



The Future of UN State-Building: Strategic and Operational Challenges and the Legacy of Iraq

Policy Report

*Pocantico Conference Center of the Rockefeller Brothers Fund
Tarrytown, New York
November 14-16, 2003*

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The International Peace Academy's State-Building Project is funded by the Carnegie Corporation of New York, the John D. and Catherine T. MacArthur Foundation and the Government of Canada (DFAIT) with additional support from IPA's core donors: the Governments of Denmark, Norway and Sweden, the Ford Foundation, the William and Flora Hewlett Foundation and the Rockefeller Foundation.

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Executive Summary

- Whether by accident or design, the United Nations increasingly finds itself in operations that seek to build or re-build the institutions of a state. This report discusses the challenges facing the UN in such state-building activities in the post-Iraq environment. Three sorts of challenges are reviewed: those arising from a lack of conceptual clarity on the aim of state-building, those resulting from the transformed strategic environment, and those operational and strategic challenges inherent to the complex task of state-building.

Conceptual Challenges

- Surprisingly, there is little clarity about precisely what sort of states are being built. Though rarely explicitly stated, it is assumed that such states ought to take the form of liberal democracies. Although concerns remain over what some perceive as a Western liberal agenda, what is striking is the extent to which certain values have become widely accepted. This is clearest in the importance now attached to democracy, but also to human rights more generally.
- It is essential that the UN consider what realistically can be achieved. Creating a stable democracy is a complex, difficult, and lengthy task. Questions therefore arise whether less ambitious state-building aims, such as ensuring that some minimum standards are respected that fall short of a full-fledged liberal democracy, or simply making peace in a troubled territory, should be pursued instead.

The Post-Iraq War Environment and the "War on Terror"

- The environment in which future decisions about UN involvement in state-building will be made has been altered by the US-led war on terror and the divisive and controversial invasion of Iraq. This will have implications for the justification for future intervention, the strategies adopted, the political environment in which such decisions will be made, the relationship

between the US and the UN, and the operational challenges that are likely to arise.

- The lesson from Iraq, at least in relation to state-building, may well be that such interventions are so exceptionally difficult and politically sensitive that only a body with broad international and local legitimacy stands a good chance of success. Although the UN's own track record in state-building is mixed, the difficulties faced by the US in Iraq are seen by many to validate a role for the UN. Iraq demonstrates that state-building is easily jeopardized by bad politics, poor planning, and a failure to understand local context.

Strategic and Operational Challenges

- There are many strategic and operational challenges standing in the way of effective state-building. Although there have been some improvements in the UN's planning capacity, strategy is still woefully lacking. There is structural resistance, both internally and by member states, to peace- and state-building missions, which has encouraged an ad hoc, exception-based approach. It may be that the UN needs a centralized body to take responsibility for state-building, to consolidate individual expertise and build institutional capacity.
- State-building on the political level requires that an end to violence be negotiated and a consensus built that supports the transformation of the society from one that addresses power struggles through violence to one that resorts to non-violent means. This process faces a number of inherent challenges. Much depends on the local context in which the intervention will take place (considerations such as the legacy of the conflict, nature of the peace agreement, understanding of local norms and power structures).
- Challenges arise when putting in place the governance and legal structures essential to a successful transition to democracy. An overly technical approach to democratization, focusing only on elections, has been shown to be ineffective in bringing about real change. It must be recognized that democracy building is an inherently political process, not to mention complex and time-consuming. The UN must guard against the temptation to graft previous models onto new situations without careful consideration of how such ideas should be tailored to the local context.
- It is tremendously difficult to provide security in the short term while simultaneously reforming the security apparatus of the state to prevent re-ignition of conflict and establish law and order over the long term. Addressing spoilers, preventing the rise of organized crime, protecting civilians, and winning the hearts and minds of the local population are difficult tasks. The current strategic environment raises the additional difficulty of how to respond to terrorists targeting state-building efforts for attack.
- The ultimate outcome of any state-building effort depends to a considerable degree on the processes by which it is carried out. It is vital that the state-building process be approached with humility and sensitivity. It is also essential that the expectations of all parties (those involved, the international community, the local population, and the media) be managed carefully. State-building is not an easy task, and overly ambitious expectations will only result in disappointment.

Introduction

On November 14-16, 2003, the International Peace Academy convened a seminar at the Pocantico Conference Center of the Rockefeller Brothers Fund in New York, gathering academics and UN practitioners to discuss current and possible future challenges the UN faces in state-building operations. This policy paper, which draws on some of the discussion that took place at this seminar, was prepared against the troubling backdrop of speculation about the role the United Nations might assume in Iraq. It considers the challenges facing United Nations state-building in the new post-September 11 strategic environment, particularly in light of the US-led fight against terrorism, and the divisive and controversial US-led military intervention in Iraq.

The paper begins by considering state-building activities from a normative perspective, particularly some key factors relevant to the nature of the state sought to be built. It then considers the possible repercussions on the state-building agenda of the US military interventions in Iraq, and the way in which the fight against terrorism may shape future state-building. It finally distills some lessons learned and inherent strategic and operational hurdles facing UN state building.

What "State" Can Be Built?

The most fundamental questions underlying state-building are what kind of state the UN is aiming to (re)build, and how success should be measured. Unfortunately, these questions are rarely asked. Constrained by the principle of state sovereignty, the UN often takes a technical approach to state-building, sidestepping the highly political nature of these activities, and fails to formulate explicitly or even discuss the nature of the state sought to be built.¹

There are strong implicit assumptions underlying the state-building agenda, particularly the notion that a

Western-style liberal democracy is the outcome sought. There remains resistance to what some perceive as the Western liberal agenda: the promotion of values such as the adoption of democratic and secular forms of government, application of the rule of law and constitutionalism, and respect for human rights and gender equality. Nonetheless, the extent to which these values have become widely accepted is striking, particularly the importance given to democracy and human rights.²

However, is it desirable and feasible to import these concepts wholesale without careful consideration of the local context and the wishes of the local population? The question arises whether it is possible to bring about such changes through international intervention, even in cases with strong local support.³ In most cases, little time is spent considering the appropriateness of the models sought to be transplanted; too often, the result is a patchwork of imported ideas and systems determined primarily by the nationality of the person in charge of international state-building efforts.

