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YOU, THE PEOPLE

The United Nations, Transitional Administration, and State-Building

Project on Transitional Administrations

Final Report

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About the Project on Transitional Administrations

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Themes explored in this report are treated more fully in *You, the People: The United Nations, Transitional Administration, and State-Building* (Oxford University Press, forthcoming). For further information, visit <http://www.ipacademy.org>.

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Executive Summary

- Transitional administrations represent the most complex operations attempted by the United Nations. The missions in Kosovo (1999—) and East Timor (1999–2002) are commonly seen as unique in the history of the United Nations. But they may also be seen as the latest in a series of operations that have involved the United Nations in 'state-building' activities, in which it has attempted to develop the institutions of government by assuming some or all of those sovereign powers on a temporary basis. Viewed in light of earlier UN operations, such as those in Namibia (1989–1990), Cambodia (1992–1993), and Eastern Slavonia (1996–1998), the idea that these exceptional circumstances may not recur is somewhat disingenuous. The need for policy research in this area was brought into sharp focus by the weighty but vague responsibilities assigned to the United Nations in Afghanistan (2002—) and its contested role in Iraq (2003—).

- Much research has focused on the doctrinal and operational difficulties experienced by such operations. This is a valuable area of research, but may obscure three sets of contradictions between means and ends that have plagued recent efforts to govern post-conflict territories. Recognizing and addressing these contradictions are key to the success of any transitional administration project.

Xanana Gusmão and Sergio Vieira de Mello (Reuters NewMedia Inc./ CORBIS)

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

- Second, the means are inadequate for the ends. International interest in post-conflict operations tends to be ephemeral, with availability of funds linked to the prominence of a foreign crisis on the domestic agenda of the states that contribute funds and troops. Both have tended to be insufficient. Funds for post-conflict reconstruction are notoriously supply- rather than demand-driven. This leads to multiplication of bureaucracy in the recipient country, inconsistency in disbursement procedures, and a focus on projects that may be more popular with donors than they are necessary in the recipient country. The use of assessed contributions for selected reconstruction tasks should be considered, as should revised trust fund procedures with oversight boards drawn from international, local, and private sector personnel. At the very least, monitoring mechanisms to track aid flows should be developed. 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.

- Third, the means may sometimes be inappropriate for the ends. Though inadequacy of resources is a major concern, artificially high expectations are

nonetheless 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.

- The 11 September 2001 attacks on the United States and the war on terror present both opportunities and challenges in this area of international action. Recognition that weak states can create threats that reach beyond their borders may increase the level of international interest in supporting those states. But undertaking such actions in the interest of external actors rather than the local population may lower the standards to which post-conflict reconstruction is held. The level of physical and economic security required in Afghanistan to prevent it becoming a terrorist haven, for example, is not the same as that required for the basic peace and prosperity of the general population.

- The United Nations experiments in transitional administration have reflected incremental learning. Even more important than learning from past mistakes and successes, however, is learning about future circumstances. Transitional administration demands, 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.

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A US soldier watches a statue of President Saddam Hussein fall in Central Baghdad (Reuters NewMedia Inc./CORBIS)

Introduction

Is it possible to establish the 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 a people can be saved from themselves through education, economic incentives, and the space to develop mature political institutions; the realist basis for that project in what is ultimately military occupation.

In early 1995, chastened by the failed operation in Somalia, the failing operation in Bosnia and Herzegovina, and inaction in the face of genocide in Rwanda, UN Secretary-General Boutros Boutros-Ghali issued a conservative supplement to his more optimistic 1992 *Agenda for Peace*. The *Supplement* noted that a new breed of intra-state conflicts presented the United Nations with challenges not encountered since the Congo operation of the early 1960s. A feature of these conflicts was the collapse of state institutions, especially the police and judiciary, meaning that international intervention had to extend beyond military and humanitarian tasks to include the 'promotion of national reconciliation and the re-establishment of effective government'. Nevertheless, he expressed caution against the United Nations assuming responsibility for law and order, or attempting to impose state institutions on unwilling combatants.[1] General Sir Michael Rose, then commander of the UN Protection Force in Bosnia (UNPROFOR), termed this form of mission creep 'crossing the Mogadishu line'.

