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MAKING STATES WORK

From State Failure to State-Building

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About the Project

This project has its origins in the work of the International Commission on Intervention and State Sovereignty, on which two of the report authors (Michael Ignatieff and Ramesh Thakur) were commissioners. In its introductory chapter setting out the policy challenge, *The Responsibility to Protect* argued 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.[i]

That statement, emphasizing the link between international peace and strong states respectful of human rights and robust civil societies, provided the point of departure for the project, which was convened by the International Peace Academy, the Carr Center for Human Rights Policy at Harvard University, and the United Nations University.

Two meetings were convened to provide the shape and context of the project. The first, held at the Pocantico Conference Center of the Rockefeller Brothers Fund in Tarrytown, New York, took place in November 2002. This brought authors together with key representatives of and ambassadors to the United Nations. Together they examined the contemporary phenomenon of state failure and its implications. In particular, the meeting focused on advancing research and policy development on different forms of engagement with weak states that become the subject of international concern. From this initial meeting, the editors commissioned original work from the authors that would speak to this problem and to the other chapters. A second meeting was then convened of the authors only at the United Nations University in Tokyo in May 2003. This provided an opportunity for authors to review each other's work and for the editors to draw together themes that are now elaborated in this report, a version of which appears as the final chapter of the volume.

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Themes explored in this report are treated more fully in *Making States Work* (United Nations University Press, forthcoming).

Executive Summary

- 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.

- 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 from this project 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.

- The importance of "ownership" is frequently asserted by international actors in both the political and economic processes of transition, though its meaning is unclear. It is noteworthy that those states included in this project as relative successes – Mozambique, Costa Rica, and Singapore – all enjoyed strong leadership on the part of local elites. Each demonstrates the importance of foreign assistance being tailored to local needs, where possible channelled through local hands.

- Such caveats concerning ownership should not be misunderstood as an argument against widespread participation. As Afghanistan shows, social bonds may in some cases be far stronger than institutional ties to the state. The most optimistic aspect of Afghanistan's recent past is that its endemically weak state coincides with a relatively robust society. Tapping into its ethnic, tribal, sectarian, and linguistic networks is an important element of building a stable state.

- 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.

- 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.

- 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).

- 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. 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.

- International action in response to a crisis commonly suffers from happening too late and too quickly. On the timing, 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. On the duration of international action, a central problem is that a crisis tends to be focused in time, while the most important work of building up state institutions takes years or decades. Effective state-building is slow and it is disingenuous to suggest otherwise to domestic publics.

- First responders to a crisis in a state's capacity to care for vulnerable populations are usually humanitarian relief workers. But 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. This "humanitarian intelligence" requires both a change in tactics, but also a doctrinal shift in thinking about the role of humanitarians.

- 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.

- There are not many coercive tools available to international actors to deal with state failure. 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). Two recent additions to this very limited quiver are international criminal law and transitional administration. For international actors to assume the power to make such decisions is antithetical to many of the lessons discussed here, in particular the need for local input and ownership. But if ownership is not possible in the short term — due to the inability of local actors to work peacefully together or where institutions simply do not exist — it is better to acknowledge that ownership will be the end rather than the means.

- 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.

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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 all the cases considered in this project demonstrate the importance of local context — history, culture, individual actors — they still 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 is how weak states deal with crisis.

Structural problems and root causes are part of the problem of “state failure,” but a key question for policy-makers is how weak states deal with crisis.

This project grew out of the work of the International Commission on Intervention and State Sovereignty. ICISS acknowledged that state sovereignty is the bedrock principle on which the modern international system — a society of states — is founded. It pointed to the problem of incapacitated and criminalized states, but argued that the best solution was to strengthen and legitimize states rather than overthrow the system of states. A world of capable, efficient, and legitimate states will help to achieve the goals of order, stability, predictability, and national and human security.

