Priorities for Successful Peace Implementation', in Stephen John Stedman, Donald Rothchild, and Elizabeth M. Cousens (eds), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, CO: Lynne Rienner, 2002), 183.
- World Bank, *Post-Conflict Reconstruction: The Role of the World Bank* (Washington, DC: World Bank, 1998).
- , *Financing and Aid Management Arrangements in Post-Conflict Settings* (Washington, DC: Conflict Prevention and Reconstruction Unit, CPR Note 12, June 2003), available at <<http://www.worldbank.org/conflict>>.
- Zagorin, Adam, 'Spreading the Wealth', *Hoover Digest*, Spring 2003.