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

This report surveys the brief history of UN transitional administration, before elaborating on three contradictions that have emerged in the conduct of such operations. The emphasis is on operations in which the United Nations has exercised some form of executive control — most prominently in East Timor, where it exercised effectively sovereign powers for over two years. This is the subject matter of part one. More recent operations in Afghanistan and Iraq have shifted the terms of this debate: the state-building agenda in such operations has been determined less by the needs of the post-conflict society than by the strategic interests of the United States. Part two therefore turns to the relationship between state-building and the war on terror.

Bernard Kouchner and Sergio Vieira de Mello at the IPA Transitional Administrations Conference, October 2002.

1 The Contradictions of Transitional Administration

Though colonialism is now condemned as an international crime, international humanitarian law —specifically the 1907 Hague Regulations and the Fourth Geneva Convention of 1949 —provides the legal basis for an occupying power to exercise temporary authority over territory that comes under its control. The occupying power is entitled to ensure the security of its forces, but is also required to 'take all the measures in his power to restore, and ensure, as far as possible, public order and safety, while respecting, unless absolutely prevented, the laws in force in the country.' In addition to other positive obligations, such as ensuring public health and sanitation, as well as the provision of food and medical supplies, the occupying power is prohibited from changing local laws except as necessary for its own security and is limited in its capacity to change state institutions. As the purpose of transitional administration is precisely to change the laws and institutions, further legal authority is therefore required. In most of the cases examined here, that authority has tended to come from the UN Security Council. As with much of the Council's work, practice has led theory, with some members of the Council and the wider UN community apparently allergic to the development of doctrine.

As the purpose of transitional administration is precisely to change laws and institutions, more legal authority than that granted under the law of military occupation is required.

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

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

These doctrinal and operational concerns are valid, but have frequently overshadowed the more basic political problems confronting transitional administration. This section discusses three sets of contradictions in the very idea of creating a legitimate and sustainable state through a period of benevolent autocracy: the means are inconsistent with the ends, they are frequently inadequate for those ends, and in many situations the means are inappropriate for the ends.

1.1 The Means Are Inconsistent with the Ends

UNMIK in Kosovo and the High Representative in Bosnia and Herzegovina govern through military occupation. In East Timor, the United Nations completed the task of decolonization. The fact that

these powers have been exercised benevolently does not deprive them of their imposed character. More important than the benevolence of intention is the acceptance of the subject population that power is being exercised for ends that are both clear and achievable. The post-war experiences of Germany and Japan suggest that it is not impossible to create democracies through military occupation, but those operations were very different from more recent instances of transitional administration, with the possible exception of Iraq. Decolonization may be a more fitting model, but there are valid concerns about embracing such language only half a century after one-third of the world's population lived under colonial rule. Whatever euphemism is used, however, it is both inaccurate and counter-productive to assert that transitional administration depends upon the consent or 'ownership' of local populations. 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 required in three areas: the strategic objectives; the relationship between international and local actors; and the commitment required of international actors.

Clarity is central to the effective management of post-conflict reconstruction. Instead of institutional transformations, such as rejuvenating the Trusteeship Council or creating a new body to administer territories under the auspices of the United Nations, a modest but important area of reform would be to require clarity in three key areas: as to the strategic objectives; as to the relationship between international and local actors and how this will change over time; and as to the commitment required of international actors in order to achieve objectives that warrant the temporary assumption of autocratic powers under a benevolent international administration. Structured discussion within the UN Security Council would be one way to achieve this, in the form of transitional administration committees, modelled on the sanctions committees that now routinely monitor the implementation, effects, and humanitarian impact of economic sanctions.