Are ambitious state-building aims – such as the creation of stable liberal democracies – bound to fail?

Building a stable democracy is a complex, difficult, and lengthy task.⁴ It is essential that the UN consider what realistically can be achieved. Are ambitious state-building aims – such as the creation of stable liberal democracies – bound to fail, given their inherent complexity and the difficulties they face? Most state-building activities have taken place in failed, fragile or post-conflict states. These war-devastated states are frequently characterized by brutalized civilian populations, destroyed economies, institutions, infrastructure, and environments, widely accessible small arms, large numbers of disgruntled soldiers to be demobilized and reintegrated, and ethnically or religiously divided peoples. These obstacles are compounded by the

¹ An interesting discussion of the liberal peace agenda and its influence on peacekeeping can be found in Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, forthcoming).

² Consider Thomas Franck "The Emerging Right to Democratic Governance" (1992) 86 AJIL 46; UN General Assembly, *Strengthening the Role of the United Nations in Enhancing the Effectiveness of the Principle of Periodic and Genuine Elections and the Promotion of Democratization* (1995) A/RES/49/190; UN Secretary-General, *An Agenda for Democratization* (1996) A/51/761; Support by the United Nations System of the Efforts of Governments to Promote and Consolidate New or Restored Democracies (2001) GA Res 55/43; 2001 Inter-American Democratic Charter (Lima), 2001 ECOWAS Protocol on Democracy and Good Governance (Dakar).

³ Consider Karin von Hippel, *Democracy by Force: US Military Interventions in the Post-Cold War World* (Cambridge: Cambridge University Press, 2000); James Dobbins et al, *America's Role in Nation-Building: From Germany to Iraq* (Santa Monica: RAND, 2003).

⁴ Nicola Dahrendorf (ed.), *A Review of Peace Operations: A Case for Change* (London: King's College, 2003).

fundamental difficulty of grafting democratic and human rights values onto countries with different political, cultural, and religious heritages.

Should more modest aims be pursued? For instance, should the UN content itself in the near term with ensuring that some minimum standards are respected that fall short of full-fledged liberalism? Should the main focus be a pragmatic approach to making peace in a troubled territory? Or is long-term peace impossible to achieve without democracy? Recent quantitative analysis suggests that partial democracies or states in transition to democracy are more likely to go to war or experience state failure than either autocracies or fully-fledged democracies.⁵

The answers to these questions are fundamental to the future of UN state-building. However, they are difficult and multilayered issues which require considerably more investigation before they can be resolved. The jury is still out on the extent to which the state-building attempts will prove ultimately successful in Kosovo, East Timor and Afghanistan. Moreover, the success or failure of the US attempts in Iraq, and in all likelihood the UN attempts in Iraq, will impact on this question.

The case of Iraq

In considering these questions, four principal challenges must be taken into account: the difficulty of **grafting democratic and human rights values** onto countries with different political, cultural, and religious heritages, the practical implications of the **highly political nature of state-building**, the risk that the **means adopted undermine the aims** sought, and the importance of incorporating the **wishes of the local population** and managing their expectations. The US experience in Iraq highlights these challenges, particularly the incompatibility between means and ends.

Rather than laying the groundwork for a stable secular, democratic, and economically liberal state, the Iraq intervention has thus far set the scene for the emergence of a weak state marked by deep ethnic and religious divisions. It may even result in civil war, with possible breakup into ethnic and religious entities, or the emergence of a fundamentalist Islamic state. US state-building attempts have not dealt well with the legacy of

Iraq's history and political culture, and it is evident that little time was spent considering the appropriateness of the model sought to be transplanted. The intervention itself has fueled anti-American sentiment throughout the Arab region. Despite Iraq's strong secular tradition, Islam is gaining currency as the antidote to imposed American values, undermining hopes for a secular state.

State-building must be recognized as the highly political activity that it is. By its very nature it directly challenges the power structure within a country and will inevitably favor certain actors over others. It will therefore be supported by those local actors who stand to gain from the process, and undermined by those who fear they will lose their privileges or power.⁶ More sophisticated local actors will attempt to manipulate state-building efforts to their own advantage. In Iraq, Grand Ayatollah Ali al-Sistani has proved himself a shrewd politician, consolidating his political support by opposing US policies, and turning democratic rhetoric to his advantage by calling for unreasonably early elections which would have benefited his constituents.

The ultimate success or failure of the state-building endeavor rests with the will of the people.

Most importantly, the means employed to bring democracy to Iraq seem to be incompatible with the stated aims. It is increasingly evident that the US presence in Iraq is viewed as an occupying force rather than a liberating one. The ongoing and targeted attacks against the US military, and its response to these, complicate any state-building efforts in Iraq. The US military cannot hope to bring democracy and freedom to a people who it perceives as threatening. It is not possible to be a protective and constructive presence when soldiers face daily attacks and react with fear and violence towards the local population.

The ultimate success or failure of the state-building endeavor rests with the will of the people. Managing the expectations and wishes of the local population is vital to any possible success in state-building. At the same time, it should be kept in mind that some actors will attempt to

⁵ Jack Snyder and Edward Mansfield, "Democratization and the Danger of War," *International Security*, Vol. 20, No. 1, Summer 1995. Daniel C. Esty et al, *State Failure Task Force Report: Phase II Findings* (McLean, VA: Science Application International Application, 31 July 1998).

