From State Failure to State-Building: Problems and Prospects for a United Nations Peacebuilding Commission

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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 the state-building efforts considered in this article 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 emerging from conflict. Put another way, structural problems and root causes are part of the problem of "state failure", but an important question for policy-makers 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—a central concern, inasmuch as around half of all countries that emerge from war lapse back into it within five years.[1]

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 disputes, 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

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1 United Nations Secretary-General, *In Larger Freedom: Towards Development, Security and Human Rights for All—Report of the Secretary-General*, UN GAOR, 59th Sess., UN Doc. A/59/2005 (2005), at para. 114 online: United Nations <http://daccessdds.un.org/doc/UNDOC/GEN/N05/270/78/PDF/N0527078.pdf?OpenElement>. [In Larger Freedom]

regime change took place in a territory with far greater human, institutional, and economic resources than any comparable situation in which the United Nations or other actor had exercised civilian administration functions since the Second World War.[2]

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.[3]

Within the United Nations, "peacebuilding" is generally preferred. This has been taken to mean, among other things, "reforming or strengthening governmental institutions,"[4] or "the creation of structures for the institutionalization of peace".[5] It

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

3 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, *e.g.*, 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); and Jim Mac Laughlin, *Reimagining the Nation-State: The Contested Terrains of Nation-Building* (London: Pluto Press, 2001).

4 *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 (1992), at para 55, online: United Nations ‹http://www.un.org/Docs/SG/agpeace.html›.

5 *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 (1995), at para 49, online: United Nations ‹http://www.un.org/Docs/SG/agsupp.html›. From a UN development perspective, peacebuilding aims "to build and enable durable peace and sustainable development in post-conflict situations." See, e.g., *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 (2000), at para 51, online: United Nations ‹http://www.undp.org/execbrd/pdf/dp01-4.PDF›. The Development Assistance Committee (DAC) of the OECD maintains that peace-building and reconciliation focuses "on long-term support to, and

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.[6]

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.

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), at 86, online: Organisation for Economic Co-operation and Development ‹http://www.oecd.org/dataoecd/15/54/1886146.pdf›.

6 Elizabeth M. Cousens, "Introduction," in Elizabeth M. Cousens & Chetan Kumar, eds., *Peacebuilding as Politics* (Boulder, CO: Lynne Rienner, 2001) 1 at 5-10.

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.

This article can only explore a very small number of these issues. It focuses, therefore, on the exceptional circumstances where the United Nations assumes some or all sovereign powers.[7] Whether such operations are an appropriate activity for the United Nations remains controversial, but the expanding practice through the 1990s and early 2000s suggests that even if greater capacity is not developed the demand is unlikely to diminish. The section that follows highlights some of the difficulties inherent in such a political project of thrusting democracy and good governance on a population; section two then outlines the prospects for improvement, with particular reference to the proposed Peacebuilding Commission of the United Nations. A survey of the practice shows significant improvement in technical areas such as staging elections; the Peacebuilding Commission may remedy some of the coordination problems and funding gaps that plague post-conflict operations. It is far from clear, however, that the political contradictions inherent in such operations are being adequately understood let alone addressed.

PROBLEMS

Is it possible to establish the necessary political and economic conditions for legitimate and sustainable national governance 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 people can be saved from themselves through education, economic incentives, and the space to develop mature political institutions; and 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.[8] This is a valuable area of research, but may obscure

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7 For a broader discussion of how states deal with crisis, see Simon Chesterman, Michael Ignatieff & Ramesh Thakur, eds., *Making States Work: State Failure and the Crisis of Governance* (Tokyo: United Nations University Press, 2005).

8 See, eg, Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005); Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004).

three sets of contradictions between means and ends that undermine such operations: the means are *inconsistent* with the ends, they are frequently *inadequate* for the ends, and in many situations the means are *inappropriate* for the ends.

Inconsistent

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: (a) the strategic objectives; (b) the relationship between international and local actors and how this will change over time; and (c) 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.[9] 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 have 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.[10] 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.

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9 UNSC Res. 1244, UN SCOR, UN Doc S/RES/1244 (1999).

10 International Crisis Group, *Bosnia: Reshaping the International Machinery* (Sarajevo/Brussels: ICG Balkans Report No 121, 29 November 2001) at 13, online: International Crisis Group ‹http://www.crisisgroup.org/home/index.cfm?id=1495&l=1›.

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.