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

Obfuscation of the political objective leads to ambiguity in the mandate. In a speech at the tenth anniversary of the Department of Peacekeeping Operations in 2002, Jacques Paul Klein, former Special Representative of the Secretary-General for the UN Transitional Administration for Eastern Slavonia (UNTAES), contrasted his own mandate with that governing international efforts to bring peace to Bosnia. The UN Protection Force (UNPROFOR) was governed by no less than 70 Security Council resolutions and dozens of Presidential statements. Political negotiating authority was divided between the United Nations, the European Union, and the Contact Group. The Dayton Peace Agreement had 150 pages, 11 Annexes, 40 pages of Peace Implementation Council declarations, 92 post-accession criteria for membership of the Council of Europe, and a host of further agreements —most of which were never fulfilled.

> In contrast, the mandate of UNTAES contained just thirteen sentences that could be distilled into six quantifiable objectives. …My point here is twofold: if you start out and don't know where you want to go, you will probably end up somewhere else. And secondly, the mandate is the floor (but not the ceiling) for everything the Mission does. If the mandate is vague for whatever reason —including the inability of Security Council members to agree

> on a political end state — dysfunction will plague the lifespan of the Mission.[2]

This echoed sentiments in the Brahimi Report applicable to peace operations generally.[3]

Prince Zeid Ra'ad Zeid Al-Hussein and Jacques Paul Klein

Five years after the Dayton Peace Agreement, a 'recalibration' exercise required the various international agencies present in Bosnia to perform an institutional audit to determine what, exactly, each of them did.

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 to perform an institutional audit to determine what, exactly, each of them did.[4] Subsidiary bodies and specialized agencies of the United Nations should in principle place their material and human resources at the direct disposal of the transitional administration: all activities should be oriented towards an agreed political goal, which should normally be legitimate and sustainable government. Ideally, the unity of civilian authority should embrace command of the military also. In reality, the reluctance of the United States and other industrialized countries to put their troops under UN command makes this highly improbable. Coordination thus becomes more important, to avoid some of the difficulties encountered in civil-military relations in Afghanistan.

Clarity in the relationship between international and local actors raises the question of ownership. This term is often used disingenuously — either to mask the assertion of potentially dictatorial powers by international actors or to carry a psychological rather than political meaning in the area of reconstruction. Ownership in this context is usually not intended to mean control and often does not even imply a direct input into political questions. This is not to suggest that local control is a substitute for international administration. As the operation in Afghanistan demonstrates, a light footprint makes the success of an operation more than usually dependent on the political dynamic of local actors. Since the malevolence or collapse of that political dynamic is precisely the reason that power is arrogated to an international presence, the light footprint is unsustainable as a model for general application. How much power should be transferred and for how long depends upon the political transition that is required; this in turn is a function of the root causes of the conflict, the local capacity for change, and the degree of international commitment available to assist in bringing about that change.[5]

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 12 month deadline, but might not have been established if it had been envisaged that troops would remain on the ground for a full decade or more. Donors contemplating Afghanistan in November 2001 baulked at early estimates that called for a ten year,

$25 billion commitment to the country. In the lead up to the war with Iraq, the Chief of Staff of the US Army was similarly pooh-poohed by the leadership of the Defense Department when he testified to the Senate that 200,000 soldiers would be required for post-war duties. Political considerations already limit the choice of missions, of course: not for lack of opportunity, no major transitional administration has been established in Africa, where the demands are probably greatest.

Clarifying the commitment necessary to bring about fundamental change in a conflict-prone territory is a double-edged sword.

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; political life does not simply cease. Rather, power comes to be exercised through informal political and legal structures, complicating efforts to construct political institutions and to instantiate the rule of law. 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. This is not, therefore, an argument for unilateralism in the administration of post-conflict territories, but an argument for the transfer of power to 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. In such situations, additional efforts should be made to cultivate civil society organizations such as local non-governmental organizations (NGOs), which can provide a legitimate focus for the political activities of the local population and lobby international actors. 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.