⁶ See the discussion in Stephen Stedman, "Introduction", in Stephen Stedman, Donald Rothchild and Elizabeth Cousens (eds.), *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder: Lynne Rienner, 2002).

manipulate and mislead the local population for their own ends. It is essential that state-building efforts be carefully targeted and planned, but also be part of an ongoing process of explanation, justification, and reassessment. The US failure to win “hearts and minds” in Iraq stems in part from a failure to explain and justify their aims to the Iraqi people, and the assumption that once Saddam Hussein was toppled, US forces would be greeted with open arms.

A more sophisticated and nuanced approach to state-building is required, with careful planning and greater understanding of what is needed to successfully stabilize and re-build a state. Planning must take into account the history and political culture of the state sought to be built, and seek to understand the ways in which international intervention will likely affect local power structures.⁷ Once the nature of the state sought to be built is openly acknowledged, the question of whether it is an achievable model, and what methods might be appropriate, can be better determined.

The Impact of Iraq and the War on Terror

The environment in which decisions about UN involvement in state-building will be made has been altered by the US-led war on terror and the controversial invasion of Iraq. However, the effect these developments will have on future strategic and political decision-making remains uncertain. At this point, a number of possible impacts can be highlighted: the war against terror and the US invasion of Iraq could have implications for the justification for future intervention, the strategies adopted, the political environment in which such decisions will be made, the relationship between the US and the UN, and the operational challenges that are likely to arise.

Future interventions may likely be justified on grounds of preventing state failure and the need for successful state-building in weak and post-conflict states.⁸ This stems from a growing recognition that failing or failed states are particularly vulnerable to exploitation by radical groups or likely to serve as breeding grounds for

international terrorist networks. The new US and EU security strategies both recognize the unique threat posed by failed or failing states; the US strategy goes so far as to claim the right of early military intervention to prevent threats from materializing into attacks.⁹ This trend is not exclusive to the US and EU: the 2003 Australian-led intervention in the Solomon Islands was influenced by a report claiming that “Without an effective government upholding the rule of law and controlling its borders, Solomon Islands risks becoming [...] a petri dish in which transnational and non state security threats can develop and breed”.¹⁰

This recognition that traditional strategic interests apply to preventing state failure may also shape the way in which such state-building is undertaken. Thus far, the US solution has been almost exclusively a military response based on assertions of direct threats posed by outlaw regimes. In the cases of both Afghanistan and Iraq, US military intervention targeted the regime in power for removal without presenting a clear alternative for the creation of a stable state. While state-building would be the logical next step following military defeat of the regimes in Afghanistan and Iraq, in both cases there was apparently insufficient planning for the post-victory rebuilding of the state. The result in Afghanistan has been a failed state outside of Kabul;¹¹ in Iraq, lack of planning for the post-victory rebuilding of the state risks the stability of the country over the long term. It remains to be seen whether the US response to more traditional cases of state failure, such as Haiti, will differ from the security response we have seen to date.

Although the rhetoric in Iraq and Afghanistan has emphasized democracy, the desire for short term results may lead to a different – and not necessarily democratic – approach of building strong states that can combat terrorism. Already, the US focus on fighting terrorism in Afghanistan has undermined attempts to create a stable democratic state. The US strategy of relying on proxy forces and allying with warlords – who themselves are opposed to the central government of Hamid Karzai – has clearly made it more difficult for the government to establish its authority. This tactic may prove self-defeating in the long run, as it is likely to result in either

⁷ For a similar argument in the context of Haiti, see David Malone “A Lost Door to the Future” *The Globe and Mail* (2 March 2004).

⁸ Robert Rotberg (ed.) *State Failure and State Weakness in a Time of Terror* (Washington, DC: Brookings Institution Press, 2003).

⁹ The White House, *The National Security Strategy of the United States of America* (Washington, DC, 2002); European Security Strategy “A Secure Europe in a Better World” (Brussels, 12 December 2003).

¹⁰ Elaina Wainwright, *Our Failing Neighbour: Australia and the Future of the Solomon Islands*, Australian Strategic Policy Institute (2001), p. 13.

¹¹ See Antonio Donini, Norah Niland, and Karin Wermester, (eds.), *Nation-Building Unraveled? Aid, Peace and Justice in Afghanistan* (Bloomfield, CT: Kumarian Press, 2004).

strong-arm repressive states (not unlike Iraq under Saddam Hussein) or failed states run by warlords.

The war on terror and the intervention in Iraq have also raised the question of the relevance of the UN in state-building, and security more broadly.¹² Some claim that the UN proved itself to be ineffective in its attempt to contain the Iraq situation, either by addressing the concerns of the US government or by preventing US unilateral action. This, it has been suggested, betrays the UN's growing irrelevance, and will have far-reaching consequences on the legitimacy and success of future UN state-building activities. It is evident that some fundamental rethinking of the relationship between the UN and its most powerful member state, the US, is in order. The current high tide of US unilateralism may not be permanent. However, the perception that the UN has proven itself unable to address the security concerns of the US with respect to terrorism and weapons of mass destruction does raise serious problems. The Secretary-General's High-Level Panel on Threats, Challenges and Change was created in the fall of 2003 to consider these very questions.

In Iraq, the lack of strategic thinking about post-victory state-building was exacerbated by the unilateral nature of the action, which excluded those with the most experience and expertise in state-building from the planning process. Certain key mistakes, such as the demobilization of the Iraqi army and the chaotic de-Baathification of Iraqi institutions, might have been avoided had the UN been given a greater role in guiding the political transition process. Other difficulties might well have been mitigated had the intervention been seen as more representative and legitimate.