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.[11] 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.[12]

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.

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 twelve-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. And in the lead up to the war with Iraq, the Chief of

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11 See Simon Chesterman, "The Trope of Ownership: Transfer of Authority in Post-Conflict Operations", in Agnes Hurwitz, ed., *Rule of Law Programming in Conflict Management: Security, Development and Human Rights in the 21st Century* (Boulder, CO: Lynne Rienner, 2006) [forthcoming].

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

Staff of the US Army was similarly pooh-poohed by the leadership of the Defence Department when he testified to the Senate that several hundred thousand soldiers would be required for post-war duties.[13] 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. The primary barrier to establishing transitional administration-type operations in areas such as Western Sahara, Somalia, 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.[14]

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 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.

Inadequate

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

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[13] Eric Schmitt, "Pentagon contradicts general on Iraq occupation force's size" *New York Times* (28 February 2003) A1.

[14] UN envoy James Baker is said to have been asked once by Polisario representatives why the United Nations was treating Western Sahara differently from East Timor. He replied to the effect that if the Sahrawis wanted to be treated like the Timorese they had best go find themselves an Australia to lead a military action on their behalf.

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.[15] 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.[16]

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 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 it 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

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15 Paul Krugman, "The martial plan" *New York Times* (21 February 2003) A27; James G. Lakely, "Levin criticizes budget for Afghanistan; Says White House isn't devoting enough to rebuilding" *Washington Times* (26 February 2003) A04. Aid was later increased further: David Rohde, "US said to plan bigger Afghan effort, stepping up aid" *New York Times* (25 August 2003) A3.

16 See, e.g., International Crisis Group, *Bosnia's Precarious Economy: Still Not Open for Business* (Sarajevo/Brussels: ICG Balkans Report No 115, 7 August 2001), online: International Crisis Group ‹http://www.crisisgroup.org/home/index.cfm?id=1494&l=1›.

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 high point 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, 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."[17] 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.[18]

A key argument in the Report of the Panel on UN Peace Operations, known as 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

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17 Scott Shane and Raymond Bonner, "Annan nudges donors to make good on full pledges" *New York Times* (7 January 2005) A12.

18 *Report of the Independent Inquiry into the Actions of the United Nations During the 1994 Genocide in Rwanda*, UN Doc. S/1999/1257 (1999) at 51, Online: United Nations ‹http://www.un.org/Docs/journal/asp/ws.asp?m=S/1999/1257›; *Report of the Panel on United Nations Peace Operations* (Brahimi Report), UN Doc. A/55/305-S/2000/809 (2000), at para 62, online: United Nations ‹http://www.un.org/peace/reports/peace_operations/›.

> missions—they are more likely agreeing to a waste of human resources, time and money.[19]

This view finds some support in the report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, which called 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.[20] 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—though the fact that Kosovo has been the recipient of twenty-five times more money and fifty 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.[21]

Inappropriate

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 country 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.

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19 Brahimi Report, *ibid.* at para. 59.

20 International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, December 2001), at paras. 2.32, 5.1-5.6, online: International Commission on Intervention and State Sovereignty ‹http://www.iciss.ca/report-en.asp›.

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

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'état* 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.[22] 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 staffs 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 of skilled expatriates more generally.

The "can-do" attitude of many people within the UN system is one of the most positive qualities that staffs 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,

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

however, procedure is more important. In such circumstances, the "can-do" attitude may become a cavalier disregard for local sensibilities. Moreover, many staffs 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 staffs 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.

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.

However, even more important than learning from past mistakes, 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.

PROSPECTS

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 revivified trusteeship capacity. Rather, what are required are workable strategies and tactics with which to support institutions of the state before, during, and after conflict. As indicated earlier, doing this effectively requires clarity in three areas: (a) the strategic aims of the action; (b) the necessary institutional coordination to put all actors—especially security and development actors—on the same page; and (c) a realistic basis for evaluating the success or failure of the action.

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.[23] 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 later date.

Strategic failure may affect all levels 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.

Kosovo's uncertain final status, for example, 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 they 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 the NATO-led KFOR in Kosovo and the 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",[24] but without creating any capacity to focus political attention,

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23 Brahimi Report, *supra* note 17 at paras. 9-83.

24 See *supra* note 4.

design policy and strategy, and oversee operations in this area. (The proposed Peacebuilding Commission is considered in the next sub-section.)

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.[25]

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.