1.2 The Means Are Inadequate for the Ends

Speaking in Cincinnati, Ohio, on 7 October 2002, US President George W. Bush made one of his strongest early statements concerning the threat that Iraq posed to the United States. In the course of his speech, he also alluded to the aftermath of war, stating that the lives of Iraqi citizens would 'improve dramatically if Saddam Hussein were no longer in power, just as the lives of Afghanistan's citizens improved after the Taliban."[6] Ten months after the Bonn Agreement, Afghanistan was hardly a success story — Bush's remarks could equally have been intended as an optimistic assessment of that troubled mission, or a pessimistic downplaying of expectations for what might follow the impending war with Iraq.

Iraq is, of course, distinct from the UN transitional administrations considered here, but the ephemeral nature of international interest in post-conflict operations is, unfortunately, a cliché. When the United States overthrew the Taliban regime in Afghanistan, 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.[7] 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.[8]

Much of the aid that is pledged either arrives late or not at all

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 is arbitrary in situations where the peacekeeping operation is the government. Given existing strains on the peacekeeping budget, however, such a change is unlikely. A more realistic proposal would be to pool voluntary contributions through a trust fund, ideally coordinated by local actors or a mixed body of local and international personnel, perhaps also drawing upon private sector expertise. Even more modest proposals along these lines have faced stiff resistance from the larger donors —in part due to concerns about accountability and additional red tape, in part due to fears that this would remove the discretion to direct funds to projects that are more popular at home than they are necessary abroad. At the very least, a monitoring mechanism to track aid flows would help to ensure that money that is promised at the highpoint of international attention to a crisis is in fact delivered and spent.

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

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

> Although presenting and justifying planning estimates according to high operational standards might reduce the likelihood of an operation going forward, Member States must not be led to believe that they are doing something useful for countries in trouble when —by under-resourcing missions — they are more likely agreeing to a waste of human resources, time and money.[9]

Applied to transitional administration, this view finds some support in the report of the International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*, which calls for the 'responsibility to rebuild' to be seen as an integral part of any intervention. When an intervention is contemplated, a post-intervention strategy is both an operational necessity and an ethical imperative.[10] There is some evidence of this principle now achieving at least rhetorical acceptance — despite his aversion to 'nation-building', 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.

Success in state-building, in addition to clarity of purpose, requires time and money.

More than rhetoric is required. Success in state-building, in addition to clarity of purpose, requires time and money. A lengthy international presence will not ensure success, but an early departure guarantees failure. Similarly, an abundance of resources will not make up for the lack of a coherent strategy —but the fact that Kosovo has been the recipient of 25 times more money and 50 times more troops, on a per capita basis, compared with Afghanistan, goes some way towards explaining the modest achievements in developing democratic institutions and the economy.[11]

1.3 The Means Are Inappropriate for the Ends

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

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

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

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

the need to justify every post occupied by international staff rather than a local. Cultivating relations with diaspora communities may help address this problem, serving the dual function of recruiting culturally-aware staff and encouraging the return of skilled expatriates more generally.

Simply pairing international and local staff tends to provide less on-the-job training than extended opportunities to stand around and watch.

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

Michael Doyle, Sergio Vieira de Mello, David M. Malone, and Bernard Kouchner

2 State-Building and the War on Terror

The primary barrier to establishing transitional administration-type operations in areas such as Somalia, Western Sahara, and the Democratic Republic of the Congo has less to do with the difficulty of such operations than with the absence of political will to commit resources to undertake them. The 'war on terror' has transformed this agenda, though triage is performed less according to need than to the strategic priorities of the dominant actors, most prominently the United States. Though the operations in Afghanistan and Iraq are not transitional administrations as understood in this report, they are suggestive of how the state-building agenda has changed.

Though the operations in Afghanistan and Iraq are not transitional administrations as such, they are suggestive of how the state-building agenda has changed with the war on terror.