In addition to these strategic and political implications, terrorism poses particularly acute operational challenges to current state-building attempts in Iraq and Afghanistan. The war on terror has affected not just strategic decisions made by the international community, but also the actions adopted by terrorist groups – in Iraq, the UN itself became a target for attack. It would clearly be disastrous if future state-building operations were jeopardized by terrorist attacks, leading to the risk of wholesale withdrawal from difficult environments with a high risk of terrorist attacks, and the abandonment of vulnerable civilian populations. Much work remains if the

UN is to continue to play its role in state-building without expecting its national and international staff to face unacceptable risks.

Challenges to Preventing State Failure

The international community has a vital interest in developing instruments and strategies to prevent state failure; however, it faces considerable challenges in this endeavor.¹³ In particular, the principles of state sovereignty and non-intervention into the domestic affairs of states are major hurdles for state-building actions aimed at preventing state failure. Despite the increasing tendency of the Security Council to interpret dangers to international peace and security broadly, allowing intervention into situations which might in earlier times be considered internal affairs of states, the notion of early preventive action remains highly controversial.

The notion of early preventive action remains highly controversial.

The Council is often paralyzed in cases where the interests of major UN member states are threatened, as exemplified by the UN's inaction with respect to Colombia, Kashmir, Georgia, and Pakistan, among other examples. Pessimists argue that prevention of, and reaction to, state collapse require nothing less than new institutional arrangements (such as a revived form of Trusteeship Council), involving long-term derogation of sovereignty to an international entity. Given the commitment of the majority of UN member states to a traditional understanding of sovereignty, it is unlikely that the UN will assume such responsibilities in the near future.

Another impediment to preventive action is the difficulty of predicting state failure.¹⁴ Dozens of states in the current international system are endemically weak, yet only a handful slide into total collapse. Given the scarce resources available for preventive measures, reliable tools of analysis enabling precise predictions are a basic requirement for an active prevention policy. The UN is

¹² John Hirsch, et al, *Responding to Terrorism: What Role for the United Nations?*, International Peace Academy Conference Report (New York: IPA, 2002).

¹³ Rotberg (ed.) *State Failure and State Weakness in a Time of Terror*, and Simon Chesterman, Michael Ignatieff and Ramesh Thakur (eds.), *Making States Work: State Failure and the Crisis of Governance* (Tokyo: United Nations University Press, forthcoming).

¹⁴ See Goldstone, Gurr, et al. *State Failure Task Force Report: Phase III Findings* (2000).

highly dependent on input from outside actors in this respect, since it does not have, and is unlikely to acquire in the future, a well-funded and centralized bureau for the collection of early warning information, let alone a capacity for analysis of intelligence.

The UN is also impeded by limited resources to engage preventively in all states that are at risk of failing. UNDP's Bureau for Crisis Prevention and Recovery (BCPR), for instance, currently employs a total of only 102 people at headquarters who are responsible for more than 50 conflict-prone countries. Though highly desirable, a dramatic increase in resources allocated to these efforts is unlikely to take place. As a consequence, the UN may be forced to channeling its limited resources into those countries that are considered particularly vulnerable and/or pivotal to regional or international stability. Lack of resources also translates into limited leverage to influence the behavior of elites in badly governed states.

Building Political Consensus: An End to Violence

State-building on the political level requires that an end to violence be negotiated and a consensus built that supports the transformation of the society from one that addresses power struggles through violence to one that resorts to political means. This process faces a number of inherent challenges.

The quality and nature of the peace agreement

The success or failure of post-conflict state-building endeavors depends to a considerable degree on the quality and nature of the peace agreement upon which the new order will be built.¹⁵ Special care must be paid to the formulation and viability of such agreements, particularly those negotiated under UN auspices and envisioning UN enforcement. The key tension underlying the state-building agenda, namely whether its primary aim is to achieve peace (that is, stop conflict and prevent future conflict) or to create legitimate democratic institutions of the state, often results in inconsistent agreements.

While in many conflict situations the best way to end the violence is through some form of power-sharing arrangement, this may in the long term inhibit the creation of stable and peaceful states by paralyzing subsequent

government action. The Dayton Accord for Bosnia-Herzegovina is a perfect illustration of this inherent contradiction between aims of peace-making and state-building. By providing incentives to rebel leaders guilty of committing widespread abuses against the civilian population, governments run the risk of being later condemned as illegitimate. This was the case in the 1999 Lomé Agreement for Sierra Leone, which granted an amnesty to RUF rebels for prior crimes and abuses and rewarded them with key ministerial posts. Buy-in tactics for groups favoring violence can also lead to situations where former warlords retain physical control of vast regions (as in Afghanistan) or receive large stakes in privatization ventures. The de facto privatization of "socially owned" economic assets in Kosovo by Kosovar Albanians affiliated with the KLA is an example of the latter.¹⁶

Is the primary aim of state-building to achieve peace, or to create legitimate democratic institutions of the state?

In some cases, outside mediators and negotiators have failed to take sufficient account of the longer-term impact of peace agreements on state stability. It may be futile to aim for an agreement at all costs without seriously considering implementability. It is debatable whether the UN should get involved in peace agreements that have little chance of being implemented, either because the combatants do not bona fide intend to abide by them, or because implementation is insufficiently resourced. The Lancaster House agreement between Zimbabwe and the UK, providing for land reform funding, is an example where negotiators did not properly consider the costs of implementing the agreement.

Political consensus building: the issue of inclusiveness

One of the biggest challenges in state-building is the task of developing political consensus across disparate ethnic or religious groups. This is particularly difficult in countries emerging from ethnic conflict, or in non-democratic states where power has traditionally been held by only one identity group. Unless the government that emerges from the state-building process is seen as fully inclusive and representative of the population, it will not be viewed as legitimate.

¹⁵ See Stedman, *Ending Civil Wars: The Implementation of Peace Agreements* (2002).

¹⁶ Alexandros Yannis, "Kosovo: The political economy of conflict and peacebuilding" in Karen Ballentine and Jake Sherman (eds.), *The Political Economy of Armed Conflict, Beyond Greed and Grievance*, (Boulder: Lynne Rienner, 2003).