The end of the Cold War was not just a defeat of the Soviet Union as the superpower rival of the United States. It also marked the defeat of the ideology of communism and the collapse of the ideology of the command economy by the forces of liberal democracy and market economy. The enterprise of state-making since the end of the Cold War reflects these broader contextual realities. Political correctness aside, the major concerns with regard to state incapacity, failure, and criminalization have focussed on developing countries and in particular the former colonies. The colonial powers must accept their share of the blame for having ruptured the social development, arrested the political development, and retarded the economic development of their wards. But that is history, and by itself does not help us much in pointing the way forward to a better future.

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It does, however, attest to an enduring problem. In Western societies, the democratic franchise came after the liberal society and the liberal state were firmly established. In the postcolonial countries, democracy could not be installed as an adjunct of the liberal state, for the latter itself had not been established. In these societies, the rhetoric of democracy often involved, and the logic of the empirical reality occasionally implied, opposition to establishing the liberal capitalist state. Where the traditional culture is little attuned to political competition, the market polity of a competitive political party system may fail to take root and comprise instead just the “top dressing” of a political system.

State nationalism, too, originated in Europe. The state used its institutions and resources to promote national identity in order to consolidate and legitimise itself by manipulating these powerful new symbols. The campaign was so successful that national self-determination became shorthand for the idea that nationalism requires the creation of a sovereign state for every nation. The nation-state became the focus of cultural identity. Yet the relationship between “nation” and “state” too has been historically contingent rather than logically necessary. The difficulty for most postcolonial societies was that state-building and nation-building had to be embarked on simultaneously. If “postcolonial” is to mean something other than post-independence, then it must entail some enduring legacy of colonial rule for the state that came into being with independence.

In development theory the state was viewed as autonomous, homogeneous, in control of economic

and political power, in charge of foreign economic relations, and possessing the requisite managerial and technical capacity to formulate and implement planned development. In reality in many developing countries the state was a tool of a narrow family, clique or sect that was fully preoccupied with fighting off internal and external challenges to its closed privileges. In most of the literature, development has meant a strengthening of the material base of a society. A strong state would ensure order, look after national security, and intervene actively in the management of the national economy. Yet the consolidation of state power can be used in the name of national security and law and order to suppress individual, group or even majority demands on the government, and to plunder the resources of a society.

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.

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Rather than choosing between these Lockean, Weberian, and juridical lines of thought, this report argues 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.

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. This report addresses these two sets of actors in turn.

1 Local factors

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. 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 these terms, this 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.

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.

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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.

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"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/Zaïre), 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.

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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 from this project 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.

There is a surprising dearth of interest in the literature in the best "fit" between type of political system and local circumstances. International policy responses to the financial crises in many parts of the world since the 1990s have drawn criticism for trying to impose a "one size fits all" framework on all troubled states. A similar caution may be warranted with respect to political prescriptions, but less forcefully advanced for fear of being branded a cultural relativist. Yet in the stable, mature and advanced democracies, there is a comparable commitment to the values and principles of liberal democracy and market economy; but there is no uniformity of pattern in the structures, institutions and processes. Some have presidential government, while others are parliamentary republics or constitutional monarchies. Some of the most stable European nations are leading examples of consociational democracy, while the United States and Australia are prime examples of robust adversarial politics. There is great diversity of electoral systems, party systems, periodicity of voting and terms of governments. All such institutional differences reflect the particular historical patterns of political evolution in the European, American, and Australasian settings. Yet the international policy community has been singularly hesitant to explore the connection between differences in institutional arrangements and local variables with a view to maximizing the prospects of liberal democracy and market economy taking root and flourishing.

1.2 Ownership

The importance of "ownership" is frequently asserted by international actors in both the political and economic processes of transition, though its meaning is unclear. Often it does not mean control – or even a direct input into decision-making structures. Sometimes qualified by "a sense of," ownership at times bears 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.

It is noteworthy that those states included in this project as relative successes – Mozambique, Costa Rica, and Singapore – all enjoyed strong leadership on the part of local elites. Each demonstrates the importance of foreign assistance being tailored to local needs, where possible channelled through local hands. Indeed, Singapore not only did not embrace an externally dictated template for development, some of its policies did not conform to the prevailing international consensus at the time on state-building. In extraordinary circumstances it may be necessary for legitimate international actors to make certain decisions on behalf of a population. Such an arrangement should only ever be temporary and there should be clarity as to why local control has been suspended and when and how it will be restored.