In the course of the US-led intervention in Afghanistan in late 2001 — in particular, as the likelihood of capturing Osama bin Laden 'dead or alive' diminished — a rhetorical shift became evident in the Bush administration's war aims. 'Nation-building',[12] something that Bush had previously derided as inappropriate for the US military, came back onto the US agenda. And, with increasing frequency, the Taliban regime and its mistreatment of the Afghan civilian population were presented as the real evil, rather than being ancillary to the man and the organization that attacked the United States on 11 September 2001. These developments highlighted the changing strategic and political environment within which state-building takes place. The proximate cause was the adoption of state-building as a tool in the 'war on

terror', but underlying this was an emerging view that the United States should be more ready to use its power in the world.

2.1 Nation-Building and the National Interest

During the 2000 US presidential campaign, candidate Bush was openly critical of the use of US military resources for nation-building purposes. He affirmed this position once in office, including statements in July 2001 stressing that the United States military 'should be used to fight and win war'.[13] Bush made similar comments in the weeks after the 11 September 2001 attacks, when he stated that 'we're not into nation-building, we're focused on justice'.[14] Days before the United States commenced military operations in Afghanistan, however, the President's spokesman marked a slight shift in position as it became apparent that international support for the impending conflict might depend on the broader consequences for the Afghan people: the United States had no intention of engaging in nation-building, but it would 'help those who seek a peaceful, economically-developing Afghanistan that's free from terrorism.'[15] This was elaborated by the President himself in a news conference after the military action had begun, including a more substantial role for the United Nations in rebuilding Afghanistan:

> I believe that the United Nations would — could provide the framework necessary to help meet those conditions. It would be a useful function for the United Nations to take over the so-called 'nation-building' — I would call it the stabilization of a future government — after our military mission is complete. We'll participate; other countries will participate … I've talked to many countries that are interested in making sure that the post-operations Afghanistan is one that is stable, and one that doesn't become yet again a haven for terrorist criminals.[16]

US war aims thus evolved from a retributive strike, to a defensive response, and finally to embrace the broader goals of ensuring the stability of post-conflict Afghanistan. As the war aims changed, so, with the benefit of hindsight, did the asserted motivation for US military operations in the first place. This appeared to be a carefully scripted shift, as shown in two important speeches by President Bush. Speaking to the United Nations in November 2001, he equated the Taliban regime with the terrorists who had attacked the United States: the regime and the terrorists were 'virtually indistinguishable. Together they promote terror abroad and impose a reign of terror on the Afghan people. Women are executed in Kabal's [*sic*] soccer stadium. They can be beaten for wearing socks that are too thin. Men are jailed for missing prayer meetings. The United States, supported by many nations, is bringing justice to the terrorists in Afghanistan.'[17] Then, in his 2002 State of the Union Address, Bush sought to expand this into a more general doctrine intimating that the US action stemmed from goals loftier than self-defence:

> We have no intention of imposing our culture. But America will always stand firm for the non-negotiable demands of human dignity: the rule of law; limits on the power of the state; respect for women; private property; free speech; equal justice; and religious tolerance. America will take the side of brave men and women who advocate these values around the world, including the Islamic world, because we have a greater objective than eliminating threats and containing resentment. We seek a just and peaceful world beyond the war on terror.[18]

One year after the 11 September 2001 attacks, nation-building was implicitly included in the National Security Strategy issued by the White House. Much of the document elaborated and justified the concept of pre-emptive intervention; together with the stated policy of dissuading potential adversaries from hoping to equal the power of the United States, it implicitly asserted a unique status for the United States as existing outside of international law as it applies to other states.[19] At the same time, however, the National Security Strategy noted that threats to the United States now came not from fleets and armies but from 'catastrophic technologies in the hands of the embittered few'. In such a world, failing states pose a greater menace to US interests than conquering ones.[20]