Strategies to ensure inclusiveness and representativeness have thus far been rather blunt attempts to achieve some kind of proportional representation in the transitional government. This often takes the form of quotas – in Iraq, the Interim Governing Council was intended to comprise relative proportions of Shia, Sunni, and Kurds. By explicitly equating ethnic or religious identity with civic participation, such approaches run the risk of entrenching or even radicalizing existing ethnic or religious tension. Unfortunately, there is often no other palatable alternative to building a representative and inclusive state.

Unless the government that emerges is seen as fully inclusive and representative of the population, it will not be viewed as legitimate.

One difficulty facing the UN state-building efforts in Afghanistan has been that the government is not seen as fully representative. Some feel that it will be impossible to build lasting national institutions in Afghanistan unless they are fully representative. From the outset of the peace process, the US fight against terror excluded the Taliban from the negotiation table in Bonn. The assumption was that representative state structures would be built progressively. The defactionalization of government structures (e.g. the Ministry of Defense is currently dominated by Panshiris) is a necessary prerequisite of that process. The lack of representativeness has undermined the perceived legitimacy of the transitional government. More genuine power-sharing is essential to moving forward on important tasks such as security sector reform and transitional justice.

The impacts of diasporas and exiles

Diasporas and exiles can have a varied and sometimes contradictory impact on state-building efforts. Most obviously, remittances sent home by diaspora communities – estimated to total \$100 billion per year worldwide – constitute a large proportion of foreign income for many countries. These remittances can rival or even surpass the GDP generated by the target country, and thereby strongly influence the political process there. Such remittances might at times have a politically destabilizing or even war-fuelling impact, most importantly by funding extremist and/or militant groups. The massive resources flowing this way from Kosovar Albanian communities in Switzerland and Germany to

the KLA in Kosovo is a case in point. It is important to avoid premature generalizations, however.

On the other hand, diaspora remittances might play a vital role in funding humanitarian aid or in revitalizing the economy of post-conflict societies (e.g. Somalia and Guatemala). However, little is known about how to leverage diaspora capital for development. One possibility is the use of tax breaks, concessions, and low interest rates as an encouragement for diasporas to invest in reconstruction.

Equally important is the capacity of active diasporas to keep a conflict on the international agenda and to mobilize the international community. Western Saharan, South African, and East Timorese exiles, for instance, managed successfully to keep international attention on their respective liberation struggles during the 1970s and 1980s. The link between diasporas and extremism, or even terrorism, must also be acknowledged. There is, for instance, a well-recognized link between elements of the Arab diaspora living in the tri-border region (where the borders of Argentina, Brazil and Paraguay intersect) and support for Hezbollah and Islamic Jihad terrorist groups.

Diasporas may play a positive role, however, in post-conflict reconstruction activities through the central positions assumed by highly educated members of the diaspora returning to their home country under the new order. Such returnees provide acutely needed human capital for post-conflict societies where domestic capacity is extremely limited. Following independence in East Timor, only a handful of nationals had been trained in areas such as law; this gap was soon filled by Timorese students who had been living and studying abroad. Entrepreneurial returnees may also play a crucial role in reinvigorating local economies prior to the arrival of multinational corporations, as has happened in Uganda and Ethiopia.

Returnees can also skew the political process, not least by dominating relations with and strongly influencing the international community, either because of foreign language skills or through previously cultivated contacts. As a consequence, tensions between returnees and those that remained inside the country are not uncommon. In Afghanistan, for instance, the international community's reliance on the returning diaspora has been very controversial. By virtue of its higher level of education and training, the returning diaspora has achieved positions of power and prestige within the new government and

economy, fueling resentment from local Afghans who lived through years of war and shortage only to feel excluded from positions of power.

For the UN, the most important question is how to tackle these different dynamics, both by harnessing their positive aspects and mitigating their negative effect. The remittance issue demonstrates that state-building activities need to be addressed not only in the target country itself, but also in host countries. Political dynamics, power relationships and resource flows within diaspora communities need to be better understood and tools for limiting the funding of extremist groups developed.

Addressing spoilers and organized crime

In post-conflict or failed states, there often exist constituencies with an interest in continued instability. When armed, they may take the form of militias or other gangs which have not bought into the peace process or stand to lose from it. These spoilers must be addressed or else the state-building process cannot succeed.¹⁷

In Afghanistan, for instance, the state-building effort is defined by the lack of security outside of Kabul. Some 400 people have been killed since August 2003, due partly to a resurgence of the Taliban, and partly to warlord militias. This has caused the virtual halt of reconstruction in the South. Given NATO's reluctance to provide more troops, a new strategy has been the creation of provincial reconstruction teams (PRTs), formed of units of military and civilian officers. The success of these units remains uncertain. In the meantime a key UN project aimed at demobilizing 100,000 militiamen is seriously undermined by the lack of security.

In pre- and post-conflict situations, an increase in organized crime also seriously undermines the state-building project. Corruption undermines state authority and the rule of law, and profits derived from organized crime may continue to fuel conflicts, sometimes in far-away places. Criminal groups that form in the fragile post-conflict security environment are nearly impossible to displace later on, even once the government consolidates control over the rest of the state. Their influence extends beyond borders and traditional criminal activities – in the countries of former Yugoslavia, for example, lines are blurred between former paramilitary groups, organized crime, politics, military, and commerce. In

Guatemala, clandestine security and intelligence structures from the war period have merged into organized crime and narco-trafficking networks that play a significant role in the increasing violence, political corruption and human rights threats that have undermined the state-building process.