Coordination and the Peacebuilding Commission

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."[26] Its key recommendation to remedy this situation was the call for a Peacebuilding Commission to be established as a subsidiary organ of the UN Security Council under article 29 of the UN Charter.[27]

This new body was to have four functions. First, it would identify countries that are under stress and risk sliding towards state collapse. Second, it would organize, "in partnership with the national Government, proactive assistance in preventing that process from developing further". Third, it would assist in the planning for transitions between conflict and post-conflict peacebuilding. Fourth, it would marshal and sustain the efforts of the international community in post-conflict peacebuilding over whatever period may be necessary. Other guidelines mapped out institutional and procedural considerations, including the need for the

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25 *Achieving the Health Millennium Development Goals in Fragile States*, Abuja: High-Level Forum on the Health MDGs (2004) at 21, online: High-Level Forum on the Health MDGs ‹http://www.hlfhealthmdgs.org/Documents/FragileStates.pdf›.

26 *Report of the Secretary-General's High-level Panel on Threats, Challenges and Change, A More Secure World: Our Shared Responsibility*, UN GAOR, 59th Sess., Supp. No. 565, UN Doc. A/59 (2004) at para 38, online: United Nations ‹http://www.un.org/secureworld/ report.pdf› [High-level Panel Report].

27 *Ibid*. at paras 261-265.

body to be small and flexible, considering both general policy issues and country-by-country strategies. It was to include representatives of the Security Council, the Economic and Social Council, the International Monetary Fund and the World Bank, donor countries, troop contributors, and regional organizations—as well as national representatives of the country under consideration.[28] A Peacebuilding Support Office would integrate system-wide policies and strategies, develop best practices, and provide support to field operations. Among other functions, the office would submit twice-yearly early warning analyses to the Peacebuilding Commission to help it in organizing its work.[29]

The Commission was generally considered to be one of the more positive ideas to come from the High-Level Panel and appeared likely to be adopted by the membership of the United Nations. When the Secretary-General drew upon this to present his own vision of the Peacebuilding Commission in his "In Larger Freedom" report of March 2005, he specifically removed any suggestion of an early warning function—presumably under pressure from governments wary that they might be the ones under scrutiny.[30] This essentially dropped the first two of the High-Level Panel's four functions, but the Secretary-General elaborated on how the other two might work in practice:

> A Peacebuilding Commission could perform the following functions: in the immediate aftermath of war, improve United Nations planning for sustained recovery, focusing on early efforts to establish the necessary institutions; help to ensure predictable financing for early recovery activities, in part by providing an overview of assessed, voluntary and standing funding mechanisms; improve the coordination of the many post-conflict activities of the United Nations funds, programmes and agencies; provide a forum in which the United Nations, major bilateral donors, troop contributors, relevant regional actors and organizations, the international financial institutions and the national or transitional Government of the country concerned can share information about their respective post-conflict recovery strategies, in the interests of greater coherence; periodically review progress towards medium-term recovery goals; and extend the period of political attention to post-conflict recovery.[31]

Two essential aspects of how the commission would function were left unresolved: what its membership would be, and to whom it would report—the Security Council or the Economic and Security Council. These ended up paralysing debate on the Commission in the lead up to the September 2005 World Summit and were deferred for later consideration. The World Summit Outcome document

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28 *Ibid*. at paras. 264-265.

29 *Ibid.* at paras. 266-267.

30 In Larger Freedom, *supra* note 1 at para. 115.

31 *Ibid*. at para. 115.

broadly endorsed the Secretary-General's view of the Peacebuilding Commission as essentially limited to mobilizing resources for post-conflict reconstruction:

> The main purpose of the Peacebuilding Commission is to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery. The Commission should focus attention on the reconstruction and institution-building efforts necessary for recovery from conflict and support the development of integrated strategies in order to lay the foundation for sustainable development. In addition, it should provide recommendations and information to improve the coordination of all relevant actors within and outside the United Nations, develop best practices, help to ensure predictable financing for early recovery activities and extend the period of attention by the international community to post-conflict recovery.[32]

In one sense, the evolution of the Peacebuilding Commission is a fairly typical example of ideas and norms being diluted as they move through the policy and intergovernmental waters. Early warning died a fairly quick death even before reaching the summit. A second attempt by the High-Level Panel to strengthen early warning by creating a Deputy Secretary-General for Peace and Security was dropped entirely.[33] The outcome document of the 2005 Summit did resolve to develop early warning systems for natural disasters, in particular tsunamis, but early warning of man-made disasters was the subject for a more tepid call for the international community to support the United Nations in developing such a capability at some point in the unspecified future.[34]