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participation. As Afghanistan shows, social bonds may in some cases be far stronger than institutional ties to the state. The most optimistic aspect of Afghanistan's recent past is that its endemically weak state coincides with a relatively robust society. Tapping into its ethnic, tribal, sectarian, and linguistic networks is an important element of building a stable state.

A key dilemma is how to strike the balance between necessary decentralization, in recognition of the division of power through disparate actors, and the importance of building a centralized state that can itself provide certain basic public goods for the population. Politics is often defined in terms of the struggle for power. Democracy is a means of coming to terms with political power, taming it and making it subservient to popular wishes. Federalism is a means of bifurcating it territorially. A unitary system of government concentrates all legal power in a central government, with subordinate units of government being the creation of and subject to the will of that central government. A federal structure is one solution to the dilemma of the balance between centralizing and centrifugal pressures. But fragile societies like Afghanistan may resist such an approach either because of fears that it would simply confirm the position of local commanders or warlords, or that it would open the possibility of a federal subunit seceding from the whole.

Many countries have had to grapple with the difficult question of maintaining unity amidst considerable diversity through appropriate and adaptable power-sharing arrangements that recognize but are not overwhelmed by the different social groups. States with regionally-based ethnic divisions are, as a rule, more stable under federal rather than unitary structures. A curious sub-literature exists on the precise number of subunits that are desirable – systems with two are highly unstable (as in Pakistan until 1971 and Czechoslovakia until 1992), and systems with four also appear to struggle. Five units and above is believed to be about right, with another band of stability around 20-25. The foundation of this esoteric calculus is the ability of federal structures to diffuse decision-making power through different layers of government, increasing the number of arenas for peaceful resolution of political differences. The stability of such power-sharing arrangements, however, relies less on the structures themselves than on the willingness of parties to operate within them. Where elite groups have relatively clear and loyal constituencies organized as political parties, labour unions, or other institutions, structured political life will be more stable. These institutions rarely exist in a post-conflict environment, however, and the strategic questions of whether or not to opt into the peace process may be revisited by belligerent groups periodically through the transition. This was the case in Bosnia and Herzegovina: despite powerful international pressure to coerce parties into power-sharing arrangements, parties to the conflict simply refused to cooperate with the new multiethnic and inter-entity institutions.

1.3 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.

> *Political parties can help move power from individuals to institutions, and from military to civilian actors.*

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.

1.4 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.[ii]

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.

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 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.

1.5 Think local, act global

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."[iii] 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 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.

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.

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."[iv] 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.

Building or rebuilding faith in the idea of the state requires a similar transformation in mentality as much as it does in politics.

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.

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, before examining the other carrots and sticks that are available to international actors. Finally, the section discusses exit strategies for when the crisis is averted or international attention moves elsewhere.

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.

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 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.

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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.

But 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.

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.

This raises a more general point that runs through the case studies 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.

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.

Early warning is not generally a problem of lack of information. The problem is inadequate analysis and a lack of political will.

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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.[v]

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;"[vi] and the work of NGOs such as the International Crisis Group.

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.

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Donors have an obvious role to play also. Humanitarian 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 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.

There is also a need to be creative about the manner in which humanitarian relief to states in crisis takes place at the intergovernmental level. The caricature of North Korea as "bad, mad, or sad" is both incorrect and unhelpful. It never functioned as a traditional "Weberian" state because it was not designed to be one. Foreign policy engagement with North Korea presently focuses on its presumed nuclear capacity, but failing to address the weakness of state functions that have begun to disaggregate from the party may foster corruption and further weaken local coping mechanisms for the natural and man-made disasters that have afflicted the country. Security is a key part of

this — not least because the fear of invasion is used by Kim Jong Il's regime to justify continued mobilization and the diversion of resources from civilian to military functions.

2.4 From persuasion ...

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.

> *If humanitarian assistance is coming to be seen as political in nature, development assistance has long been regarded as such.*

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. And, in the case of Mozambique, 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.

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.