The UN has recently responded to these developments in Guatemala in an innovative and interesting way that might serve as a model for future efforts in this area. The UN is in the process of pushing forward the creation of a Commission for the Investigation of Illegal Bodies and Clandestine Security Apparatus in Guatemala (CICIACS). This commission, best described as an “international attorney general”, would be created by an international agreement between the government of Guatemala and the UN, and would be staffed by international prosecutors with experience in investigating and prosecuting organized crime, mafia, and human rights violators. It would be granted juridical status under Guatemalan law that would permit it to act as a “private plaintiff” in all cases under its jurisdiction. CICIACS would work formally under the umbrella of the Guatemalan Attorney General, but with sufficient legal independence to carry out its own investigations and participate in prosecutions.

Building a Democratic State

Challenges arise when putting in place the governance and legal structures essential to a successful transition to democracy. An overly technical approach to democratization, focusing only on elections, has been shown to be ineffective in bringing about real change. It must be recognized that democracy building is a complex and time-consuming process. Three key aspects of such a process are the electoral process, strengthening the rule of law, and undertaking security sector reform.

The relevance of elections

The UN's role in providing electoral assistance is no longer controversial, as demonstrated by the 200 or so requests received by DPA's Electoral Assistance Unit over the course of the 1990s. However, while most UN electoral assistance missions have been technical triumphs under difficult circumstances, they cannot always be considered political successes. Elections should not be seen as an end unto themselves, but should be evaluated according to their

¹⁷ Stedman, Rothchild, Cousens (eds.) *Ending Civil Wars*; Phil Williams and John T. Picarelli, “Organized Crime, Conflict and Terrorism: Combating the Relationships,” Paper Prepared for IPA Conference on *Policies and Practices for Controlling Resource Flows in Armed Conflict* (Bellagio, Italy, 2002).

contribution to the overall state-building effort. If elections are meant to turn a war-torn country instantly into a Western-style democracy, the effort is almost certainly doomed to fail.¹⁸ Viewed over the long term, however, with an appreciation that the real aim of elections might be to initiate a conversation within a post-conflict society about the future of the country, evaluations of past electoral assistance efforts might be more positive.

Elections should not be seen as an end unto themselves.

The main challenge the UN faces when planning elections in post-conflict situations is timing. It is by now conventional wisdom that elections held too soon after the end of violence can have nefarious effects. Political entrepreneurs – often, former wartime leaders – have found it easy to rally their brethren during election campaigns by fomenting ethnic hatred through radical rhetoric. Elections held too early are therefore likely to bring back to power those leaders who led the country into war in the first place. For instance, in Bosnia, hasty elections empowered ethnic extremists who undermined the peace process.

In the case of Kosovo, the municipal election in October 2000 – held little more than a year after the end of the NATO bombing campaign – did ultimately lead to the reemergence, at least nominally,¹⁹ of the former peaceful opposition under Ibrahim Rugova at the expense of the more militant Kosovo Liberation Army (KLA). However, even those elections suffered from a return to violence, and to the extent that they were successful, this must be credited in some part to strategic management by the UN mission in Kosovo.

The recent debate over whether and when to hold direct elections in Iraq in June raised similar issues of timing. Early elections would have disproportionately favored the majority Shia population, who are better organized through their religious arrangements, than the Sunni. Grand Ayatollah Ali al-Sistani's repeated calls for early elections – even in an atmosphere of violence and growing anarchy – raised fears that the elections would be hijacked by one ethnic group and might result in an even more divided society. In a situation like Iraq, which

is on the verge of civil conflict, calls for elections seemed to be more a political power play than an attempt to achieve real democracy.

Despite the problems that come with elections, there are few other satisfactory ways to determine who will rule after the fighting ends. The perception that the international presence holds power illegitimately can cause sufficient damage that there is no choice but to hold elections. The question then becomes how best to manage the destabilization and the possible violence.

The relevance of rule of law

The rule of law has widely been identified (at least rhetorically) as the Achilles heel of all state- and peace-building operations, and as the foundation of any democratic state.²⁰ In practice, however, rule of law issues often do not receive the high priority they are frequently said to deserve. Even in instances where considerable resources have been made available for rule of law assistance in post-conflict situations, the results achieved have been limited (consider Haiti, Bosnia, and Kosovo). While there is certainly room for improvement in the UN's approach, it may be that expectations are too high. Rule of law reform is a long and difficult process and not one that can be achieved in just a few years.

One weakness of past rule of law efforts has been the perception that these were largely apolitical, technical exercises merely involving transfer of know-how, when in reality they are profoundly political. Rule of law reform involves changing the distribution of power within a society, and those that stand to lose power have an interest in spoiling the process and opposing any change.

There are two key areas where the UN should change its approach to rule of law: First, there is a need for more broad-based, comprehensive strategies that encompass all legal institutions (i.e., all institutions of the state). Before dispatching a UN mission, representatives from the departments and agencies within the UN dealing with rule of law issues (most prominently DPA, DPKO, UNDP, and UNHCHR) should routinely convene to coordinate the planning, resource allocation, and division of labor of the mission in question. Such coordination has reportedly taken place in the run-up to recent UN peace operations

¹⁸ Edward Mansfield and Jack Snyder "Democratization and War," *Foreign Affairs* (May/June 1995); Jack Snyder, *From Voting to Violence: Democratization and Nationalist Conflict* (New York: W.W. Norton & Company, 2000) .

¹⁹ While Rugova's party won the majority of the vote and Rugova himself was named President, the Prime Minister is from the ex-KLA party.

²⁰ Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Washington, DC: The Brookings Institution, 1999), Neil Kritz, ed., *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington DC: USIP, 1997).

in the DRC (MONUC) and Liberia (UNMIL). In a particularly encouraging sign of progress, UN Security Council Resolution 1509 (2003), mandating the mission in Liberia, for the first time translated into practice the Brahimi Report's recommendation that an integrated rule of law approach be adopted in a peacekeeping mandate. Second, since most projects are (and will continue to be) designed by foreign experts with very little country expertise, it is crucial that local legal experts be consulted and indigenous support for any rule of law agenda secured.