On the post-conflict responsibilities of the Peacebuilding Commission, its role in planning and formulating strategy was more subtly undermined. The High-Level Panel had seen it as assisting in the "planning" for the transition from conflict to post-conflict.[35] The Secretary-General limited it to improving "United Nations planning for sustained recovery".[36] By the Summit, it was limited to "advis[ing] on and propos[ing] integrated strategies".[37] The Peacebuilding Support Office, meanwhile did not receive the requested twenty new staff or any new responsibilities beyond assisting and supporting the Commission by drawing upon existing resources within the Secretariat.[38]

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32 UN General Assembly, *2005 World Summit Outcome*, GA Res 60/1, UN GAOR, 60th Sess., UN Doc. A/RES/60/1 (2005), online: United Nations ‹http://daccessdds.un.org/doc/UNDOC/LTD/N05/511/30/PDF/N0551130.pdf?OpenElement› [World Summit Outcome].

33 High-Level Panel Report, *supra* note 26 at paras. 98, 293-294.

34 World Summit Outcome, *supra* note 32 at paras. 56(f), 138.

35 High-Level Panel Report, *supra* note 26 at para. 264.

36 In Larger Freedom, *supra* note 1 at para. 115.

37 World Summit Outcome, *supra* note 31 at para. 98.

38 *Ibid*. at para 104.

Far from being a new Trusteeship Council, then, the Peacebuilding Commission begins to look more like a standing pledging conference, one of the most important forms of coordination for donors that currently exists.[39] If it can succeed in sustaining attention on a post-conflict situation beyond the current limits of foreign policy attention deficit disorder, the Peacebuilding Commission will have achieved a great deal. It is less clear that this additional layer of coordination will assist in how these new resources are spent.

Problems of coordination tend to arise at three levels: (a) the strategic level (for example, the final status of Kosovo); (b) the operational level (for example, competing donor agencies in Bosnia); and (c) 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 (or the Economic and Social Council) may see it fall somewhere between (a) and (b)—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 International Financial Institutions, 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. At the very least if it can force the United Nations to speak with one voice on post-conflict

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[39] Stewart Patrick, "The Donor Community and the Challenge of Postconflict Recovery" in Shepard Forman & Stewart Patrick, eds., *Good Intentions: Pledges of Aid for Postconflict Recovery* (Boulder, CO: Lynne Rienner Publishers, 2000) 35 at 40-41. 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 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. 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.

reconstruction—rather than being represented variously by the departments and specialized agencies—it will have achieved a significant improvement. But the key component required is some body that is able to speak truth to power: unless the commission (or the proposed Peacebuilding Support Office) 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 and thus reduced resources after 18 to 24 months) and locals (increasing absorptive capacity and the ability to use resources most productively only after the crisis period has passed), 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, once again, clarity: clarity about who is in charge at any given time, but also clarity about who will be in charge once the attention of the international community moves on.

Evaluation and 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.[40] 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."

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

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[40] *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 (2001), online: United Nations ‹http://daccess-ods.un.org/TMP/3169153.html›.

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.[41]

Evaluations of the UN operation in Cambodia (1992 to 1993) 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.[42] Immediately after the election was held with minimal violence, Cambodia was embraced as a success and a model for future such tasks.[43] Subsequent events suggested that these initially positive evaluations were premature. Many commentators outside the United Nations now regard the UN Transitional Authority in Cambodia (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. 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.

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

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41 "Getting Ready for Statehood" *The Economist* (13 April 2002) 64.

42 See, e.g., William Branigin, "U.N. performance at issue as Cambodian vote nears" *Washington Post* (20 May 1993) A25.

43 "A UN success in Cambodia" *Washington Post*, (18 June 1993) A24.

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.[44]

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.

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."[45]

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. As indicated in the introduction, discussion of such institutional crises frequently suggests that, when a state "fails", power is no longer exercised within

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[44] "Good governance" was an intentionally vague term that spoke less to the formal structures of government than how a state is governed. 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" provides a convenient euphemism for precisely that. See, e.g., 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.

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

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 institutions 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 (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 the analogy may be helpful if it suggests 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. Action is necessary, 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.