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The transformed strategic environment presents both opportunities and dangers for state-building. Recognition that weak states can create threats that reach beyond their borders may increase the level of international interest in supporting those states, indirectly providing benefits to the populations. This argument has been made, for example, to encourage intervention for human protection purposes in Liberia by the United States and in the South Pacific by Australia, although in both cases the link with terrorism was tenuous.[21] The connection was also made in the National Security Strategy, which stressed that when violence erupts and states falter, the United States will 'work with friends and partners to alleviate suffering and restore stability'.[22] When interventions are justified by the national interest, however, this may lower the standards to which post-conflict reconstruction is held. The level of physical and economic security required in Afghanistan to prevent it becoming a terrorist haven, for example, is not the same as that required for the basic peace and prosperity of the general population. This was reflected in the methods used by the United States to pursue its objectives in Afghanistan: by minimizing the use of its own troops in favour of using Afghan proxies, more weapons were introduced into a country that was already heavily armed, empowering groups that fought on the side of the United States —whether or not they supported the embryonic regime of Hamid Karzai. Many Afghans saw these power relations as reinforced by the Emergency Loya Jirga in June 2002, which appeared to show that the position of warlords and other local commanders would not be challenged by international actors.[23]

None of this, of course, is new. Coercive diplomacy, the use of force, and military occupation have long been used by powerful states to further their interests; claims that occupation serves noble motives have an equally long pedigree. What is relatively new is the rejection of colonization as an element of foreign policy from around the middle of the twentieth century. Modern sensibilities therefore prevent explicit reference to occupation or colonization as a model for transitional administration, a constraint that at times prevents the learning of valuable lessons from decolonization in particular. There is a danger, however, that strategic interests may now begin to erode this prohibition in favour of a greater preparedness not merely to intervene, but to occupy and transform other states along the models of Afghanistan and Iraq. Such a development would be undesirable in principle, as it forms part of a broader attack on international law that proposes to order the world not around norms and institutions but the benevolent goodwill of the United States.[24] And yet it would also be undesirable in practice, as it is far from clear that the United States is either willing or able to fulfill such a role.

2.2 The Indispensable Nation

In debates within the United Nations and elsewhere, much attention has been focused on the unwillingness of the United States to engage in state-building. But there is also some evidence that the United States is not well-suited to such activities. The importance of domestic politics in the exercise of US power means that it has an exceptionally short attention span —far shorter than is needed to complete the long and complicated task of rebuilding countries that have seen years or decades of war, economic ostracism, and oppression under brutal leaders. More importantly, when the United States has assumed state-building responsibilities in Afghanistan and Iraq, it was justified at home as an element of the war on terror. This was reflected in the strategies adopted in each case, with military priorities ranking well above political goals for either country.

The United States is not alone in suffering from foreign policy 'attention deficit disorder', but its hegemonic position and global footprint increase the significance of this condition.

The United States is not alone in suffering from foreign policy 'attention deficit disorder', but its hegemonic position and global footprint increase the significance of this condition. The United States spends more on its defence budget than the next 15 countries combined, it is the only country with five military commands spanning the entire planet, and it is unrivalled in its capacity to move troops and hardware. Reference to US

imperialism, which increased exponentially with the invasions of Afghanistan and Iraq, was common during the years of the Vietnam War. What is different in its contemporary manifestation is that the discussion is often neither hostile nor apologetic —indeed, a common criticism of the perceived US empire is that it does not exercise its power sufficiently. Michael Ignatieff has termed this phenomenon 'Empire Lite', though it bears similarities to the British policies of indirect rule.[25] Whereas indirect rule was developed in part out of weakness, however (notably the practical impossibility of administering Nigeria), US imperial ambivalence derives in equal part from its democratic traditions, its isolationist tendencies, and its adherence to anti-colonial norms that it helped to establish. The potential for a US imperium is also constrained by the changed nature of how power is exercised: US military power may be unrivalled, but its economic strength is not. Both economically and culturally, the United States has greater influence than any other state, but that influence depends upon a free flow of capital and ideas that would be undermined by extensive reliance upon military might.[26]

This may change. How the United States manages its de facto empire and the choices that it makes between unilateral and multilateral responses to problems that are increasingly global will determine much of twenty-first century history. Machiavelli advised his Prince that it was better to be feared than loved, but this was only because it was difficult to unite both qualities in one person.[27] It is perhaps a uniquely American notion that countries inferior in power to the United States should not resent their subordinate status —that, if it is nice enough, Washington might construct a benevolent empire in which all love it.[28] Afghanistan and Iraq may serve as proving grounds for this vision.