Security sector reform

Another challenge facing the state-building project is the possibility of re-occurrence of violent conflict at a later stage, putting any early achievements at risk. Security sector reform (SSR) attempts to address that challenge.²¹

What sets SSR apart from past "train and equip" security assistance strategies is its emphasis on the promotion of democratic governance of the security sector (understood as comprising not only the military, but all institutions authorized to use force, as well as judicial and civilian management and oversight bodies). In Afghanistan, for instance, the UN must overcome the traditional view of army training as a technical exercise, when in fact what may be required is the political work of defactionalizing the Ministry of Defense.

SSR covers two inter-related challenges facing war-torn societies: First, developing a strong policy framework for addressing security problems that effectively integrates both development and security policy instruments and includes all relevant actors in policy debates; and second, strengthening the basic capacity and governance of the state security institutions, including the development of capable security forces that are accountable to civilian authorities.

The primary challenge of today's SSR agenda is to turn these new concepts into policy and practice, and ensure coherence of international activities and approaches. Two broad issues emerge:

First, within the context of the deterioration of security in African countries and the emphasis on guaranteeing physical security to the detriment of human rights, SSR programs should seek to ensure effective law enforcement and public security alongside a focus on governance of

the security sector. This implies a need to avoid excessive emphasis on deficit reduction and fiscal stabilization measures that may further disable security institutions.

Second, SSR still has a long way to go to achieve coherence between the activities of international development and security actors. Donor countries might be well advised to follow the example of the UK, which so far is the only donor country with a government-wide SSR strategy featuring a number of instruments specifically designed to achieve a collaborative approach.

On the ground, the Afghan "lead nation" model might be the one to follow in order to achieve a decent degree of coherence and cooperation. In Afghanistan, the assignment of areas of responsibility within SSR to specific lead nations has worked reasonably well, although with mixed successes. Under this model the US is responsible for the creation of an Afghan army, Germany is responsible for police reform, Italy is in charge of the justice sector, Japan and the UN share responsibility for disarmament, demobilization and reintegration (DDR), and the UK takes the lead in combating narcotrafficking. One of the problems with this approach, however, is that the endeavor stands or falls on the quality of the lead donor.

The Need for Strategy and Planning

The 2000 Report of the Panel on UN Peace Operations ("Brahimi Report") recommended several reforms that have led to improvements in a number of areas. Tactical progress has been made in the use of quick impact funds, improvements in speed of mission, and in recruiting tools (such as the establishments of rosters). Also, criticism of the Secretariat's past tendency to give overly optimistic assessments to the Security Council has apparently resulted in the Secretary-General adopting a more blunt approach. The Council has also been more actively involved in its state-building missions and has liaised more closely with Special Representatives of the Secretary-General (SRSGs), NGOs on the ground, and the donor community.

Despite these improvements, strategy is still woefully lacking. There is structural resistance – both internally and by member states – to peace-making and state-building missions, which has encouraged an ad hoc,

²¹ For a general discussion see Dylan Hendrickson and Andrzej Karkoszka, "The Challenges of Security Sector Reform" in SIPRI Yearbook (Stockholm: Oxford University Press, 2002); Nicole Ball, "Security Sector Reform and the Management of Military Expenditure: High Risks for Donors, High Returns for Development", Report on an International Symposium Sponsored by the UK Department for International Development (London: DFID, 2000).

exception-based approach. The Secretariat was denied the strategic analysis capability advocated in the Brahimi Report. More crucially, UN attempts to integrate the lessons learned from previous experience have been highly inconsistent. While many UN missions have achieved some success, there has been no systematic consolidation of these lessons, despite the establishment of the UN DPKO's Best Practices Unit three years ago. For instance, it is sometimes suggested that the light footprint approach adopted by the UN in Afghanistan, while unsuitable for Afghanistan, might have been appropriate for East Timor. However, the limited resources in Afghanistan had clearly shaped the option chosen in that case.

Structural resistance to peace-making and state-building missions – both internally in the UN and by member states – has encouraged an ad hoc, exception-based approach.

Even if local intelligence were available, and sufficient resources forthcoming, the UN would still face considerable challenges in translating this knowledge into a coherent strategy that is suitable for each new environment. Unfortunately, the complexity of the state-building endeavor requires careful, sophisticated, and strategic planning if UN state-building operations are to be effective. This requires the adoption of the right policies, central coordination between the various departments and agencies, and the availability of resources and good personnel.

It may be that the UN needs a centralized body to take responsibility for this aspect of peacekeeping, to consolidate individual expertise and build institutional state-building capacity. Whether or not a new body is the best solution to this issue, the UN must be prepared to plan in advance for possible missions, think strategically about how best to structure them (and where to standardize policies), anticipate future difficulties, and systematically review state-building plans during the life of the mission.

Conclusion

State-building attempts to date have been seriously undermined by a lack of strategic planning prior to

intervention and lack of understanding of the local context in which state-building efforts will be undertaken. Once underway, operational challenges such as lack of coordination, inability to provide security, and failure to appreciate the highly political nature of the transition, present new obstacles to success. The UN must learn from the failures of the past and strive to ensure that future operations are not doomed to repeat the same mistakes.

It is essential to develop a clear and coherent state-building agenda, moving from ad hoc, exception-based responses, to a strategic approach emphasizing the long-term stability of the state and its capacity to protect and govern its population. Planning must take into account the history and political culture of the state sought to be built, and seek to understand the ways in which international intervention will likely affect local power structures. Once the nature of the state sought to be built is openly acknowledged, the question of whether it is an achievable model, and what methods might be appropriate, can be better determined.