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.

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.

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.[vii]

2.5 ... to tools of dissuasion

There are not many coercive tools available to international actors to deal with state failure. 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,[viii] though some lessons concerning the nature of the force deployed bear emphasizing here. Two recent additions to this very limited quiver are international criminal law and transitional administration.

There are limited coercive tools available to international actors responding to state failure.

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.

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." Over forty years later, the slowness to deploy civilian police continues to afflict UN missions.[ix]

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.[x] 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.

Transitional justice must be understood both widely and deeply: widely to embrace not merely accountability through judicial trials but also truth-seeking and truth-telling, reconciliation, institutional reform, and reparations; deeply in that it must be tailored to address local concerns and draw upon local resources if it is 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 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.

A more extreme form of international engagement is transitional administration. For international actors to assume some or all powers of government is antithetical to many of the lessons discussed here, in particular the need for local input and ownership. But if ownership is not possible in the short term – due to the inability of local actors to work peacefully together or where institutions simply do not exist – it is better to acknowledge that ownership will be the end rather than the means.

There has been much reluctance to embrace this practice and dignify it with theory. In the case of Iraq, for example, it was sometimes argued that greater involvement of the United Nations would have avoided some of the mistakes made by the Coalition Provisional Authority in its first year of occupation. Three of the most egregious errors in Iraq – failing to provide for emergency law and order, disbanding the Iraqi army, and blanket de-Baathification – ran counter to lessons from previous operations. But the greatest mistake by US planners may have been the assumption that previous UN state-building efforts have achieved mixed successes because of UN incompetence, rather than due to the inherent contradictions in building democracy through foreign military intervention.

In Iraq, the greatest mistake by US planners may have been the assumption that previous UN state-building efforts have achieved mixed successes because of UN incompetence, rather than due to the inherent contradictions in building democracy through foreign military intervention.

2.6 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.[xi] 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."

Singapore's experience of the withdrawal of British troops is an example of the need to manage exit strate-

gies carefully. Singapore's efforts to stagger the departure of foreign troops after independence in 1965 may be contrasted with more recent popular calls in the Philippines for US troops to depart immediately. Domestically popular, this left a vacuum of equipment, revenue, and skills. The unmanaged withdrawal of foreign security forces may also lead to a resumption of conflict. This fear drives the maintenance of large security presences in Bosnia and Kosovo — and explains the decision never to send such numbers to Afghanistan.

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.[xii] 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.[xiii]

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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.

In general, the emphasis has been on form at the expense of substance. The transition to democracy requires a transformation in public mentality similar to that which underpins respect for the rule of law. Elections may provide evidence of this transformation, but they are only a small part of what is required to realize it. Building robust market economies and resilient civil societies are just as critical for embedding democracy in larger structures that can survive changes of leaders and parties.

3 Conclusion

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."

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 report and the book that accompanies it have 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 is exercised in an incoherent fashion.

Engagement with such states requires, first and foremost, understanding the local dynamics of power.

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 of trusteeship and empire. Current efforts at state-building attempt — at least in part — to reproduce the better effects of empire without reproducing its worst features.

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

4 Notes

i 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.

ii 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 Hirsch, *Sierra Leone: Diamonds and the Struggle for Democracy*, Boulder, CO: Lynne Rienner, 2001.

iii *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>, p. iv.

iv Learned Hand, *The Spirit of Liberty*, 3rd edn, Chicago: University of Chicago Press, 1960, p. 190.

v Report of the Panel on United Nations Peace Operations (Brahimi Report), UN Doc A/55/305-S/2000/809, New York, 21 August 2000, paras. 65-75.

vi UN Charter, art. 99.

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

viii On sanctions, see especially David Cortright and George A. Lopez, *The Sanctions Decade: Assessing UN Strategies in the 1990s*, Boulder, CO: Lynne Rienner, 2000. On coercive military intervention, see International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, International Development Research Centre, Ottawa, December 2001, available at <http://www.iciss.gc.ca>; Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law*, Oxford: Oxford University Press, 2001.

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

x 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.

xi 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.

xii 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.

xiii 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.

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

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