Conclusion

> Above all we must remember that the ways of Orientals are not our ways, nor their thoughts our thoughts. Often when we think them backward and stupid, they think us meddlesome and absurd. The loom of time moves slowly with them, and they care not for high pressure and the roaring of the wheels. Our system may be good for us; but it is neither equally, nor altogether good for them. Satan found it better to reign in hell than to serve in heaven; and the normal Asiatic would sooner be misgoverned by Asiatics than well governed by Europeans.
>
> George Nathaniel Curzon[29]

A measure of the speed with which the UN Interim Administration Mission in Kosovo was established is the name itself. UN operations typically operate under an acronym, but 'UNIAMIK' was dismissed as too much of a mouthful. 'UNIAK' sounded like a cross between 'eunuch' and 'maniac' —associations judged unlikely to help the mission. 'UNMIK' was the final choice, having the benefits of being short, punchy, and clear. Only in English, however. Once the operation was on the ground, it was discovered that *anmik*, in the dialect of Albanian spoken in Kosovo, meant 'enemy'. No one within the United Nations was aware of the confusion until it was too late, at which point instructions went out to pronounce the acronym 'oon-mik'.

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

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

Even more important than learning from past mistakes, however, is learning about future circumstances. Curzon's observations from his 1889 trip to Persia on 'the ways of Orientals' were insightful but uncharacteristic. As Viceroy of India, he did not appoint a single Indian to his advisory council; when asked why, he replied, absurdly, that in the entire country there was not an Indian fit for the post. 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.

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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.

Notes

1 *Supplement to An Agenda for Peace: Position Paper of the Secretary-General on the Occasion of the Fiftieth Anniversary of the United Nations*, UN Doc A/50/60-S/1995/1 (3 January 1995), paras 13–14.

2 Jacques Paul Klein, 'What Does It Take to Make UN Peacekeeping Operations Succeed? Reflections from the Field' (New York: paper presented at 10th Anniversary of the Department of Peacekeeping Operations, 29 October 2002).

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

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

6 George W. Bush, 'President Bush Outlines Iraqi Threat' (Cincinnati, Ohio, 7 October 2002), available at <http://www.whitehouse.gov>.

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

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

9 Brahimi Report, para 59.

10 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>, paras 2.32, 5.1–5.6.

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

12 The term 'nation-building', sometimes used in this context, is a broad, vague, and often pejorative one. Although it continues to be used in this context, 'nation-building' 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.

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

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

15 Ari Fleischer, 'Press Briefing' (Washington, DC, 4 October 2001), available at <http://www.whitehouse.gov>.

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

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

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

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

20 *National Security Strategy*, 1.

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23 Chris Johnson et al, *Afghanistan's Political and Constitutional Development* (London: Overseas Development Institute, January 2003).

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25 Michael Ignatieff, *Empire Lite: Nation Building in Bosnia, Kosovo, Afghanistan* (London: Minerva, 2003). See also Niall Ferguson, *Empire: The Rise and Demise of the British World Order and the Lessons for Global Power* (New York: Basic Books, 2003).

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27 Niccolò Machiavelli, *The Prince and the Discourses* [1531], translated by Christian E. Detmold (New York: Modern Library, 1950), ch xvii.

28 Stephen Peter Rosen, 'An Empire, If You Can Keep It', 71 *The National Interest* (2003) 51.

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