At the same time, it is crucial to address uncertainties over what state-building aims to accomplish – should its primary goal be the prevention of conflict and stabilization of a country? Or does it aim for nothing less than a legitimate and sustainable liberal democratic state? Until this tension is resolved, any attempts to plan for realistic and successful state-building will be undermined. Ultimately, the political and highly interventionist nature of state-building, as well as its extremely ambitious goals, must be accompanied by humility in undertaking such operations, a sensitivity to the local context, and attempts to appropriately achieve local ownership.

It may well be that such interventions are so exceptionally difficult and politically sensitive that only a body with broad international legitimacy stands a chance of success. The ultimate outcome of any state-building effort depends as much on the processes by which it is carried out as on the ultimate goals being sought. It is vital that the state-building process be approached with modesty and sensitivity. It is also essential that the expectations of all parties (those involved, the international community, the local population, and the media) be managed carefully. State-building is not an easy task, and overly ambitious expectations will only result in disappointment.

Agenda

State-Building

*The role of the United Nations in supporting institutions of the state
before, during, and after conflict*

Friday 14 November – Sunday 16 November 2003

The Pocantico Conference Center
of the Rockefeller Brothers Fund
200 Lake Road, Tarrytown, NY 10591

Friday, 14 November 2003

1930 Dinner

Opening Remarks: M. Ishaq Nadiri, New York University

Saturday, 15 November 2003

0930-1100 Panel I – Problems

What structural barriers constrain UN efforts to support institutions of the state before, during, and after conflict? What might productively be done to remove or ameliorate these barriers? Is there a consensus on the appropriateness of UN action in this area? Should there be? If 'bad governments' is the problem, is 'good governance' the answer?

Chair: David M. Malone, International Peace Academy

Speakers: *Prevention:* Elizabeth M. Cousens, Conflict Prevention and Peace Forum,
Social Science Research Council

Peace agreements: Stephen John Stedman, Stanford University

Peacebuilding: Thant Myint-U, UN Department of Political Affairs

Discussant: Frederick D. Barton, Center for Strategic & International Studies

1130-1300 Panel II – Politics

How has the changed security agenda of the United States affected UN efforts to support institutions of the state? How is this impacting on north-south relations and priorities? How has the UN responded to these changes?

Chair: Bruce D. Jones, Center on International Cooperation, NYU

Speakers: Stephen D. Krasner, Stanford University
Ruth Iyob, International Peace Academy
Edward Mortimer, Executive Office of the Secretary-General, UN
Ian Johnstone, Fletcher School of Law and Diplomacy, Tufts University

1400-1530 Panel III – Tools (a)

What UN activities in states with weak institutions are no longer controversial? What activities remain controversial? What additional tools need to be developed, and by whom?

Chair: Stephen J. Del Rosso, Carnegie Corporation of New York

Speakers: *Electoral Assistance:* Simon Chesterman, International Peace Academy

Good Governance: Mark Suzman, UNDP

Assistance to Political Institutions: Tom Königs, MINUGUA

Discussant: Susan L. Woodward, City University of New York

1600-1730 Panel IV – Tools (b)

Chair: Peter Wittig, Ministry of Foreign Affairs, Germany

Speakers: *Transitional Justice:* Ian Martin, International Center for Transitional Justice

Security Sector Reform: Dylan Hendrickson, King's College

Institution-Building: David Haeri, UN Assistance Mission to Afghanistan

Sunday, 16 November 2003

0930-1100 Panel V – Diasporas

How do diasporas affect states with weak institutions before, during, and after conflict? In a post-conflict or transition environment, how can and should the UN family draw upon diaspora communities? How should this impact on staffing of UN operations?

Chair: Kirsti Samuels, International Peace Academy

Speakers: David Laitin, Stanford University

Juan Federer, Visiting Fellow at Darwin University, Darwin Australia

Discussant: David Haeri, UNAMA

1130-1300 Panel VI – Institutions

What institutional changes in the UN system would better enable it to support states with weak institutions? What changes are realistic?

Chair: Simon Chesterman, International Peace Academy

Roundtable: William Durch, Henry L. Stimson Center

Bruce Jones, Center on International Cooperation, NYU

Discussant: Michèle Griffin, UN Department of Political Affairs

List of Participants

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6. **Mr. Sebastian von Einsiedel**
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Ministry of Foreign Affairs, Germany
31. **Prof. Susan Woodward**
The City University of New York

About the Project on State-Building

This interdisciplinary program considers the legitimacy, effectiveness, and sustainability of international attempts (and particularly UN efforts) at state-building. As used in this context, the term “state-building” covers a wide range of international involvement directed at stabilizing a state or (re)building the institutions of a state. These include, but are not limited to: capacity building in governance, rule of law, and elections; the provision and reform of the security apparatus; and reform of the economic sector.

This project expands and builds upon research conducted for the IPA program on Transitional Administrations, which focused on situations in which the UN assumed all or some of the sovereign powers of a state in the context of post-conflict reconstruction. The project also develops our ongoing involvement in advancing the work of the International Commission on Intervention and State Sovereignty (ICISS), whose report, *The Responsibility to Protect*, is defining the terms of this debate.

The goals of the State-Building Program are:

- to transform the discussion on state-building from ad hoc responses to a principled, strategic approach emphasizing the long-term stability of the state and its capacity to protect and govern its population;
- to examine the effectiveness of various strategies with respect to their appropriateness and sustainability after UN involvement in a particular situation diminishes or ceases;
- to expand the tools available when dealing with such crises; and
- to improve planning for future state-building missions.

For more information, please visit www.ipacademy.org.

Acknowledgements

IPA would especially like to thank the Rockefeller Brothers Fund and its staff for generously making available the Pocantico Conference Center for convening this conference. This report does not necessarily reflect the views of the Rockefeller Brothers Fund.

The contribution to this Policy Paper of Vanessa Hawkins, the new Program Officer on the State-Building project, must also be gratefully acknowledged. The authors are very grateful to Simon Chesterman for comments on an earlier draft of this report.



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